



**COUNCIL OF THE CITY OF NEW YORK**

**CALENDAR**  
**OF**  
**THE LAND USE COMMITTEE**  
**FOR THE WEEK OF OCTOBER 22 - OCTOBER 26, 2012**

**LEROY G. COMRIE**, *Chair*, Land Use Committee

**MARK WEPRIN**, *Chair*, Subcommittee on Zoning and Franchises

**BRAD LANDER**, *Chair*, Subcommittee on Landmarks, Public Siting  
and Maritime Uses

**STEPHEN LEVIN**, *Chair*, Subcommittee on Planning, Dispositions  
and Concessions

<http://legistar.council.nyc.gov/Calendar.aspx>

## **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, October 23, 2012:**

### **L.U. No. 708**

#### **JUICERIE**

**MANHATTAN CB - 2**

**20135026 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Juicerie LLC, d/b/a Juicerie, for a revocable consent to establish, maintain and use an unenclosed sidewalk café located at 19 Kenmare Street.

### **L.U. NOS. 710 AND 711 ARE RELATED**

#### **L.U. No. 710**

#### **CHELSEA MARKET**

**MANHATTAN CB - 4**

**N 120142 ZRM**

Application submitted by Jamestown Premier Chelsea Market, LP 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 IX, Chapter 8 (Special West Chelsea District).

Matter in underline is new, to be added;

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

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

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

## **Article IX – Special Purpose Districts**

### **Chapter 8**

#### **Special West Chelsea District**

\* \* \*

## 98-03

### District Plans and Maps

The regulations of this Chapter are designed to implement the #Special West Chelsea# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendices A, B and C and the special regulations in Appendices D, ~~and E~~ and F:

\* \* \*

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

Appendix F - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus Within Subarea J

\* \* \*

## 98-04

### Subareas and High Line Transfer Corridor

In order to carry out the provisions of this Chapter, ~~nine~~ ten Subareas (A through ~~I~~ J), and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

Within each of the Subareas and the #High Line Transfer Corridor#, certain special regulations apply within the remainder of the #Special West Chelsea District#. The locations of the ~~nine~~ ten Subareas are shown in Appendix A of this Chapter.

\* \* \*

## 98-14

### Ground Floor Use and Transparency Requirements on Tenth Avenue

Except in Subarea J, the ~~The~~ special ground floor #use# and glazing regulations of this Section apply to that portion of a #building# or other #structure# fronting on Tenth Avenue in the #Special West Chelsea District#. Ground floor #uses# in Subarea J shall be governed by the underlying #use# regulations as modified by Section 98-13 (Modification of Use Regulations in M1 Districts).

\* \* \*

**98-142**

**High Line Level Wall Requirements Within Subarea J**

Any additions to the windows or other glazing located on the wall separating the #High Line# from any #building# located on a #zoning lot# within Subarea J at the #High Line# level shall be designed to provide for a minimum of 30 dBA noise attenuation, and any general illumination fixtures in the adjoining interior portion of the #building# shall not exceed 50 foot-candles of illumination within four feet of such window or glazing and shall not be pointed directly at the #High Line#.

\* \* \*

**98-21**

**Maximum Floor Area Ratio outside of Subareas**

For all #zoning lots#, or portions thereof, located outside of Subareas A through I J, the maximum #floor area ratios# of the applicable underlying districts shall apply.

\* \* \*

**98-22**

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

For all #zoning lots#, or portions thereof, located in Subareas A through I J, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying zoning districts shall not apply.

\* \* \*

## Maximum Floor Area Ratio by Subarea

Sub-area	Basic #floor area ratio# (max)	Increase in FAR from #High Line Transfer Corridor# (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	Inclusionary Housing		Permitted #floor area ratio# (max)
				FAR required to be transferred (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	

\* \* \*

I <sup>4</sup>	5.0	NA	2.5	NA	NA	7.5
J <sup>6</sup>	5.0	NA	2.5	NA	NA	7.5

6- Bonus contribution subject to provisions of 98-25 governing first contribution to Affordable Housing Fund

\* \* \*

### 98-23

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

\* \* \*

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

Within Subarea J, any easement volumes and improvements located within such volumes dedicated or granted to the City in accordance with the provisions of Appendix F of this Chapter in connection with 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#.

**High Line Improvement Bonus**

For #zoning lots# located between West 16<sup>th</sup> 15<sup>th</sup> and West 19<sup>th</sup> Streets over which the #High Line# passes, the applicable maximum #floor area ratio# of the #zoning lot# may be increased up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), provided that:

(a) Prior to issuing a building permit for any #development# or #enlargement# on such #zoning lot# that anticipates using #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, or within Subarea J would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [INSERT EFFECTIVE DATE OF THE TEXT AMENDMENT], the Department of Buildings shall be furnished with a certification by the Chairperson of the City Planning Commission that:

- (1) a contribution has been deposited into an escrow account or similar fund established by the City (the High Line Improvement Fund), or such contribution is secured by letter of credit or other cash equivalent instrument in a form acceptable to the City. For subareas other than Subarea J, such contribution shall be used at the direction of the Chairperson solely for improvements to the #High Line# within the #High Line# improvement area applicable to such #zoning

lot#, with such contribution being first used for improvements within that portion of the #High Line# improvement area on such #zoning lot#. For #developments# or #enlargements# within Subarea J, such contribution shall be used for any use with respect to the improvement, maintenance and operation of the #High Line# or the #High Line# Support Easement Volumes provided for under Appendix F, at the Chairperson’s direction, provided that, in lieu of deposit to the High Line Improvement Fund, the contribution for the first 80,000 square feet of #floor area#, shall be deposited to the Affordable Housing Fund established under Section 98-262, paragraph (c), for use in accordance with the provisions of that section. Such contribution shall be made in accordance with the provisions of Appendix D, ~~or~~ E or F of this Chapter, as applicable;

\* \* \*

- (3) all additional requirements of Appendix D, ~~or E~~ or F, as applicable with respect to issuance of a building permit, have been met.

\* \* \*

(d) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located within Subarea J over which the #High Line# passes that incorporates #floor area# that would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [INSERT EFFECTIVE DATE OF THE TEXT AMENDMENT], the Department of Buildings shall be furnished a certification by the Chairperson, that

(1) #High Line# Support Work has been performed on such #zoning lot#, in accordance with and to the extent required by Appendix F; and

(2) all other applicable requirements of Appendix F have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be final completion of the work, as determined by the Chairperson.

\* \* \*

## **98-33**

### **Transfer of Development Rights from the High Line Transfer Corridor**

In the #Special West Chelsea District#, a “granting site” shall mean a #zoning lot#, or portion thereof, in the #High Line Transfer Corridor#. A “receiving site” shall mean a #zoning lot#, or portion thereof, in any subarea other than Subareas F, ~~and H~~, and J. #Floor area# from a granting site may be transferred to a receiving site in accordance with the provisions of this Section.

