Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

Chapter 8 - Special West Chelsea District (WCh)

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98-00 - GENERAL PURPOSES

LAST AMENDED
8/24/2017

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

LAST AMENDED
6/23/2005

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 Chapter, 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.

98-02 - General Provisions

LAST AMENDED
5/12/2021

The provisions of this Chapter shall apply to any #zoning lot#, or portion thereof, within the #Special West Chelsea District#, except that the provisions of Sections 98-11 (Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line) and 98-16 (Air Space Over a Railroad or Transit Right-of-way or Yard) shall also apply to any #zoning lot# south of the #Special West Chelsea District# over which the #High Line# passes. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

The provisions regarding the transfer of #floor area# set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, and the #High Line Improvement Bonus# in Subareas D, E, F, G and I set forth in Section 98-25 shall be effective upon the issuance of a final and binding Certificate of Interim Trail Use (CITU) by the Federal Surface Transportation Board and the execution of a trail use agreement between the City and CSX Transportation, Inc., or its successor, with respect to the #High Line#, or upon a determination by the Office of the Corporation Counsel that the restoration and reuse of the #High Line# as an accessible, public open space has been obtained pursuant to an alternative mechanism that protects the interests of the city.

Upon transfer of the #High Line# to the City, pursuant to ULURP application C 050163 PCM, and in accordance with such CITU and trail use agreement, the following shall apply:

(a) the provisions regarding the issuance of building permits set forth in Section 98-11 shall be effective;

(b) any area within the tax lot located at Section 3, Block 8224, Lot 111, as of June 23, 2005, which is separated from other portions of such tax lot by bounding streets, shall be considered a separate #zoning lot#; and

(c) underlying #use# and bulk regulations shall not apply to #uses# and #buildings and other structures# constructed on the #High Line# specifically in connection with its use as a public open space.

98-03 - District Plan and Maps

LAST AMENDED
11/13/2012

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

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

Appendix A - Special West Chelsea District and Subareas

Appendix B - High Line Transfer Corridor Location

Appendix C - Illustrative Diagrams of the High Line and Building Envelopes for Sites Adjacent to the High Line

Diagram 1 - Street Wall and High Line Frontage Regulations in Subareas C, F and G

Diagram 2 - Street Wall and High Line Frontage Regulations in Subarea A

Diagram 3 - Subarea H Requirements

Diagram 4 - High Line Improvement Area Boundaries for Zoning Lots Divided by District Boundaries in Subareas D, E and G

Diagram 5 - Subarea I Requirements between West 16th and West 17th Streets

Diagram 6 - High Line Access Easement Volume Parameters

Diagram 7 - High Line Bed and Frontages

Appendix D - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

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

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

The maps and diagrams are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of illustrating requirements or specifying locations where the special regulations and requirements set forth in this Chapter shall apply.

98-04 - Subareas and High Line Transfer Corridor

LAST AMENDED
11/13/2012

In order to carry out the provisions of this Chapter, Subareas A through K 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 that do not apply within the remainder of the #Special West Chelsea District#. The locations of the Subareas are shown in Appendix A of this Chapter. The location of the #High Line Transfer Corridor# is shown in Appendix B of this Chapter.

The Subareas and the #High Line Transfer Corridor# are subject to all other regulations of the #Special West Chelsea District# and the underlying district regulations, except as otherwise specified in this Chapter.

98-05 - Applicability of District Regulations

LAST AMENDED
6/23/2005

98-051 - Applicability of Article I, Chapter 1

LAST AMENDED
3/28/2012

Within the #Special West Chelsea District#, Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on June 23, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than

June 23, 2006.

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

LAST AMENDED
3/22/2006

98-11 - Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line

LAST AMENDED
6/23/2005

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

98-12 - Modification of Use Regulations

LAST AMENDED
6/23/2005

The #use# regulations of the underlying districts are modified by the provisions of this Section, inclusive.

98-121 - In Subarea H

LAST AMENDED
6/23/2005

In Subarea H, the provisions of Section 32-25 (Use Group 16), paragraph D (Heavy Service, Wholesale or Storage Establishments) are modified to permit, in C6 Districts, warehouse #uses# only in #cellars# located wholly below #curb level#.

