



Legislation Text

File #: Res 1629-2017, Version: *

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1629**

Resolution approving the decision of the City Planning Commission on Application No. N 170389 ZRM, for an amendment of the Zoning Resolution of the City of New York, modifying special regulations for zoning lots adjacent to the High Line in Article IX, Chapter 8 (Special West Chelsea District), Community District 4, Borough of Manhattan (L.U. No. 729).

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on July 28, 2017 its decision dated July 26, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Friends of the High Line and the Department of Parks and Recreation, for an amendment to the text of the Zoning Resolution of the City of New York, modifying special regulations for zoning lots adjacent to the High Line in Article IX, Chapter 8 (Special West Chelsea District), (Application No. N 170389 ZRM), Community District 4, Borough of Manhattan (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 August 21, 2017;

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, including the negative declaration issued May 4, 2017 (CEQR No. 17DPR006M), which includes (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, noise and air quality (E-142), (the "Negative Declaration");

RESOLVED:

The Council finds that the action described herein would have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 170389 ZRM, incorporated by reference herein, the Council approves the Decision.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within ## is defined in Sections 12-10 or 98-01;

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

Article IX - Special Purpose Districts

Chapter 8

Special West Chelsea District

98-00

GENERAL PURPOSES

The “Special West Chelsea District” established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include among others, the following specific purposes:

- (a) to encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood;
- (b) to encourage the development of residential uses along appropriate avenues and streets;
- (c) to encourage and support the growth of arts-related uses in West Chelsea;
- (d) to facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations, High Line improvement bonuses and the transfer of development rights from the High Line Transfer Corridor;
- (e) to ensure that the form and use of new buildings relates to and enhances neighborhood character and the High Line open space;
- (f) to create and provide a transition to the lower-scale Chelsea Historic District to the east;
- (g) to create and provide a transition to the Hudson Yards area to the north; and
- (h) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

98-01

Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section 12-10 (DEFINITIONS).

High Line

The “High Line” shall, for the purposes of this Resolution, refer to the elevated rail line structure and associated elevated easement located between Gansevoort Street and West 30th Street.

High Line bed

The “High Line bed” is the highest level of the horizontal surface (platform) of the #High Line# elevated rail line structure as of June 23, 2005, as shown in Diagram 7 in Appendix C of this Chapter. For the purposes of this Chapter, the level of the #High Line bed# is the average level of the #High Line bed# on a #zoning lot# over which the #High Line# passes.

High Line frontage

“High Line frontage” is that portion of a #building# that faces and is located within 15 feet of the west side and 25 feet of the east side of the #High Line#.

High Line Transfer Corridor

The “High Line Transfer Corridor” is an area within which the #High Line# is located, as specified in Appendix B of this Chapter, where development rights may be transferred to receiving sites in certain subareas in the #Special West Chelsea District#, pursuant to the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

* * *

98-25

High Line Improvement Bonus

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

- (a) Prior to issuing a building permit for any #development# or #enlargement# on such #zoning lot# 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 November 13, 2012, 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 a 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 of this Chapter, at the Chairperson’s direction, provided that, in lieu of a 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 (Floor area increase), 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, E or F of this Chapter, as applicable;