\* \* \*

**98-421**

**Obstruction over the High Line**

Within the #Special West Chelsea District#, the #High Line# shall remain open and unobstructed from the #High Line bed# to the sky, except for improvements constructed on the #High Line# in connection with the use of the #High Line# as a public open space, and except where the #High Line# passes through and is covered by a #building# existing on [INSERT EFFECTIVE DATE OF THE ZONING TEXT AMENDMENT].

\* \* \*

**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)~~ (g) of this Section.

\* \* \*

(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any #development# or #enlargement# developed pursuant to the provisions of Section 98-25. In lieu thereof, the provisions of this paragraph, (g), shall apply.

(i) Midblock Zone.

The Midblock Zone shall be that portion of Subarea J located more than 150 feet west of the Ninth Avenue #street line# and more than 200 feet east of the Tenth Avenue #street line#. Within the Midblock Zone, a #building# shall have a maximum #street wall# height before setback of 110 feet, and shall have a maximum #building# height of 130 feet.

(ii) Ninth Avenue Zone.

The Ninth Avenue Zone shall be that portion of Subarea J within 150 feet of the Ninth Avenue #street line#. Within the Ninth Avenue Zone, any



portion of a #building# shall have a maximum #street wall# height of 130 feet before setback and a maximum #building# height of 135 feet. Any #building# located above a height of 130 feet shall be set back at least five feet from the Ninth Avenue #street wall# and at least 15 feet from the West 15<sup>th</sup> Street and West 16<sup>th</sup> Street #street walls#.

(iii) Tenth Avenue Zone.

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet, provided that any portion of a #building# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue #street line#. Any portion of a #building# located above a height of 185 feet shall be set back at least 10 feet from the West 15<sup>th</sup> and West 16<sup>th</sup> Street #street lines#, and at least 25 feet from the Tenth Avenue #street line#. Any portion of a #building# above a height of 200 feet shall be set back at least 25 feet from the West 15<sup>th</sup> and West 16<sup>th</sup> Street #street lines#, and at least 35 feet from the Tenth Avenue #street lines#, and any portion of a building located above a height of 215 feet shall be set back at least 75 feet from the Tenth Avenue #street line#. Permitted obstructions allowed pursuant to Section 33-42 shall be permitted.

**MINIMUM AND MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT BY DISTRICT OR SUBAREA**

District or Subarea	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum Building Height (in feet)
* * *			
Subarea J Midblock Zone	NA	110 <sup>6</sup>	130 <sup>6</sup>
Subarea J Ninth Avenue Zone	NA	130 <sup>6</sup>	135 <sup>6</sup>
Subarea J Tenth Avenue Zone	NA	185 <sup>6</sup>	230 <sup>6</sup>

\* \* \*

<sup>6</sup> see Section 98-423, paragraph (g)

\* \* \*

**98-55**

**Requirements for Non-Transparent Surfaces on the East Side of the High Line**

Except in Subarea J, any ~~Any~~ portion of such #High Line frontage# that is 40 feet or more in length and contains no transparent element between the level of the High Line bed# and an elevation of 12 feet above the level of the #High Line bed#, shall be planted with vines or other plantings or contain artwork.

\* \* \*

**98-61**

**High Line Access Or Support Easement Volumes Requirement**

For all #developments# or #enlargements# within the #Special West Chelsea District#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway and elevator (hereinafter referred to as “primary access”), shall be provided on any #zoning lot# over which the #High Line# passes that, on or after December 20, 2004, has more than 5,000 square feet of #lot area#. For all #developments# or #enlargements# within Subareas H, I and J that are developed pursuant to Section 98-25, this provision does not apply.

\* \* \*

**98-62**

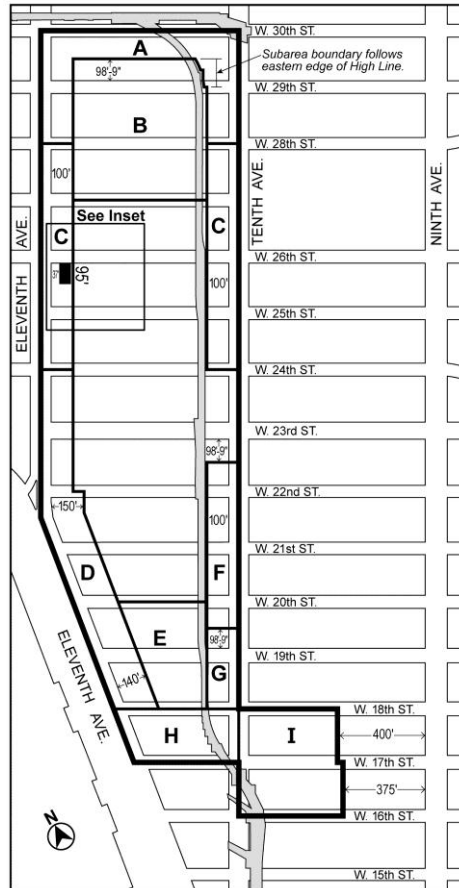
**High Line Access Easement Regulations**

The provisions of this Section shall apply to any #zoning lot# providing an access easement volume other than a #zoning lot# developed pursuant to Section 98-25, as follows:

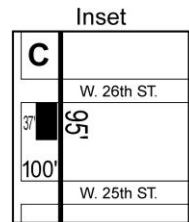
\* \* \*

**Appendix A  
Special West Chelsea District and Subareas**

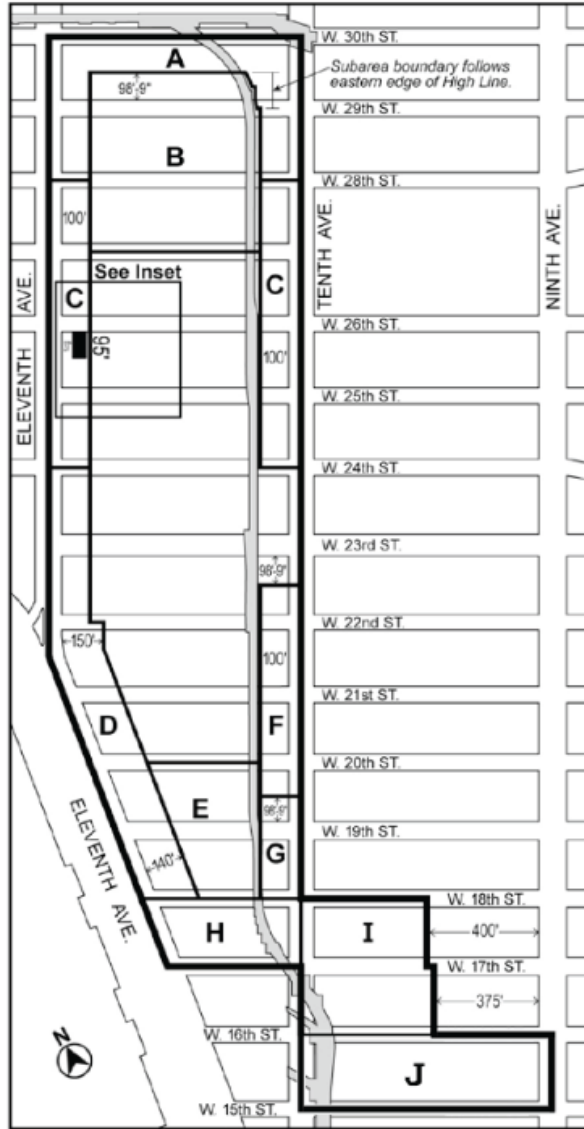
# EXISTING (TO BE DELETED)