98-122 - In Subarea K

LAST AMENDED
2/2/2011

In Subarea K, the provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT), inclusive, shall be modified as follows:

(a) The following additional #uses# shall be permitted, provided that the floor space allocated to such #uses# does not exceed 25 percent of the total #floor area# of the #building#:

(1) from Use Groups 3 and 4, all #uses#, not otherwise permitted by the underlying regulations, other than those with sleeping accommodations;

(2) from Use Group 6A, food stores, including supermarkets, grocery stores or delicatessen stores, larger than 10,000 square feet;

(3) from Use Groups 6C, 9A, and 12B, all #uses# not otherwise permitted by the underlying regulations; or

(4) from Use Group 10A, all #uses#, not otherwise permitted by the underlying regulations, provided that the floor space allocated to such #uses# does not exceed 10 percent of the total #floor area# of the #building#.

98-123 - Adult establishments

LAST AMENDED
6/23/2005

The provisions of Section 52-77 (Termination of Adult Establishments) shall not apply to any #adult establishment# that located within the #Special West Chelsea District# after October 25, 1995 and prior to May 25, 2005, and which, as of May 25, 2005 and June 22, 2005, was an existing #use# and conformed to all provisions of Section 42-01 (Special Provisions for Adult Establishments) applicable to M1-5 Districts.

98-124 - Location within buildings

LAST AMENDED12/9/2021

In any C6 District in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial# #uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial# #uses#:

(a) are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and

(b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:

(1) #residential# lobby space below or on the same #story# as #commercial# #uses#; or

(2) a #commercial# #use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

98-13 - Modification of Use Regulations in M1 Districts

LAST AMENDED
6/23/2005

In the #Special West Chelsea District#, the provisions of Sections 42-10 (USES PERMITTED AS-OF-RIGHT) and 42-30 (USES PERMITTED BY SPECIAL PERMIT) are modified to permit, as-of-right, without limitation, in M1 Districts, museums and non-commercial art galleries as listed in Use Group 3.

98-14 - Ground Floor Use and Transparency Requirements on Tenth Avenue

LAST AMENDED
11/13/2012

Except in Subarea J, 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).

#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 25 feet of the #street line#, shall be limited to #commercial# #uses# permitted by the underlying district or museums or non-commercial art galleries as listed in Use Group 3. A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for lobby space or entryways. In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 40 feet or 50 percent of the #building's# total #street# frontage, whichever is less.

For any #building# or portion of a #building# #developed# or #enlarged# after June 23, 2005, each ground floor #street wall# shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of such ground floor #street wall# surface. The lowest point at any point of transparency that is provided to satisfy the

requirements of this Section shall be not higher than two feet above the level of the adjoining sidewalk or public access area and shall be no less than eight feet in height measured from such lowest point. Not less than 50 percent of such ground floor #street wall# surface shall be glazed with transparent materials, and up to 20 percent of such ground floor #street wall# may be glazed with translucent materials.

98-141 - Transparency requirements within Subareas H and I

LAST AMENDED
2/2/2011

The transparency requirements of this Section shall apply to all portions of #buildings# #developed# or #enlarged# after June 23, 2005, within the #High Line frontage# of Subareas H and I, except for such portions that contain #dwelling units#. At least 70 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed# shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

98-142 - High Line level wall requirements within Subarea J

LAST AMENDED
11/13/2012

Any additions to the windows or other glazing located on the #building# 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#.

98-15 - Signs

LAST AMENDED
2/2/2011

The #sign# regulations of the underlying districts in the #Special West Chelsea District# shall not apply to #signs# located within 50 feet of the #High Line#, except for #signs# located entirely below the level of the #High Line bed#. In lieu thereof, the #sign# regulations of a C1 District shall apply, except that #accessory# #signs# located within the #High Line frontage# may have a maximum height of 20 feet above the level of the #High Line bed#.

No #signs# affixed to or resting upon the #High Line# shall be permitted, except as pursuant to a signage plan for the #High Line#, as authorized by the City Planning Commission, provided the Commission finds that such signage plan will:

(a) enhance the use of the #High Line# by providing signage that is consistent with the use of the #High Line# as a public open space;

(b) provide, at a minimum, directional, informational and interpretive signage consistent with the use of the #High Line# as a public open space;

(c) be integrated with the design of the #High Line# open space; and

(d) not adversely affect development adjacent to the #High Line# and in the surrounding neighborhood.