- (2) a declaration of restrictions executed by all “parties in interest” to the #zoning lot#, as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10 (DEFINITIONS), including and incorporating such other instruments as are necessary to assure that the City’s interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, is filed and recorded in the Office of the Register of the City of New York; and
 - (3) all additional requirements of Appendix D, E or F, as applicable with respect to issuance of a building permit, have been met. For #zoning lots# located between West 18th and West 19th Streets over which the #High Line# passes, in the event that a certification is initially made by the Chairperson on the basis that the requirements of paragraph (a)(1) of Appendix E with respect to Stairway and Elevator Access Work have been met, and the Commissioner of Parks and Recreation later elects to require #High Line# Service Facility Work in accordance with the provisions of paragraph (b)(4) of Appendix E, such initial certification shall no longer be effective. In lieu thereof, a certification by the Chairperson that the requirements of paragraph (a)(1) of Appendix E with respect to #High Line# Service Facility Work have been met shall be required. Notwithstanding the foregoing, the Department of Buildings may continue to issue a building permit pursuant to the initial certification made for Stairway and Elevator Access Work, all building permits issued pursuant to the initial certification made for Stairway and Elevator Access Work shall remain in effect, and construction may continue pursuant to such permits, provided that the provisions of paragraph (c)(4)(ii) of this Section shall apply with respect to the issuance of any temporary or permanent certificates of occupancy for the #development# or #enlargement# authorized by such permits under the provisions of paragraph (c)(4).
- (b) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located between West 17th and West 18th Streets over which the #High Line# passes that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished a certification by the Chairperson of the City Planning Commission that:
- (1) if required pursuant to agreement with the City under Appendix D, #High Line# improvements within the #High Line# improvement area, as shown in Appendix C of this Chapter, for such #zoning lot#, have been performed in accordance with such agreement;
 - (2) if elected by the owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix D;
 - (3) At-Grade Plaza Work has been performed on such #zoning lot# in the area shown in Diagram 3 of Appendix C of this Chapter, except as otherwise provided in agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work, in accordance with Appendix D;
 - (4) Stairway and Elevator Access Work has been performed on such #zoning lot# in the At-Grade Plaza area shown in Diagram 3 of Appendix C, or that an additional contribution to the #High Line# Improvement Fund to fund performance of such work has been made, except as otherwise provided in agreements and other instruments that provide for City construction of some or all of

the Stairway and Elevator Access Work in the At-Grade Plaza, in accordance with Appendix D; and

- (5) all other applicable requirements of Appendix D have been met.

For temporary certificates of occupancy, certification with respect to performance of work required of owner 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 required of owner shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this paragraph, (b), no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix D. In the event that the owner has executed agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and for some or all of the Stairway and Elevator Access Work, in accordance with Appendix D, certificates of occupancy shall be issued if owner has substantially or finally completed any aspects of the work required of owner pursuant to such agreements and other instruments, as the case may be, and is otherwise in full compliance with such agreements and instruments, including with respect to payment of all funds required pursuant to the terms thereof and Appendix D.

- (c) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located between West 16th and 17th Streets or between West 18th and 19th Streets over which the #High Line# passes that incorporates #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished a certification by the Chairperson, that:
- (1) if required pursuant to agreement with the City under Appendix E, #High Line# improvements within the #High Line# improvement area, as shown in Appendix C of this Chapter, for such #zoning lot#, have been performed in accordance with such agreement;
 - (2) if elected by the owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix E;
 - (3) for #zoning lots# located between West 16th and 17th Streets over which the #High Line# passes:
 - (i) Stairway and Elevator Access Work; and
 - (ii) #High Line# Service Facility Work applicable to such #zoning lot# has been performed on such #zoning lot#, in accordance with Appendix E;
 - (4) for #zoning lots# located between West 16th 18th and 17th 19th Streets over which the #High Line# passes, #High Line# Service Facility Work has been performed, in accordance with Appendix E; and either:
 - (i) Stairway and Elevator Access Work; or

(ii) if elected by the Commissioner of Parks and Recreation, #High Line# Service Facility Work applicable to such #zoning lot#, has been performed on such #zoning lot#, in accordance with Appendix E; and

(5) all other applicable requirements of Appendix E have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this paragraph, (c), no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix E.

(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 November 13, 2012, 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.

* * *

98-50

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

98-51

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

(a) Subarea A

At least 60 percent of the aggregate length of the eastern #High Line frontage# of a #building# shall set back at the level of the #High Line bed#. Not more than 40 percent of the aggregate length of such #High Line frontage# may rise above the level of the #High Line bed#. No portion of such #High Line frontage# shall exceed a maximum height of 20 feet above the level of the #High Line bed#, as

illustrated in Diagram 2 (Street Wall and High Line Frontage Regulations in Subarea A) in Appendix C of this Chapter.