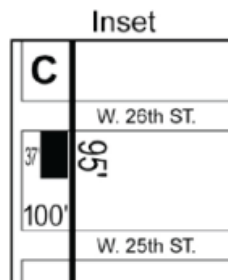
- Special West Chelsea District boundary
- Subarea boundary
- High Line
- Transit Facility



**PROPOSED  
(TO REPLACE EXISTING)**

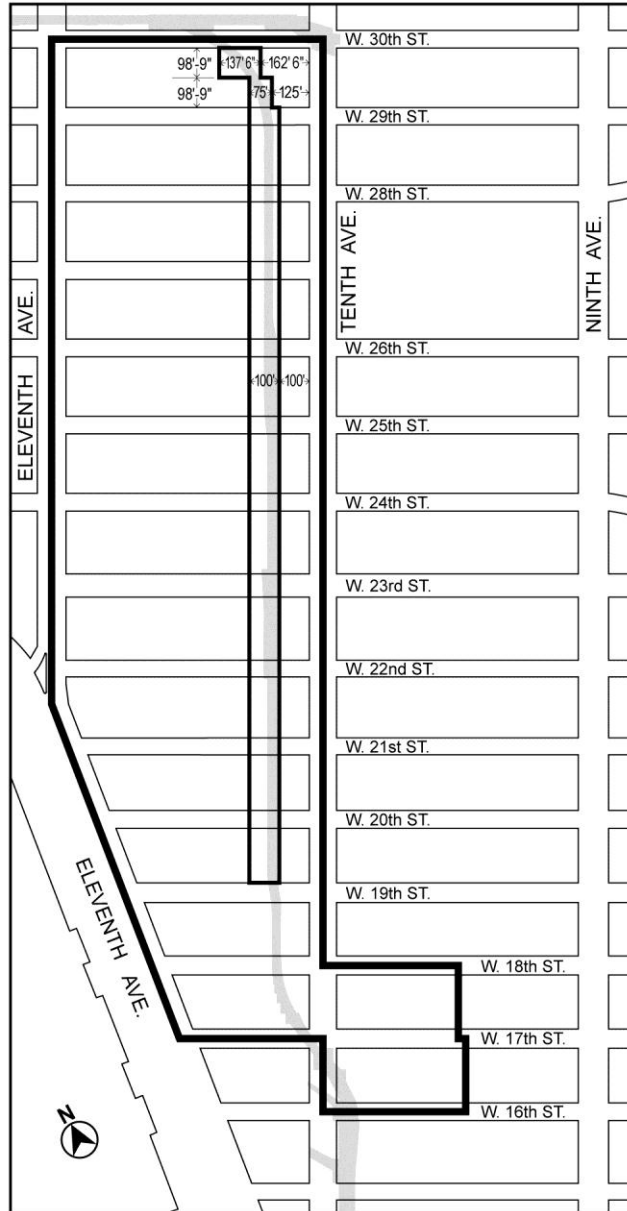





- Special West Chelsea District boundary
- Subarea boundary
- High Line
- Transit Facility



Appendix B  
High Line Transfer Corridor Location

EXISTING  
(TO BE DELETED)



-  Special West Chelsea District
-  High Line Transfer Corridor
-  High Line

PROPOSED  
(TO REPLACE EXISTING)



- Special West Chelsea District
- High Line Transfer Corridor
- High Line

\* \* \*

**APPENDIX F**

**Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Within Subarea J**

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea J over which the #High Line# passes for any #development# or

#enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas): The additional requirements are set forth in this Appendix, F, in paragraphs (a), the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); (b), the performance of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to paragraph (d) of Section 98-25; and paragraph (c), the option of the Owner to offer to the City an additional #High Line# Support Easement Volume. The term “parties in interest” as used herein shall mean “parties-in-interest,” as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10.

(a) Requirements for issuance of building permit pursuant to paragraph (a) of Section 98-25

(1) As a condition of certification:

(i) For each square foot of #floor area# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT], up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), the Owner shall:

a. for the first 80,000 square feet of such #floor area#, deposit such contribution to the Affordable Housing Fund established under Section 98-262, paragraph (c), for use in accordance with the provisions of that section; and

b. for all such #floor area# which exceeds 80,000 square feet, subject to a deduction pursuant to other provisions of this Appendix, deposit such contribution to the #High Line# Improvement Fund, or secure such contribution by letter of credit or other cash equivalent instrument in a form acceptable to the City.

Such contribution, in each case, shall be \$59.07 per square foot of #floor area# as of [EFFECTIVE DATE OF THE AMENDMENT], which contribution rate shall be adjusted July

1 of the following year and each year thereafter by the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics;

- (ii) All parties-in-interest shall execute that restrictive declaration, dated September 5 , 2012, and on file at the Office of the Counsel, Department of City Planning, required in connection with environmental assessment (CEQR #11DCP120M) for the purpose of addressing historic resources and containing other provisions regarding the preservation of certain features of existing buildings and structures and related matters;
- (iii) All parties-in-interest shall execute a restrictive declaration in a form acceptable to the city addressing the terms described in this paragraph, (a)(1)(iii):

- (a) Hotel Use

No #development# or #enlargement# developed pursuant to Section 98-25 shall include a #transient hotel#;

- (b) Retail Concourse

As a condition of any #development# or #enlargement# pursuant to Section 98-25, owner shall provide a pedestrian passageway within any #building# located on the #zoning lot# connecting the Ninth Avenue sidewalk with the Tenth Avenue sidewalk, which passageway shall be open to the public during business hours. Not less than 60 percent of the length of the frontages of such passageway shall be occupied primarily by retail uses, and in addition may be occupied by service, wholesale, production and event space identified in Use Groups 6A, 6C, 7B, 7C, 8A, 9A, 9B, 10B, 11A, 12A, 12B, 16A, 17A and such spaces shall have access to the passageway;



(c) Locations and Dimensions of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall be sized and located to accommodate the following amenities, all of which shall be located within the #buildings# located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii):

- (1) Exclusive easements for public restrooms for each gender with an aggregate area of no less than 560 square feet (and which need not be more than 700 square feet) located adjacent to the #High Line# with direct access to the #High Line# for each of the public restrooms;
- (2) Exclusive easements for #High Line# support space with an aggregate area of no less than 2,400 square feet (and which need not be more than 3,000 square feet) of which up to 800 square feet may be located on a mezzanine level, such space to be located adjacent and accessible to the #High Line#;
- (3) Exclusive easements for #High Line# support space located in the cellar level in an aggregate area no less than 800 square feet (but need not be more than 1,000 square feet);
- (4) Exclusive use of a dedicated freight elevator that shall provide access to the cellar level, to a shared loading facility at street level, to the level of the #High Line bed# and to the level of the #High Line# support space described in paragraph (a)(1)(ii)(a)(2) of this Appendix, F; and
- (5) Non-exclusive easements for:
  - (i) access between the dedicated freight elevator and the shared loading facility at grade level and the #High Line# support space located in the cellar level; and