98-151 - Modification of sign regulations in Subarea K

LAST AMENDED12/9/2021

Within Subarea K, the #sign# regulations of the underlying district shall apply. However, within 15 feet of the intersection of two #streets#, the provisions of Section 42-562 (Restriction on angle and height above curb level) shall not apply.

98-16 - Air Space Over a Railroad or Transit Right-of-way or Yard

LAST AMENDED
2/2/2011

For the purposes of this Resolution, the #High Line# shall not be considered a railroad or transit right-of-way and the provisions of Sections 32-44 (Air Space Over a Railroad or Transit Right-of-way or Yard) and 42-462 (Use of railroad or transit air space) shall not apply.

98-17 - Modification of Parking and Loading Regulations

LAST AMENDED
6/23/2005

The underlying provisions of Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall apply within the #Special West Chelsea District#, subject to modification by the regulations of this Section, inclusive.

98-171 - Parking regulations in Subarea H

LAST AMENDED12/9/2021

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

(a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;

(b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and

(c) no more than 377 spaces are provided within such facility.

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

98-172 - Waiver of accessory off-street loading berths in Subarea K

LAST AMENDED12/9/2021

In Subarea K, the provisions of Section 44-52 (Required Accessory Off-street Loading Berths) shall not apply to changes of #use#.

98-19 - Lighting

LAST AMENDED
6/23/2005

All exterior light sources located within the #High Line frontage# shall be shielded from direct view from the #High Line#.

98-20 - FLOOR AREA AND LOT COVERAGE REGULATIONS

LAST AMENDED
6/23/2005

The #floor area# provisions of this Section, inclusive, shall apply. Furthermore, special #floor area# transfer provisions are set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

98-21 - Maximum Floor Area Ratio Outside of Subareas

LAST AMENDED
11/13/2012

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

98-22 - Maximum Floor Area Ratio and Lot Coverage in Subareas

LAST AMENDED
4/25/2017

For all #zoning lots#, or portions thereof, located in Subareas A through K, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the table in this Section. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and no maximum #lot coverage# shall apply to any #corner lot#. For the #conversion# to #dwelling units# of non-#residential# #floor area# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in this Section, such excess #residential floor area# shall only be permitted pursuant to Section 98-26 (Modifications of Inclusionary Housing Program).

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# (maximum)
				FAR required to be transferred[1] (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
A	6.5	2.65	___[2]	2.65	2.85	12.0
B	5.0	2.5	___[2]	1.25	1.25	7.5
C	5.0	2.5	NA	1.25	1.25	7.5
D[5]	5.0	2.5[3]	2.5[3]	1.25	1.25	7.5
E	5.0	1.0[3]	1.0[2,3]	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0[3]	1.0[3]	NA	NA	6.0

H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.25	1.25	7.5
I[4]	5.0	NA	2.5	NA	NA	7.5
J[6]	5.0	NA	2.5	NA	NA	7.5
K	5.0	NA	NA	NA	NA	5.0

[1] Minimum #floor area ratios# required to be transferred pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized

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

[3] For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject to the provisions of Section 98-241 (In Subareas D, E and G)

[4] For #zoning lots# over which the #High Line# passes

[5] For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted

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

98-221 - Additional regulations for Subdistrict A

LAST AMENDED
5/29/2019

In Subdistrict A, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 98-423 (Street wall location, minimum and maximum base heights and maximum building heights), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

(a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and

(b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

98-23 - Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes

LAST AMENDED
11/13/2012

That portion of the #zoning lot# that lies directly beneath the #High Line# shall be exempt from #lot coverage# requirements below the

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

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

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, shall not be considered #floor area#.