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

For #zoning lots# extending less than 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 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 G) of Section 98-423 (Street wall location, minimum and maximum base heights and maximum building heights).

The portions of #buildings# in which #High Line# Service Facilities are provided in accordance with paragraph (b)(4) of Appendix E shall be considered permitted obstructions to the height and setback regulations of this paragraph (b).

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 #lot line# east of the #High Line# is 35 feet when measured parallel to the nearest #narrow street line#.

* * *

98-53

Required Open Areas on the East Side of the High Line

For any #development# or #enlargement# on a #zoning lot#, or portion thereof, within C6-3A Districts or within Subareas A, C, F or G and over which the #High Line# passes or on a #zoning lot# adjacent to a #zoning lot# over which the #High Line# passes, a landscaped open area shall be provided in an amount equal to at least 20 percent of the #lot area# of the portion of the #zoning lot# that is within C6-3A Districts or within Subareas A, C, F or G, pursuant to the requirements of paragraphs (a) and (b) of this Section. Such open area shall be located directly adjacent to the #High Line# with its longest side adjacent to the #High Line# and shall be located at an elevation not to exceed a height of three feet, six inches above the level of the #High Line bed# adjacent to the #zoning lot#. At no point shall such open area be located within 50 feet of Tenth Avenue.

* * *

(b) Permitted obstructions

Only the following shall be permitted to obstruct a required open area:

- (1) any #High Line# access structure providing pedestrian access to the #High Line# by stairway or

elevator;

- (2) the portions of #buildings# in which #High Line# Service Facilities are provided in accordance with paragraph (b)(4) of Appendix E;
- (23) those items listed in paragraph (a) of Section 37-726 (Permitted obstructions); and
- (34) open air cafes and kiosks, provided that open air cafes may occupy in the aggregate no more than 75 percent of such required open area.

* * *

Appendix E

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

This Appendix sets forth additional requirements governing #zoning lots# located partially within Subareas D, E and G or within Subarea I between West 16th and 17th Streets over which the #High Line# passes, with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy, pursuant to paragraph (c) of Section 98-25, for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term “parties in interest” as used herein shall mean “parties-in-interest,” as defined in paragraph (f)(4) of the definition of #zoning lot# 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) Owner shall, subject to reduction pursuant to the other provisions of this Appendix, E, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of \$50.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot#, up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas); and
 - (ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and from a stairway and elevator on the #zoning lot# that will provide access the #High Line# and for maintenance and repair by the City of such stairway and elevator; and the potential performance by the City of work under the provisions set forth below. In the case of #zoning lots# between West 16th and 17th Streets, Owner shall also provide the City with easements providing for City access to and from and for public use of the #High Line# Service Facilities on

the #zoning lot# and for maintenance and repair by the City of such #High Line# Service Facilities. For #zoning lots# between West 18th and 19th Streets, in the event that the Commissioner of Parks and Recreation requires #High Line# Service Facility Work pursuant to paragraph (b)(4) of this Appendix, no easements shall be required relating to the location of and public access to a #zoning lot# nor from a stairway and elevator on the #zoning lot#. In such event, Owner shall instead provide the City with easements providing for City access to and from and for use of the #High Line# Service Facilities on the #zoning lot# and for maintenance and repair by the City of such #High Line# Service Facilities, as specified in paragraph (b)(4)(ii) of this Appendix, and any restrictive declaration previously executed under this paragraph (a)(1)(ii) in connection with an initial certification pursuant to paragraph (a) of Section 98-25 shall be amended to provide for such easements.