(ii) use of the shared loading facility as more particularly set forth in paragraph (a)(1)(ii)(b) of this Appendix, F;

(d) #Use# of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall not be dedicated for use by the general public but rather for use by the City or its designee for storage, delivery of materials and support of #uses# within the #High Line# (and in connection therewith, the fitting-out, operating, maintaining, repairing, restoring and replacement of the #High Line# Support Easement Volumes), except that:

1. the public may use the public restrooms;
2. up to 650 square feet of space adjacent to the #High Line# may be used exclusively for educational and related programming that is at no cost to the public; and
3. if dedicated to the City in accordance with paragraph (d) of this Appendix F, the optional additional #High Line# Support Easement Volume may be accessible to the public as part of concessions or other uses that relate to the #High Line#. The City or its designee shall at all times use, operate and maintain the #High Line# Support Easement Volumes so as not to interfere with the use and enjoyment of the #buildings# located within Subarea J. The #High Line# support spaces described in paragraphs (a)(1)(ii)(a)(2) and (3) of this Appendix, F, shall be accessible by a dedicated freight elevator that connects to non-exclusive portions of the #building#, including a loading facility at #curb level#, through which the City or its designee shall be provided with a non-exclusive easement to enable reasonable and customary access;

- (e) Effective Date of the #High Line# Support Easement Volumes  
The City's or its designee's rights to utilize the #High Line#  
Support Easement Volumes shall commence on the date that the  
#High Line# Support Work has been completed in accordance  
with paragraph (b)(1) of this Appendix, F, or in the event of  
default of the Owner in accordance with paragraph (c) of this  
Appendix, F, the date that the City has notified the Owner that  
it intends to perform such #High Line# Support Work in  
accordance with paragraph (c); and
- (f) Notice by the Department of City Planning of its receipt of  
certified copies of the recorded restrictive declarations required  
pursuant to paragraph (a) (1) (ii) and (iii) of this Appendix, F,  
shall be a precondition to issuance by the Commissioner of  
Buildings of any building permits including any foundation or  
alteration permit for any #development# or #enlargement#  
which causes the #floor area ratio# of a #zoning lot# to exceed  
the #floor area ratio# of such #zoning lot# on [EFFECTIVE  
DATE OF THE AMENDMENT];
- (iv) The Owner shall submit plans for the #High Line# Support Work  
described in paragraph (b)(1) of this Appendix, F, that demonstrate  
compliance with the provisions of this Appendix and are consistent  
with New York City Department of Parks and Recreation standards  
and best practices governing material life cycle and maintenance, for  
review and approval by the Chairperson of the City Planning  
Commission;
- (v) Solely in the event the initial certification made pursuant to Section  
98-25, paragraph (a), is with respect to additional #floor area# to be  
added to a #building# or portion of a #building# located outside of  
the Tenth Avenue Zone as described in Section 98-423, paragraph  
(g)(iii), then the Owner shall enter into agreements with the City or its  
designee, in a form reasonably acceptable to the City, to provide  
interim access, in accordance with such agreements, to the #High  
Line# through a non-exclusive loading facility and an existing freight  
elevator. Such agreements shall provide that any space within the  
existing #building# may be used by the City or its designee at no cost,  
except that the City or its designee shall be obligated to pay for the

proportionate costs of utilities, maintenance and other building expenses associated with the use of such loading facility and elevator, and for any improvements or modifications to such space that may be requested by the City or its designee. Such interim access shall cease upon the date that the City or its designee commences utilization of the #High Line# Support Easement Volumes in accordance with paragraph (a)(1)(ii)(c) of this Appendix, F;

(2) The location of #floor area# which would cause the #floor area ratio# of a zoning lot to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT] and be subject to the provisions of Section 98-25, shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), the Owner designates on plans submitted to the Chairperson of the City Planning Commission, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.

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

(1) #High Line# Support Work Pursuant to Paragraph (d) of Section 98-25

(i) The Owner shall perform #High Line# Support Work subject to the provisions of this paragraph, (b)(1), inclusive. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (d), shall be the substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.

(ii) The #High Line# Support Work shall consist of the following:

(a) the construction, fit-out and delivery in an operative condition of public restrooms described in paragraph (a)(1)(ii)(a)(1) of this Appendix, F, furnished with restroom fixtures, including six toilet stalls for women, an aggregate of six toilet stalls and/or urinals for men and three sinks in each restroom, and provided with utility connections.

(b) the construction of<sup>19</sup>the core and shell of the #High Line#

support space described in paragraphs (a)(1)(ii)(a)(2) and (3) of this Appendix, F, including the provision of and access to separately metered gas, ventilation, water, sewers, electricity and telecommunications utilities systems commonly available in the #building# sufficient to support the anticipated uses of the support space. Within the portion of the #High Line# support space in the vicinity of the level of the #High Line bed#, the Owner will install a kitchen exhaust duct from such support space to a suitable point of discharge and will provide access to the #building# sprinkler standpipe and fire alarm system. Such support space shall also include access to a storage mezzanine pursuant to a dedicated lift, and there shall be a clear path at least five feet wide from the lift to the dedicated freight elevator described in paragraph (b)(1)(ii)(c) of this Appendix, F. The Owner will not be responsible for distributing any utility services within the #High Line# support space or for providing any ancillary equipment for the kitchen exhaust duct; and

- (c) the construction of the dedicated freight elevator described in paragraph (a)(1)(ii)(a)(2) of this Appendix, F, with a minimum capacity of 3,000 pounds;
- (iii) Following the completion of the #High Line# Support Work described in paragraph (b)(1)(ii) of this Appendix, F, all subsequent costs of operating, maintaining, repairing, replacing and additional fit-out of the #High Line# support space shall be exclusively the responsibility of the City and not the Owner; provided that the Owner shall be responsible for the repair and replacement of any defective #High Line# Support Work for a period of one year after completion thereof;
- (iv) The cost to the Owner of the #High Line# Support Work pursuant to the plans approved pursuant to paragraph (a)(1) (iv) shall be estimated at the time of such approval by a licensed engineer selected by Owner, such estimate to be in a form reasonably acceptable to the City, at an amount not to exceed \$2,544,000, as adjusted at the time of such approval by changes in the construction cost index published by ENR for New York City commencing as of

[FIRST DAY OF FIRST MONTH FOLLOWING EFFECTIVE

DATE OF ENACTMENT]. In the event that the City requests the Owner to perform any additional work in conjunction with the #High Line# Support Work and the Owner agrees to perform such additional work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix, F;

(v) Except as set forth in paragraph (b)(1)(v) of this Appendix, F, no temporary or permanent certificates of occupancy may be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT] until the #High Line# Support Work described in paragraph (b)(1) of this Appendix F shall have been substantially completed or finally completed, as applicable;

(vi) Notwithstanding anything to the contrary in this paragraph (b)(1), inclusive, if certification is initially made pursuant to Section 98-25, paragraph (a), with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), then the conditions for certification pursuant to Section 98-25, paragraph (d) for a permanent or temporary certificate of occupancy shall not apply to such #building# or portion of a #building# and the following conditions shall apply:

(a) The Owner shall deliver a letter of credit or other security reasonably satisfactory to the City in an amount reasonably determined by the City as sufficient for the City to perform the #High Line# Support Work described in paragraph (b)(1) of this Appendix F, which letter of credit or other security may be drawn or exercised by the City in the event of a default by the Owner in accordance with paragraph (c)(ii) of this Appendix F; and

(b) The Owner shall enter into an agreement with the City in a

form reasonably acceptable to the City requiring the Owner to commence the #High Line# Support Work described in paragraph (b)(1) of this Appendix, F, no later than September 1, 2017, subject to force majeure as determined by the Chairperson, and shall thereafter diligently prosecute the same to completion, pursuant to an agreed-upon schedule, subject to force majeure as determined by the Chairperson.