98-24 - Special Floor Area Rules for Zoning Lots Divided by District Boundaries

LAST AMENDED
4/25/2017

98-241 - In Subareas D, E and G

LAST AMENDED
4/25/2017

For #zoning lots# fronting on West 18th Street and located partially in Subarea D, partially in Subarea E and partially in Subarea G, #floor area# may be transferred across zoning district and subarea boundaries without restriction. Either the provisions of Sections 98-25 (High Line Improvement Bonus) or 98-30 (HIGH LINE TRANSFER CORRIDOR) may apply to such #zoning lot#, as applicable, and the maximum permitted #floor area ratio# specified in the table in Section 98-22 shall apply, as applicable, for each subarea.

98-242 - Located partially within Subarea C and partially within M1-5 Districts

LAST AMENDED
3/16/2023

For #zoning lots# located partially within an M1-5 District and partially within a C6-3 District in Subarea C, the permitted #floor area ratio# for the C6-3 District portion of the #zoning lot# may be increased to the #floor area ratio# existing in the C6-3 District portion on June 23, 2005, up to a maximum #floor area ratio# of 7.5, provided that the Chairperson of the City Planning Commission has certified that a payment has been made to the #High Line# Improvement Fund, established under Section 98-25, to be used at the discretion of the Chairperson to assure that the #High Line# is restored and reused as a public accessible open space. The amount of such contribution shall be determined in the manner prescribed in Section 98-35 (High Line Transfer Corridor Bonus).

No building permit for any #development# or #enlargement# may be issued for any #building or other structure# on the #zoning lot# that will contain #floor area# made available to the #zoning lot# as a result of the application of this Section unless and until such certification has been made.

98-243 - Located partially within Subarea D and partially within C6-3A Districts

LAST AMENDED
4/25/2017

For a #zoning lot# fronting on West 23rd Street and Eleventh Avenue, located partially within Subarea D and partially within a C6-3A District, #floor area# may be transferred from the portion of the #zoning lot# in the C6-3A District to the portion in Subarea D.

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 9822, 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 9822, 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 18th and 19th Streets over which the #High Line# passes, 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.

98-26 - Modifications of Inclusionary Housing Program

LAST AMENDED
7/29/2009

Within the #Special West Chelsea District#, C6-3 and C6-4 Districts within Subareas A through D, and I, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

98-261 - Definitions

LAST AMENDED
7/29/2009

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 or in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

98-262 - Floor area increase

LAST AMENDED
2/2/2011

For #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), and for #conversions# of non-#residential# #floor area# to #dwelling units# where the total #residential# #floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in Section 98-22, such maximum permitted #floor area# may be increased through the provision of #affordable housing# pursuant to the Inclusionary Housing Program as modified in Section 98-26, inclusive, to the maximum amount specified in the table in Section 98-22, provided that:

(a) In C6-4 Districts:

(1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the #zoning lot#;

(2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot# and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential# #floor area# on the #zoning lot#; or

(3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential# #floor area# on the #zoning lot#.

(b) In C6-3 Districts:

(1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#;

(2) the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot# and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential# #floor area# on the #zoning lot#; or

(3) the amount of #low income floor area# is equal to at least five percent of the total #residential# #floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential# #floor area# on the #zoning lot#.

For the purposes of this Section, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

However, in those subareas, or portions thereof, where the Inclusionary Housing Program is applicable, and where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of a #zoning lot# containing the #development# or #enlargement# may be increased by up to 2.5 in Subareas B, C and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 5.5 in Subarea A, in accordance with the provisions of paragraph (c) of this Section.

(c) #Affordable Housing Fund#

Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section 98-30 have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), up to the amount that otherwise would have been permitted for such receiving site pursuant to Section 98-30, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund. Such fund shall be administered by the Department of Housing Preservation and Development and all contributions to such fund shall be used for the development, acquisition or rehabilitation of #low#, #moderate# or #middle income housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase, shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

98-30 - HIGH LINE TRANSFER CORRIDOR

LAST AMENDED
6/23/2005

98-31 - Purposes

LAST AMENDED
6/23/2005

The #High Line Transfer Corridor#, established within the #Special West Chelsea District#, is intended to enable the transfer of development rights from properties over which and immediately to the west of where the #High Line# passes and thereby permit light and air to penetrate to the #High Line# and preserve and create view corridors from the #High Line bed#.

98-32 - General Provisions

LAST AMENDED
6/23/2005

The location of the #High Line Transfer Corridor# is specified in Appendix B of this Chapter.