(iii) submit plans for Stairway and Elevator Access Facilities and, where applicable, #High Line# Service Facilities that demonstrate compliance with the provisions of this Appendix, E, and are consistent with New York City Department of Parks and Recreation standards and best practices governing materials life cycle and maintenance for review and approval by the Chairperson of the City Planning Commission.

- (2) Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot # and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement, approved by the Chairperson of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the #High Line# Improvement Fund contribution to reflect the cost of such improvements. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.
- (3) The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.

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

- (1) Structural Remediation Work pursuant to paragraph (c)(2) of Section 98-25
 - (i) Owner may, at its option, elect to perform Structural Remediation Work on the portion of the #High Line# within the #High Line# improvement area, as shown in Appendix C of this Chapter, on such #zoning lot# and over #streets# contiguous thereto in accordance with the provisions of this paragraph. Owner may exercise such option following receipt of the City's specifications for the Structural Remediation Work or upon the City's failure to provide such specifications, as set forth in paragraphs (b)(1)(iv) and (b)(1)(v), (unless such dates are extended by mutual agreement of the City and Owner), but in no event may exercise such option later than 90 days following receipt of a notice by the City of its intent to commence improvements to the #High Line# within the #High Line#

improvement area applicable to the #zoning lot# within the next twenty-four months. In that event, the amount of contribution to the #High Line# Improvement Fund shall be reduced by \$21.00 for each square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 and the City shall refund or credit the Owner, as applicable, for any excess from or against the #High Line# Improvement Fund. In the event of exercise of such option, certification pursuant to Section 98-25, paragraph (c)(2), with respect to the Structural Remediation Work shall be of substantial completion with respect to issuance of temporary certificates of occupancy, and of final completion with respect to issuance of final certificates of occupancy.

- (ii) Such Structural Remediation Work shall include work on or under the #High Line# and above, at, and below grade, which shall be of the same quality and performance standards (i.e., with respect to use, useful life, and maintenance requirements) as required for the remainder of the #High Line# (recognizing that there may be different standards for portions of the #High Line# that will be exposed to the public versus those that will not be so exposed) and shall include, but not be limited to, the following:
 - (aa) Removal and disposal of all lead-based products in accordance with specifications provided by the City, and disposal of all waste, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;
 - (bb) Repair of all damaged portions of the entire steel structure, including but not limited to railings, columns and footings, in accordance with the specifications provided by the City and all applicable rules, including those pertaining to historic preservation;
 - (cc) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City;
 - (dd) Repairs to damaged concrete; removal, disposal, and replacement of any concrete that is found to contain hazardous materials; and recoating of the entire concrete portion of the #High Line# as specified by the City, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;
 - (ee) Removal of any or all portions of the ballast material on the #High Line#, including but limited to gravel, railroad ties and steel rails, trash, plant material, and any other objectionable materials (including, but not limited to, asbestos and pigeon guano) that are found on or under the #High Line#, as specified by the City, and disposal of all such material in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities. In the event that the City directs that any or all ballast material is to remain on the #High Line#, it shall be capped, as necessary, in accordance with the specifications provided by the City and the rules and regulations of all appropriate agencies. Any ballast material that is to remain, but also remain uncapped, shall be cleared and grubbed in accordance with specifications of the City; and