(c) In the event the Owner is in default of its obligations pursuant to the agreements required by paragraph (b)(1)(vi) of this Appendix, F:

(1) The City shall be entitled to draw the letter of credit or exercise the other security described in paragraph (b)(1)(i)(a) of this Appendix, F, and to take possession of the #High Line# Support Easement Volumes following delivery of notice to the Owner that the City intends to perform the #High Line# Support Work in accordance with provisions to be set forth in the restrictive declaration described in paragraph (a)(1)(ii) of this Appendix, F;

(2) The City shall return to the Owner any contribution made to the #High Line# Improvement Fund with respect to additional #floor area# to be added to a #building# or portion of a #building# located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii);

(3) No additional building permit may be issued pursuant to Section 98-25, paragraph (a) with respect to a #development# or #enlargement# to be located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), nor may any temporary or permanent certificates of occupancy be issued pursuant to Section 98-25, paragraph (d), for #floor area# in such a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT].

(d) Option to offer an additional #High Line# Support Easement Volume:

(1) The Owner, at its sole option, may elect to offer to the City an easement comprising up to 7,500 square feet of #floor area# within the #building# adjacent to the #High Line# and at the vicinity of the level of the #High

Line bed# as an additional #High Line# Support Easement Volume

by written notice to the Chairperson of the City Planning Commission, with a copy to the Commissioner of the Department of Parks and Recreation. Such written notice shall be delivered contemporaneously with the Owner's first request for certification by the Chairperson described in paragraph (a) of Section 98-25 that relates to a #building# or portion of a #building# within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii);

(2) If the Owner elects to exercise such option, the Owner shall provide an appraisal from an appraiser reasonably acceptable to the City who is a member of the American Institute of Real Estate Appraisers (or its successor organization) establishing the fair market value of the additional #High Line# Support Easement Volume to be so dedicated. The term "fair market value" shall mean the price at which such additional #High Line# Support Easement Volume would change hands between a willing buyer and a willing seller, both acting rationally, at arm's length, in an open and unrestricted market. The appraisal shall determine such fair market value of the additional #High Line# Support Easement Volume based on its highest and best as-of-right #uses#, valued in an unimproved core and shell physical condition (including any existing structural elements, such as the wall separating the #High Line# from the additional easement volume) and considered unencumbered by any leases, mortgages or other matters that will be released or otherwise subordinate to the grant of such additional #High Line# Support Easement Volume to the City. The appraisal shall not assume that as-of-right #uses# of the additional #High Line# Support Easement Volume may enjoy any access to and from the #High Line#. Any other appraisal assumptions or instructions not set forth herein shall be subject to approval by the City.

(3) If such option is exercised by the Owner, the City shall have up to 60 days from the delivery of the written notice described in paragraph (d)(1) of this Appendix, F, to irrevocably accept or decline the exercise of the option by written notice to the Owner. If the City does not so accept or decline the option within said 60 day period, then the option shall be deemed declined and neither the City nor Owner shall have any further rights or obligations under this paragraph, (d), inclusive;

(4) If such option is exercised by the Owner and accepted by the City, the



restrictive declaration described in paragraph (a)(1)(ii) of this Appendix F shall provide or shall be amended to include the additional #High Line# Support Easement Volume within the grant to the City, and the value of the additional #High Line# Support Easement Volume as set forth in the appraisal shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F;

- (5) In the event that the City requests the Owner to perform any work in conjunction with the dedication of the additional #High Line# Support Easement Volume and the Owner agrees to perform such work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F. All costs of fitting-out, operating, maintaining, repairing and replacing the additional #High Line# Support Easement Volume shall be exclusively the responsibility of the City and not the Owner.

\* \* \*

**L.U. No. 711  
CHELSEA MARKET**

**MANHATTAN CB - 4**

**C 120143 ZMM**

Application submitted by Jamestown Premier Chelsea Market, LP pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, by establishing a Special West Chelsea District (WCh) bounded by West 16th Street, Ninth Avenue, West 15th Street and Tenth Avenue, as shown on a diagram (for illustrative purposes only) dated April 9, 2012.

**L.U. NOS. 715 AND 716 ARE RELATED**

**L.U. No. 715**

**WEST HARLEM REZONING AND TEXT AMENDMENT**

**MANHATTAN CB - 9**

**C 120309 ZMM**

Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 3b and 6a:

1. eliminating from within an existing R8 District a C1-4 District bounded by a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, Broadway, a line 100 feet northerly of West 145<sup>th</sup> Street, a line 100 feet easterly of Broadway, a line 100 feet southerly of West 145<sup>th</sup> Street, Broadway, a line midway between West 145<sup>th</sup> Street and West 144<sup>th</sup> Street, and a line 100 feet westerly of Broadway;
2. changing from an R7-2 District to an R6A District property bounded by:
  - a. West 153<sup>rd</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 152<sup>nd</sup> Street, and a line 100 feet easterly of Broadway;
  - b. a line 100 feet southerly of West 155<sup>th</sup> Street, St. Nicholas Avenue, West 153<sup>rd</sup> Street, St. Nicholas Place, West 152<sup>nd</sup> Street, Convent Avenue, West 151<sup>st</sup> Street, a line 125 feet easterly of Amsterdam Avenue, West 152<sup>nd</sup> Street, and a line 100 feet easterly of Amsterdam Avenue;
  - c. a line midway between West 151<sup>st</sup> Street and West 150<sup>th</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 147<sup>th</sup> Street, and a line 100 feet easterly of Broadway;
  - d. West 150<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, a line midway between West 149<sup>th</sup> Street and West 148<sup>th</sup> Street, Convent Avenue, West 149<sup>th</sup> Street, St. Nicholas Avenue, West 145<sup>th</sup> Street, a line 100 feet westerly of St. Nicholas Avenue, the easterly prolongation of the northerly street line of West 144<sup>th</sup> Street, a line midway between Hamilton Terrace and St. Nicholas Avenue, West 141<sup>st</sup> Street, Convent Avenue, West 140<sup>th</sup> Street, Amsterdam Avenue, West 145<sup>th</sup> Street, and a line 100 feet easterly of Amsterdam Avenue, and excluding the area bounded by a line midway between West 147<sup>th</sup> Street and West 148<sup>th</sup> Street, Convent Avenue, West 145<sup>th</sup> Street, and a line 100 feet westerly of Convent Avenue;