In the #High Line Transfer Corridor#, special regulations relating to the transfer of #floor area# are set forth in Sections 98-33 through 98-35, inclusive.

98-33 - Transfer of Development Rights From the High Line Transfer Corridor

LAST AMENDED
6/10/2015

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, H and J. #Floor area# from a granting site may be transferred to a receiving site in accordance with the provisions of this Section.

(a) Notification

Prior to any transfer of #floor area#, the Department of City Planning shall be notified in writing of such intent to transfer #floor area#. Such notification shall be made jointly by the owners of the granting and receiving sites and shall include:

(1) #floor area# zoning calculations for the granting and receiving site;

(2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution; and

(3) if applicable, a certified copy of the instrument creating a secondary #High Line# access easement volume, pursuant to the provisions of Section 98-63.

Notices of restrictions in a form acceptable to the Department of City Planning shall be filed by the owners of the granting and receiving sites in the Office of the Register of the City of New York, indexed against the granting and receiving sites, certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a pre-condition to issuance by the Commissioner of Buildings of any building permit for any #development# or #enlargement# on the receiving site.

(b) #Floor area#

The maximum amount of #floor area# transferred from a granting site located outside of a subarea shall not exceed the maximum #floor area ratio# permitted for a #commercial# or #residential use# on such granting site as of June 10, 2015, whichever is greater, less any existing #floor area# to remain on such granting site.

The maximum amount of #floor area# transferred from a granting site located in a subarea shall not exceed the basic maximum #floor area ratio# specified for the applicable subarea in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Area in Subareas), less any existing #floor area# to remain on such granting site.

Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred.

The amount of #floor area# transferred to a receiving site from a granting site in the #High Line Transfer Corridor# shall not exceed the #floor area ratio# permitted on the receiving site through such transfer, pursuant to the table in Section 98-22.

(c) #Use#

#Floor area# transferred from a granting site within the #High Line Transfer Corridor# may be used for any #use# allowed on the receiving site in accordance with the underlying zoning designation and the provisions of this Chapter.

(d) Stairway easement requirement

As a condition for the transfer of #floor area#, an easement volume to facilitate pedestrian access to the #High Line# via stairway shall be provided in accordance with the provisions of Sections 98-60 (SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS) and 98-63 (Recording of High Line Access Easement Volume).

(e) Restrictive declaration

As a condition for the transfer of #floor area#, and in order to assure that the City's interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, a declaration of restrictions, executed by all "parties in interest" of the granting lot as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10 (DEFINITIONS), and including and incorporating such other instruments as are necessary to accomplish such purposes, as determined by the

Department of City Planning in consultation with the Office of the Corporation Counsel, shall be filed and recorded in the Office of the Register of the City of New York. Notice by the Department of City Planning of receipt of certified copies of such recorded declaration shall be a precondition to issuance by the Commissioner of Buildings of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site. Such recorded declaration shall be in addition to the Notice of Restrictions required pursuant to paragraph (a) of this Section.

98-34 - Screening and Landscaping Requirements for Vacant Sites

LAST AMENDED
6/23/2005

Any #zoning lot# within the #High Line Transfer Corridor# that has transferred #floor area# pursuant to Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), and is 50 percent or more vacant shall be screened from the #street# and/or landscaped in accordance with the provisions of this Section, except that #zoning lots# occupied by #buildings# that extend along at least 85 percent of the #street# frontage of the #zoning lot# and are located within five feet of the #street line# are not required to provide screening or landscaping.

Such open or vacant areas on #zoning lots# shall be screened from the #street# by a fence or gate with a surface that is at least 75 percent open, extending not less than six feet and not higher than eight feet above finished grade; or alternatively, by a planting strip at least four feet wide and densely planted with evergreen shrubs at least four feet high at the time of planting or of a variety expected to reach a height of six feet within three years, or by both. Chain link and fences containing barbed wire or razor wire shall be prohibited. For portions of #zoning lots# located beneath the #High Line#, planting strips shall be prohibited.