- (ff) Any work required to be performed below-grade for the anticipated improvements of the #High Line# for reuse as open space.
 - (iii) The City shall consult with Owner regarding the drafting of the specifications for the Structural Remediation Work, and then provide Owner with such specifications by January 31, 2006, subject to such delays as are outside the reasonable control of the City (including, without limitation, litigation, but such delays shall not extend more than 180 days), unless such date is extended by mutual agreement between the City and Owner.
 - (iv) In the event Owner exercises the option to perform the Structural Remediation Work, Owner shall have 12 months to complete such work following June 23, 2005, or of the date of exercise of such option, whichever is later, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control.
 - (v) In the event that the City does not provide the specifications for the Structural Remediation Work within the timeframe set forth in paragraph (b)(1)(iii) of this Appendix, Owner may exercise the option to perform such work and proceed with the Structural Remediation Work, and shall complete it within 12 months of the exercise of such option, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control, but may use its own specifications, consistent with the description of the Structural Remediation Work set forth above and sound, high quality engineering, construction and workmanship standards and practices.
 - (vi) If Owner exercises the option to perform the Structural Remediation Work, Owner shall reimburse the City for the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer, telephone), such reimbursement not to exceed \$115,000.
- (2) Stairway and Elevator Access Work pursuant to paragraph (c)(3) and, except where the provisions of paragraph (b)(4) of this Appendix E apply, paragraph (c)(4) of Section 98-25:
- (i) Owner shall perform Stairway and Elevator Access Work subject to the provisions of this paragraph, (b)(2). For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(3), shall be of substantial completion of the Stairway and Elevator Access Work (i.e., the stairway and elevator could be made open and accessible to the public). For permanent certificates of occupancy, certification shall be of final completion of the work.
 - (ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator located directly adjacent to or below the #High Line#. Except as approved by the Chairperson of the City Planning Commission pursuant to paragraph (a)(1)(iii) of this Appendix, #curb level# entrances to such access facilities must be located at the #street line#. Such access facilities shall be harmonious with the design of the #High Line# on the #zoning lot# and shall be visible and identifiable as #High Line# access facilities when viewed from Tenth Avenue. Such access facilities may be unenclosed or enclosed.

When such access facilities are enclosed and located at the #street line#, any wall or facade separating the access facility from the #street# shall be substantially glazed and fully transparent from ground level to the full height of the access facility. Any wall or facade separating the access facility from the #High Line# shall be substantially glazed and fully transparent from the level of the #High Line bed# to the full height of the access facility. Stairways shall have a clear path of not less than six feet in width. Such access facilities shall be identified with signage placed at the #High Line# level and at street level that is consistent with guidelines specified in the signage plan as authorized by the City Planning Commission pursuant to the provisions of Section 98-15.

(iii) The Stairway and Elevator Access Work shall be completed within one year following the later of June 23, 2005, or the Chairperson’s review and acceptance of the plans and specifications that demonstrate compliance with the provisions of paragraph (b)(2)(ii) of this Appendix, subject to reasonable extension for any delays beyond Owner’s reasonable control, unless such date is extended by mutual agreement between the City and Owner.

(iv) In no event however shall Owner be required to complete the Stairway and Elevator Access Work until the #High Line# improvements in the portion of the #High Line# improvement area, as shown in Appendix C of this Chapter, adjacent to the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification, pursuant to Section 98-25, paragraph (c)(3), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.

(3) #High Line# Service Facility Work pursuant to paragraph (c)(4)(3) of Section 98-25:

(i) For #zoning lots# located between West 16th and 17th Streets, Owner shall perform #High Line# Service Facility Work subject to the provisions of this Appendix. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(4)(3), shall be of substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.

(ii) #High Line# Service Facilities shall consist of satellite maintenance and operations space for the #High Line# open space as well as public restrooms, in accordance with the following standards:

(aa) Location

Such facilities shall have a component located at the level of the #High Line bed#, or within five feet of such level (hereinafter referred to as the “upper service facility”). Such facilities shall also have a component located no higher than #curb level# (hereinafter referred to as the “lower service facility”). The upper facility must be located directly above the lower facility to enable placement of a trash chute connecting the upper and lower facilities. Where the upper facility is not located exactly at the level of the #High Line bed#, a fully accessible ramp must connect such level with the level of the upper facility. Where the lower facility is not located exactly at #curb level#, a means

acceptable to the City of connecting the lower service facility to a #street# frontage shall be provided.

(bb) Program and dimensions

(1) Lower service facilities

Lower service facilities shall contain a room which is accessible from #street# level and is no less than 50 square feet in area. Such facility shall contain the outlet of a trash chute from the upper service facility and shall also have a minimum of one electrical outlet furnishing a wattage consistent with its intended use within a maintenance and operations facility.