- e. a line 100 feet southerly of West 145<sup>th</sup> Street, Bradhurst Avenue, the westerly center line prolongation of West 143<sup>rd</sup> Street, and a line midway between St. Nicholas Avenue and Edgecombe Avenue; and
  - f. West 143<sup>rd</sup> Street, a line 500 feet easterly of Broadway, a line midway between West 142<sup>nd</sup> Street and West 141<sup>st</sup> Street, a line 450 feet easterly of Broadway, West 141<sup>st</sup> Street, and a line 100 feet easterly of Broadway;
3. changing from an R8 District to an R6A District property bounded by:
- a. West 148<sup>th</sup> Street, a line 100 feet westerly of Broadway, West 145<sup>th</sup> Street, a line 315 feet westerly of Broadway, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 250 feet westerly of Broadway, West 146<sup>th</sup> Street, a line 225 feet westerly of Broadway, a line midway between West 147<sup>th</sup> Street and West 146<sup>th</sup> Street and its westerly prolongation, the easterly boundary line of Riverside Park, West 147<sup>th</sup> Street and its westerly center line prolongation, a line 80 feet easterly of Riverside Drive, a line midway between West 148<sup>th</sup> Street and West 147<sup>th</sup> Street, and a line 105 feet easterly of Riverside Drive;
  - b. a line midway between West 143<sup>rd</sup> Street and West 142<sup>nd</sup> Street and its westerly prolongation, a line 200 feet westerly of Broadway, West 142<sup>nd</sup> Street and its westerly center line prolongation, and the easterly boundary line of Riverside Park; and
  - c. a line midway between West 139<sup>th</sup> Street and West 138<sup>th</sup> Street, a line 100 feet westerly of Broadway, a line midway between West 138<sup>th</sup> Street and West 137<sup>th</sup> Street, a line 455 feet westerly of Broadway, West 138<sup>th</sup> Street, and a line 400 feet westerly of Broadway;
4. changing from an R7-2 District to an R7A District property bounded by:
- a. West 155<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 152<sup>nd</sup> Street, a line 125 feet easterly of Amsterdam Avenue, West 151<sup>st</sup> Street, Convent Avenue, West 152<sup>nd</sup> Street and its easterly center line prolongation, a line midway between St. Nicholas Place and Edgecombe Avenue, a line midway between St. Nicholas Avenue and Edgecombe Avenue, a line 100 feet northerly of West 145<sup>th</sup> Street, St. Nicholas Avenue, West 149<sup>th</sup> Street, Convent Avenue, a line midway between West

149<sup>th</sup> Street and West 148<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 150<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, Amsterdam Avenue, a line 100 feet northerly of West 145<sup>th</sup> Street, a line 100 feet easterly of Broadway, West 147<sup>th</sup> Street, a line 100 feet westerly of Amsterdam Avenue, a line midway between West 151<sup>st</sup> Street and West 150<sup>th</sup> Street, a line 100 feet easterly of Broadway, West 152<sup>nd</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 153<sup>rd</sup> Street, and Amsterdam Avenue;

- b. a line 150 feet southerly of West 155<sup>th</sup> Street, a line midway between St. Nicholas Avenue and St. Nicholas Place, West 153<sup>rd</sup> Street, and St. Nicholas Avenue;
- c. a line midway between West 148<sup>th</sup> Street and West 147<sup>th</sup> Street, Convent Avenue, West 145<sup>th</sup> Street, and a line 100 feet westerly of Convent Avenue;
- d. a line 100 feet southerly of West 145<sup>th</sup> Street, Amsterdam Avenue, the southerly boundary line of Annunciation Park and its easterly and westerly prolongations, Convent Avenue, West 130<sup>th</sup> Street, Amsterdam Avenue, West 133<sup>rd</sup> Street, a line 200 feet easterly of Broadway, West 135<sup>th</sup> Street, a line 100 feet easterly of Broadway, a line 100 feet easterly of Hamilton Place, a line midway between West 138<sup>th</sup> Street and West 136<sup>th</sup> Street, Hamilton Place, West 138<sup>th</sup> Street, a line 100 feet easterly of Broadway, West 141<sup>st</sup> Street, a line 450 feet easterly of Broadway, a line midway between West 142<sup>nd</sup> Street and West 141<sup>st</sup> Street, a line 500 feet easterly of Broadway, West 143<sup>rd</sup> Street, and a line 100 feet easterly of Broadway;
- e. West 145<sup>th</sup> Street, St. Nicholas Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, a line midway between St. Nicholas Avenue and Edgecombe Avenue, the westerly center line prolongation of West 143<sup>rd</sup> Street, Bradhurst Avenue and its southerly centerline prolongation, Edgecombe Avenue, West 141<sup>st</sup> Street, a line midway between Hamilton Terrace and St. Nicholas Avenue, the easterly prolongation of the northerly street line of West 144<sup>th</sup> Street, and a line 100 feet westerly of St. Nicholas Avenue; and

- f. West 130<sup>th</sup> Street, St. Nicholas Terrace, West 127<sup>th</sup> Street, a line 100 feet westerly of St. Nicholas Avenue, West 126<sup>th</sup> Street, a line 100 feet westerly of Morningside Avenue, West 127<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 129<sup>th</sup> Street, and Convent Avenue;
5. changing from an R7-2 District to an R8A District property bounded by:
    - a. West 155<sup>th</sup> Street, St. Nicholas Avenue, a line 100 feet southerly of West 155<sup>th</sup> Street, and a line 100 feet easterly of Amsterdam Avenue;
    - b. Edgecombe Avenue, West 145<sup>th</sup> Street, Bradhurst Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, St. Nicholas Avenue, a line 100 feet northerly of West 145<sup>th</sup> Street, a line midway between St. Nicholas Avenue and Edgecombe Avenue, a line midway between St. Nicholas Place and Edgecombe Avenue, the easterly center line prolongation of West 152<sup>nd</sup> Street, St. Nicholas Place, West 153<sup>rd</sup> Street, a line midway between St. Nicholas Avenue and St. Nicholas Place, a line 150 feet southerly of West 155<sup>th</sup> Street, a line perpendicular to the southerly street line of West 155<sup>th</sup> Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155<sup>th</sup> Street, a line 100 feet southerly of West 155<sup>th</sup> Street, St. Nicholas Place, and West 155<sup>th</sup> Street; and
    - c. a line 100 feet northerly of West 145<sup>th</sup> Street, Amsterdam Avenue, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 145<sup>th</sup> Street, Amsterdam Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, and a line 100 feet easterly of Broadway;
  6. changing from a C8-3 District to an R8A District property bounded by West 155<sup>th</sup> Street, St. Nicholas Place, a line 100 feet southerly of West 155<sup>th</sup> Street, and a line perpendicular to the southerly street line of West 155<sup>th</sup> Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155<sup>th</sup> Street;
  7. changing from an R8 District to a C6-3X District property bounded by a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, Broadway, a line 100 feet northerly of West 145<sup>th</sup> Street, a line 100 feet easterly of Broadway, a line