98-35 - High Line Transfer Corridor

LAST AMENDED
2/2/2011

For #zoning lots#, or portions thereof, within the #High Line Transfer Corridor#, the applicable basic maximum #floor area ratio# of that portion of a #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, for an amount of #floor area# equivalent to the area of that portion of the #zoning lot# located within the #High Line Transfer Corridor#, provided the Chairperson of the City Planning Commission has certified that:

(a) all the permitted #floor area# on that portion of the #zoning lot# that is within the #High Line Transfer Corridor# has been transferred to an eligible receiving site, in accordance with the provisions of Section 98-33;

(b) that such granting site is vacant; and

(c) a contribution has been deposited into the #High Line# Improvement Fund established under Section 98-25, to be used at the direction of the Chairperson to assure that the #High Line# is restored and reused as a publicly accessible open space.

No building permit for any #development# or #enlargement# that anticipates using such increased #floor area# may be issued unless and until such certification has been made.

Such contribution amount shall be $50.00 per square foot of #floor area# as of June 23, 2005, and shall be adjusted August 1 of each subsequent year, by the City or its designee, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics.

Such bonus #floor area# shall only be used for a permitted #commercial# #use#, which shall be located in that portion of the #zoning lot# that is within the #High Line Transfer Corridor#; however, #public parking lots# and #public parking garages# at or above #curb level# shall not be permitted; and the height of any #development# or #enlargement# within the #High Line Transfer Corridor# shall not exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

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

REGULATIONS

LAST AMENDED
6/23/2005

98-41 - Special Rear Yard Regulations

LAST AMENDED
6/23/2005

The #yard# regulations of the underlying district shall apply, except as modified in this Section. In all districts, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of the #street#. Where a #rear yard equivalent# is required by either Section 23-532 (Required rear yard equivalents) or Section 43-28 (Special Provisions for Through Lots), it shall be provided only as set forth in paragraph (a) of either Section, as applicable. However, in M1-5 Districts, a #building# existing prior to January 22, 2015, may be #enlarged# pursuant to Section 43-28, paragraph (b), provided that such #building# is on a #zoning lot# located entirely within 150 feet of the west side of the #High Line#. Where a #rear yard equivalent# is required by Section 23-533 (Required rear yard equivalents for Quality Housing buildings), the alternatives for #through lots# with a depth of 180 feet or less shall not apply.

98-42 - Special Height and Setback Regulations

LAST AMENDED
6/23/2005

The height and setback regulations of the underlying district shall not apply, except as set forth in this Section, inclusive. Furthermore, for any #zoning lot# located adjacent to the #High Line#, the provisions of Section 98-50, inclusive, shall also apply. All heights shall be measured from the #base plane#, unless otherwise specified.

98-421 - Obstruction over the High Line

LAST AMENDED
11/13/2012

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 November 13, 2012.

98-422 - Special rooftop regulations

LAST AMENDED
4/30/2012

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# within the #Special West Chelsea District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts). However, dormers may not exceed the maximum #building# height in Subareas C, F and G where the maximum base height and maximum #building# height are the same.

All mechanical equipment located within 15 feet of the level of the #High Line bed# that is within 25 feet of the #High Line#, measured horizontally, or within the #High Line frontage#, as applicable, shall be screened and buffered with no intake or exhaust fans or vents facing directly onto the #High Line#.

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

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

(a) For all #buildings#

(1) #Street wall# location provisions

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

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

For #developments# that occupy the entire #block# frontage of a #street# and provide a continuous sidewalk widening along such #street line#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

The #street wall# location provisions of this Section shall not apply along that portion of any #street# frontage:

(i) over which the #High Line# passes;

(ii) occupied by existing #buildings# to remain, unless such #buildings# are vertically #enlarged#; or

(iii) between the #High Line# and a #side lot line#, where such frontage measures less than 20 feet.

(2) Maximum #building# heights

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

In C6-2A and C6-3A Districts, the maximum base height, maximum #building# height and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for the residential equivalent of an R8A and R9A District, respectively. For #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (b) of Section 23-664 for such districts'

applicable residential equivalent. Separate maximum #building# heights are set forth within such Sections for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

(ii) For all other districts

All portions of #buildings or other structures# that exceed the applicable maximum base height specified in the table in this Section shall provide a setback at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of permitted recesses in the #street wall#.

No #building or other structure# shall exceed the maximum #building# height specified in the table in this Section.