(2) Upper service facilities

Upper service facilities shall be no less than 350 square feet in area and shall contain, at a minimum, one public restroom not less than 250 square feet in area with separate restroom spaces for each gender, one storage room not less than 70 square feet in area, and one waste disposal room not less than 30 square feet in area and containing a trash chute to the lower service facility

Each room within such upper service facilities shall have a minimum of one electrical outlet furnishing wattage consistent with its intended use within a maintenance and operations facility.

(iii) The #High Line# Facility Work shall be completed within one year following the later of June 23, 2005, or the Chairperson's review and acceptance of the plans and specifications that demonstrate compliance with the standards of paragraph (b)(3)(ii) of this Appendix, subject to reasonable extension for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner.

(iv) In no event, however, shall Owner be required to complete the #High Line# Facility Work until the #High Line# improvements in the portion of the #High Line# improvement area, as shown in Appendix C of this Chapter, adjacent to the #zoning lot#, as shown on Diagram 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 98-25, paragraph (c)(4)(3), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.

(v) The cost to Owner of the #High Line# Facilities Work shall not exceed \$1,150,000. The amount of contribution to the #High Line# Improvement Fund under paragraph (a)(1) of this Appendix, E, made for purposes of Section 98-25, paragraph (a), shall be reduced by such at the time it is made.

(4) #High Line# Service Facility Work pursuant to paragraph (c)(4) of Section 98-25:

(i) For #zoning lots# located between West 18th and 19th Streets, in the event the Commissioner of Parks and Recreation elects to require improvements under this paragraph by providing Owner written notice thereof no later than 30 days following [effective date], Owner shall perform #High Line# Service Facility Work subject to the provisions of this paragraph (b)(4). For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(4), shall be of substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.

(ii) #High Line# Service Facilities under this paragraph (b)(4) shall consist of facilities that the Commissioner of Parks and Recreation determines will provide significant support services to the #High Line# in accordance with the following minimum standards:

(aa) Components, Size and Location

The #High Line# Service Facilities shall consist of: a space on one or more levels, with no less than 1,900 square feet of such space at a floor level at, or within three vertical feet of, the level of the #High Line bed#; a walkway connecting such space to the #High Line# of sufficient width and with sufficient load bearing capacity to accommodate the movement of service equipment to and from the #High Line# and which satisfies the additional obligations of the Americans for Disabilities Act of 1990; and a stairway with a clear path of not less than 44 inches in width providing access from the #street# to the portion of the #High Line# Service Facilities located above.

(bb) Other Features

The #High Line# Service Facilities shall include plumbing, electrical and utility infrastructure, including HVAC, as reasonably necessary to perform the service functions identified by the Commissioner of Parks and Recreation. Portions of any wall separating the #High Line# Service Facilities from the #High Line# and extending from the level of the #High Line bed# to the full height of the #High Line# Service Facilities shall comply with the transparency requirements of Section 98-54.

(iii) The #High Line# Service Facility Work shall be completed within one year following the later of [effective date], or the review and acceptance by the Chairperson of the City Planning Commission of the plans and specifications that demonstrate compliance with the standards of paragraph (b)(4)(ii) of this Appendix, subject to reasonable extensions for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner. Notwithstanding the foregoing, in the event that, prior to an election by the Commissioner of Parks and Recreation under paragraph (b)(4)(i) of this Appendix, the City and Owner have agreed to an extension pursuant to paragraph (b)(2)(iii) of this Appendix, in connection with Stairway and Elevator Access Work, the #High Line# Facility Work shall be completed by such date, unless further extended by mutual agreement pursuant to this paragraph (b)(4)(iii).

(c) City performance in the event of failure to perform

* * *

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 August 24, 2017, on file in this office.

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