100 feet southerly of West 145<sup>th</sup> Street, Broadway, a line midway between West 145<sup>th</sup> Street and West 144<sup>th</sup> Street, and a line 100 feet westerly of Broadway;

8. changing from an M1-1 District to an M1-5/R7-2 District property bounded by West 129<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 127<sup>th</sup> Street, a line 100 feet westerly of Morningside Avenue, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/Dr. Martin Luther King Jr. Boulevard, and Amsterdam Avenue;

9. establishing within a proposed R6A District a C1-4 District bounded by:

a. a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet westerly of Broadway, West 145<sup>th</sup> Street, and a line 315 feet westerly of Broadway; and

b. a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 145<sup>th</sup> Street, Convent Avenue, a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, a line 100 feet westerly of St. Nicholas Avenue, a line 100 feet southerly of West 145<sup>th</sup> Street, and a line 100 feet easterly of Amsterdam Avenue;

10. establishing within a proposed R7A District a C1-4 District bounded by:

a. a line midway between West 146<sup>th</sup> Street and West 145<sup>th</sup> Street, Convent Avenue, West 145<sup>th</sup> Street, and a line 100 feet westerly of Convent Avenue;

b. a line 100 feet northerly of West 141<sup>st</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 141<sup>st</sup> Street, and Hamilton Place; and

c. a line midway between West 140<sup>th</sup> Street and West 139<sup>th</sup> Street, a line 100 feet easterly of Hamilton Place, West 138<sup>th</sup> Street, a line 100 feet easterly of Broadway, West 139<sup>th</sup> Street, and Hamilton Place;

11. establishing within an existing R8 District a C1-4 District bounded by West 145<sup>th</sup> Street, a line 100 feet westerly of Broadway, a line midway between West 145<sup>th</sup> street and West 144<sup>th</sup> Street, and a line 270 feet westerly of Broadway;

12. establishing within a proposed R8A District a C2-4 District bounded by West 155<sup>th</sup> Street, Edgecombe Avenue, a line 150 feet southerly of West 155<sup>th</sup> Street, St. Nicholas Place, a line 100 feet southerly of West 155<sup>th</sup> Street, and a line perpendicular to the southerly street line of West 155<sup>th</sup> Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155<sup>th</sup> Street; and
13. establishing a Special Mixed Use District (MX-15) bounded by West 129<sup>th</sup> Street, a line 100 feet westerly of Convent Avenue, West 127<sup>th</sup> Street, a line 100 feet westerly of Morningside Avenue, a line midway between West 126<sup>th</sup> Street and West 125<sup>th</sup> Street/Dr. Martin Luther King Jr. Boulevard, and Amsterdam Avenue;

as shown in a diagram (for illustrative purposes only) dated May 7, 2012, modified by the City Planning Commission on September 5, 2012, and subject to the conditions of CEQR Designation E-284.

## **L.U. No. 716**

### **WEST HARLEM REZONING AND TEXT AMENDMENT**

**MANHATTAN CB - 9**

**N 120310 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 II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), Article III, Chapter 3 (Bulk Regulations for Commercial and Community Facility Buildings in Commercial Districts), Article XII, Chapter 3 (Special Mixed Use Districts) for the purpose of establishing Special Mixed Use District 15, and Appendix F, relating to the application of the Inclusionary Housing Program to proposed R8A and R9X districts.

Matter in underline is new, to be added;

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

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

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

**Article II  
Residence District Regulations**

\* \* \*

**Chapter 3  
Bulk Regulations for Residential Buildings in Residence Districts**

\* \* \*

**23-142  
In R6, R7, R8 or R9 Districts**

R6 R7 R8 R9

Except as otherwise provided in the following Sections:

Section 23-144 (In designated areas where the Inclusionary Housing Program is applicable)

Section 23-145 (For Quality Housing buildings)

Section 23-146 (Optional provisions for certain R5 and R6 Districts in Brooklyn)

Section 23-147 (For non-profit residences for the elderly); ~~and~~

Section 23-148 (For tower-on-a-base buildings in R9 Districts); and

Section 23-149 (Special floor area regulations for certain sites in Community District 9, Borough of Manhattan)

In the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be as set forth in the following table for #zoning lots# with the #height factor# indicated in the table.

\* \* \*

**23-144  
In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor



area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

Community District	Zoning District
Community District 1, Bronx	R6A R7-2 R7A R7X R8A
Community District 4, Bronx	R8A R9D
Community District 7, Bronx	R7D
Community District 1, Brooklyn	R6 R6A R6B R7A R7-3
Community District 2, Brooklyn	R7A R8A R9A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R7A R8A
Community District 14, Brooklyn	R7A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A R10
<u>Community District 9, Manhattan</u>	<u>R8A R9X</u>
Community District 1, Queens	R7A
Community District 2, Queens	R7X

\* \* \*

**23-149**

**Special floor area regulations for certain sites in Community District 9, Borough of Manhattan**

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125<sup>th</sup> Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program and are subject to the #floor area# regulations set forth in Section 23-145 (For Quality Housing buildings).

\* \* \*

**23-636**

**Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan**

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125<sup>th</sup> Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program.

\* \* \*

## 23-952

### Floor area compensation in Inclusionary Housing designated areas

\* \* \*

#### Maximum #Residential Floor Area Ratio#

<u>District</u>	<u>Base #floor area ratio#</u>	<u>Maximum #floor area ratio#</u>
R6B	2.00	2.20
R6*	2.20	2.42
R6** R6A R7-2*	2.70	3.60
R7A R7-2**	3.45	4.60
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
<u>R9X</u>	<u>7.3</u>	<u>9.7</u>
R10	9.00	12.00

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\* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

\*\* for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

**24-523**

**Special height and setback regulations**

R5D R8 R10

- (a) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings# or other structures# located in R10 Districts, except R10A or R10X Districts, shall comply with the requirements of Section 23-634 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).

- (b) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts located north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of the Quality Housing Program.

- (c) R5D Districts

In R5D Districts, all #buildings# or other structures# shall comply with the height and setback requirements set forth in Section 23-60 (HEIGHT AND SETBACK REGULATIONS).

**33-433**

**Special height and setback regulations**

- (a) Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings# or other structures# located in an R10 equivalent #Commercial Districts# without a letter suffix shall comply with the requirements of Section 23-634 (Special height and setback regulations in R10 Districts within Community District7, Borough of Manhattan).

- (b) Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts located north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of the Quality Housing Program.
- (c) In C1 or C2 Districts mapped within R5D Districts, all #buildings or other structures# shall comply with the height and setback requirements of Section 23-60.

\* \* \*

**Article XII**  
**Special Purpose Districts**

**Chapter 3**  
**Special Mixed Use District**

\* \* \*

**123-662**  
**All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations**

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

- (a) Medium and high density non-contextual districts
  - (1) In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, except an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height of a #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the

height of a #building or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building or other structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.