(b) Subareas A and D

(1) #Street wall# location

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

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

(2) Setback provisions

The setback provisions for portions of #buildings# above the maximum base height set forth in paragraph (a) of this Section shall not apply. In lieu thereof, no portion of a #building or other structure# that exceeds the applicable maximum base height shall penetrate a #sky exposure plane# that begins above the #street line# at the maximum base height and rises over the #zoning lot# at a ratio of 2.7 feet of vertical distance to one foot of horizontal distance on a #narrow street#, and 5.6 feet of vertical distance to one foot of horizontal distance on a #wide street#.

(3) Tower provisions

Any #building#, or portion thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of the #zoning lot# and penetrates the #sky exposure planes# set forth in paragraph (b)(2) of this Section, is hereinafter referred to as a "tower." Such towers are permitted provided they are set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#, and provided no other portion of the #building# exceeds the applicable maximum base height. In addition, the following rules shall apply:

(i) For #zoning lots# with less than 20,000 square feet of #lot area#, such tower may occupy more than 40 percent of the #lot area# of the #zoning lot# in accordance with the provisions of Section 33-454 (Towers on small lots).

(ii) Any #story# within the highest 40 feet of such tower (the "penthouse portion"), shall not exceed 85 percent of the gross area of the highest #story# directly below such penthouse portion.

(iii) In Subarea A, such tower shall occupy at least 30 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall be reduced to 25 percent above a height of 220 feet. However, no minimum #lot area# requirement shall apply to the highest four #stories# or 40 feet of such #building#, whichever is less.

(iv) In Subarea A, the maximum length of any #story# located above a height of 220 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 220 feet. Any side of such rectangle shall not exceed 150 feet.

(v) In Subarea A, for any #zoning lot# with more than 75 feet of #narrow street# frontage in which a #side lot line# is located within an area bounded by a line 200 feet east of and parallel to Eleventh Avenue and a line 410 feet east of and parallel to Eleventh Avenue, no tower portion of a #building# shall be located closer than 25 feet to such #side lot lines#.

(vi) In Subarea D, the maximum #building# height shall be 250 feet, and the maximum length of any #story# located above the maximum base height shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# wholly or partially above the maximum base height. Any side of such rectangle shall not exceed 150 feet. However, for #zoning lots# that occupy the entire Eleventh Avenue #block# front, a portion of the #street wall# may rise above the maximum base height without setback from Eleventh Avenue, provided the #aggregate width of the street wall# for Eleventh Avenue does not exceed 100 feet.

(c) Subareas C, F and G

In Subareas C, F and G, for #zoning lots# with #wide# and #narrow street# frontage, no #street wall# is required beyond 50 feet of a #wide street#. Furthermore, for any #development# or #enlargement# that occupies at least one corner of the Tenth Avenue #block# front and extends along the Tenth Avenue frontage of the #zoning lot# for at least 170 feet, exclusive of existing #buildings# to remain, a lowered #street wall# shall be provided for any #building# that exceeds 45 feet in height. Such lowered #street wall# shall have a maximum height of 45 feet and a minimum height of 35 feet and extend along the Tenth Avenue frontage for a width not less than 25 percent and not more than 30 percent of the #aggregate width of street walls# facing Tenth Avenue. Such lowered #street wall# portion of the Tenth Avenue frontage shall be located at the intersection of Tenth Avenue and a #narrow street#. Such lowered #street wall# shall extend along such #narrow# #street line# for a distance of at least 50 feet from Tenth Avenue. Beyond 50 feet of Tenth Avenue, excluding the #High Line frontage# of a #building#, such portion of the #building# shall not exceed a height of 45 feet.

The provisions of this Section, relating to the location and height of the lowered #street wall# portion of the Tenth Avenue frontage of a #building# are illustrated in Diagram 1 (Street Wall and High Line Frontage Regulations in Subareas C, F and G) in Appendix C of this Chapter.

In Subarea C, for #zoning lots# with Tenth Avenue frontage between West 24th Street and West 28th Street, the maximum #building# height shall be 125 feet.