Table A  
 HEIGHT AND SETBACK FOR ALL BUILDINGS  
 IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL  
 DISTRICTS  
 (in feet)

Maximum District	Maximum Base Height	#Building# Height
R6	60	110
R7-1 R7-2	60	135
R7-3	85	185
R8	85	210
R9	85	225
R9-1	90	280
R10	110	350

(2) In #Special Mixed Use District# 15 in the Borough of Manhattan, where the designated #Residence District# is an R7-2 District, the height and setback regulations of paragraph (1) of this Section shall not apply. In lieu thereof, the following height and setback regulations shall apply. A #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet, except for dormers permitted in accordance with paragraph (c) of this Section. At least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#. Existing #buildings# may be vertically #enlarged# by up to

one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph, (a)(2). Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, no #building or other structure# shall exceed the maximum #building# height specified in Table B of this Section.

Setbacks are required for all portions of #buildings# that exceed the maximum base height specified in Table B. Such setbacks shall be provided in accordance with the following provisions:

- (1) #Building# walls facing a #wide street# shall provide a setback at least ten feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B. #Building# walls facing a #narrow street# shall provide a setback at least 15 feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B.
- (2) These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to such #building# wall would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.
- (3) Required setback areas may be penetrated by dormers in accordance with paragraph (c) of this Section.

- (4) Where the #Residence District# designation is an R10X District, no maximum #building# height shall apply. However, the minimum coverage of any portion of a #building# that exceeds the permitted maximum base height shall be 33 percent of the #lot area# of the #zoning lot#. Such minimum #lot# coverage requirement shall not apply to the highest four #stories# of the #building#.

TABLE B  
HEIGHT AND SETBACK FOR ALL BUILDINGS  
IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS  
(in feet)

District	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
R6B	30	40	50
R6A	40	60	70
R7B	40	60	75
R7A	40	65	80
R7D	60	85	100
R7X	60	85	125
R8A	60	85	120
R8B	55	60	75
R8X	60	85	150
R9A**	60	95	135
R9A*	60	102	145
R9X**	60	120	160
R9X*	105	120	170
R10A**	60	125	185
R10A*	125	150	210
R10X	60	85	***

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\* That portion of a district which is within 100 feet of a #wide street#

\*\* That portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#

\*\*\* #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (b)(4) of this Section

(c) Permitted obstructions and dormer provisions

Obstructions shall be permitted pursuant to Sections 23-62, 24-51 or 43-42. In addition, within a required setback area, a dormer may exceed a maximum base height specified in Tables A or B of this Section and thus penetrate a required setback area, provided that, on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the length of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See illustration of Dormer in Section 62-341).

However, all #buildings or other structures# on #waterfront blocks#, as defined in Section 62-11, shall comply with the height and setback regulations set forth for the designated #Residential District# as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive.

\* \* \*

**123-90**

**SPECIAL MIXED USE DISTRICTS SPECIFIED**

The #Special Mixed Use District# is mapped in the following areas:

\* \* \*

#Special Mixed Use District# - 14:  
Third Avenue/Tremont Avenue, the Bronx

The #Special Mixed Use District# - 14 is established along Third Avenue in the Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 15:  
West Harlem, Manhattan

The #Special Mixed Use District# - 15 is established in West Harlem in Manhattan as indicated on the #zoning maps#.



\* \* \*

## APPENDIX F: Inclusionary Housing Designated Areas

\* \* \*

### Manhattan

\* \* \*

### Manhattan Community District 9, 10 and 11

\* \* \*

In the R8A and R9X Districts within the areas shown on the following Map 2:

### Map 2



Portions of Community District 9, Manhattan

**L.U. No. 722**  
**54 GREENE STREET**

**MANHATTAN CB - 2**

**C 090002 ZSM**

Application submitted by 54 Greene Street Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of:

1. Section 42-17D(1)(b) to allow Use Group 17D uses (Joint Living-Work Quarters for Artist) on the second and fourth floors; and
2. Section 42-14D(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar;

of an existing 6-story building erected prior to December 15, 1961 and where the lot coverage is greater than 5,000 square feet, on property located at 54 Greene Street (Block 474, Lot 7), in an M1-5B District.

**L.U. No. 723**  
**BAR 30 LOUNGE**

**QUEENS CB - 1**

**20125755 TCQ**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of MCSR Restaurant Corp., d/b/a Bar 30 Lounge, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 34-1-9 30<sup>th</sup> Avenue.



## **SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES**

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matter in the **Committee Room, City Hall**, New York City, New York 10007, commencing at **11:00 a.m. on Tuesday, October 23, 2012:**

**L.U. No. 720**

**BRINCKERHOFF CEMETERY**

**QUEENS CB - 8**

**20135041 HKQ (N 130043 HKQ)**

Designation (List No. 458/LP-2087) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of Brinckerhoff Cemetery located at 69-65 to 69-73 182nd Street (Tax Map Block 7135, Lots 54 and 60), as an historic landmark.



## **SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS**

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the **Committee Room, City Hall**, New York City, New York 10007, commencing at **1:00 p.m. on Tuesday, October 23, 2012:**

**L.U. No. 681**

**HUNTERS POINT SOUTH PHASE I**

**QUEENS CB - 2**

**20135038 HAQ**

Application submitted by New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes for property located at 1-50 50<sup>th</sup> Avenue (Block 6, Lot 80) and 1-55 Borden Avenue (Block 6, Lot 6), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

**L.U. No. 721**  
**CIVIC CENTER PLAN**

**MANHATTAN CB - 1**

**C 120267 PPM**

Application submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of two (2) city-owned properties located at 22 Reade Street (Block 154, p/o Lot 23) and 49-51 Chambers Street (Block 153, Lot 1), pursuant to zoning.

**PRECONSIDERED L.U. No. \_\_\_\_**  
**HUNTERS POINT SOUTH PHASE I (PARCEL A)**

**QUEENS CB - 2**

**20135155 HAQ**

Application submitted by New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes for property located at 1-50 50<sup>th</sup> Avenue (Block 6, Lot 80), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

**PRECONSIDERED L.U. No. \_\_\_\_**  
**HUNTERS POINT SOUTH PHASE I (PARCEL B)**

**QUEENS CB - 2**

**20135156 HAQ**

Application submitted by New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes for property located at 1-55 Borden Avenue (Block 6, Lot 6), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

## L.U. No. 719

Proposal 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 requirements 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 project as Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property pursuant to Section 696 of the General Municipal Law.

L.U. No.	Non-ULURP No.	Address	Block/Lot	Program	CB	Tax Exemption
719	20135098 HAK	1416 Eastern Parkway Extension 1413 Pitkin Avenue Brooklyn	1475/39 1475/78		16	Section 696

## **LAND USE COMMITTEE**

The Land Use Committee will hold a meeting in the **Council Committee Room, 16th Floor, 250 Broadway**, New York City, New York 10007, commencing at **10:00 A.M. on Thursday, October 25, 2012**, and will consider all items reported out of the Subcommittees at the meetings held on Tuesday, October 23, 2012, and conduct such other business as may be necessary.