In Subarea C, for any #enlargement# on a #zoning lot# that is subject to the provisions of Section 98-242 (Located partially within Subarea C and partially within M1-5 Districts) and located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height shall be the height of the existing #street wall# of the #building# to be #enlarged# and no

#street wall# shall be required above such minimum base height.

(d) Subarea E

The #street wall# location provisions set forth in paragraph (a) of this Section shall not apply on a #zoning lot# fronting on West 18th Street and located partially in Subareas D, E and G, where #floor area# has been transferred pursuant to Section 98-241. A maximum of 60 percent of the West 18th Street frontage within Subarea E may rise without setback to a maximum #building# height of 250 feet, and a minimum of 20 percent of the West 18th Street frontage within Subarea E shall rise without setback to a minimum height of 60 feet and a maximum height of 85 feet and be located within 10 feet of the #street line#.

(e) Subarea H

No #building or other structure# shall be located east of the #High Line#, unless otherwise specified in agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and some or all of the Stairway and Elevator Work, executed in accordance with Appendix D.

No portion of a #building or other structure# shall exceed a height of 85 feet except for two #buildings#, or portions of #buildings#, hereinafter referred to as "Tower East" and "Tower West." At or above the base height, both such towers shall be set back at least 10 feet from any #street wall# facing a #wide street# and at least 15 feet from any #street wall# facing a #narrow street#. Such setbacks shall be provided at a height not lower than 60 feet, except that such setbacks may be provided at a height not lower than 40 feet, provided at least 65 percent of the #aggregate width of street walls# facing #narrow streets# and at least 60 percent of the #aggregate width of street walls# facing #wide streets# have a minimum base height of 60 feet.

Tower East shall be located in its entirety within 240 feet of the Tenth Avenue #street line#, and Tower West shall be located in its entirety within 200 feet of the Eleventh Avenue #street line#. Tower East shall not exceed a height of 290 feet and Tower West shall not exceed a height of 390 feet. No portion of Tower East shall be located closer than 25 feet to any portion of Tower West.

A maximum of 50 percent of the #street wall# of Tower West may rise without setback from a #narrow# #street line#. Such portion of the #street wall# shall be located a minimum of 15 feet and a maximum of 20 feet from the #narrow# #street line#.

(f) Subarea I

In that portion of Subarea I located within 300 feet of Tenth Avenue between West 16th Street and West 17th Street, the #street wall# location provisions set forth in paragraph (a) of this Section shall not apply along Tenth Avenue, as shown in Diagram 5 of Appendix C of this Chapter, but shall apply along a minimum of 85 percent of the West 16th Street and West 17th Street frontages. No portion of a #building or other structure# located within 300 feet of Tenth Avenue shall exceed a height of 120 feet, except for one #building# which may have a height not to exceed 250 feet provided such #building# is located in its entirety between 10 feet and 90 feet of West 17th Street and has a length that does not exceed 175 feet when measured parallel to the West 17th Street #street line#.

In all other portions of Subarea I, the provisions of paragraph (a) shall apply.

(g) Subarea J

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

(1) 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.

(2) 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 15th Street and West 16th Street #street walls#.

(3) 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 15th and West 16th 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 15th and West 16th 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.

(h) Subarea K

The provisions set forth in paragraph (a) of this Section shall not apply. In lieu thereof, the provisions of the underlying zoning districts shall apply.

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)
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	____ [1]
	between 50 and 100 feet of a #wide street#	15	85	____ [1]
	for #zoning lots# with only #narrow street# frontage	40	60	____ [1]
Subarea B		60	95	135

Subarea C	for #zoning lots# with only #narrow street# frontage	60	110	110
	for #zoning lots# with Tenth Avenue frontage	105[2]	125[2]	125[2]
	for #zoning lots# with Eleventh Avenue frontage	125[2]	145[2]	145[2]
Subarea D		60	90	250[1]
Subarea E		60	105[3]	120[3]
Subarea F		60[2]	80[2]	80[2]
Subarea G	for #zoning lots# with only #narrow street# frontage	60	95	95
	for #zoning lots# with #wide street# frontage	105[2]	120[2]	120[2]
Subarea H		60[4]	85[4]	____ [4]
Subarea I	within 300 feet of Tenth Avenue between W. 16th St. & W. 17th St.	60	85	120[5]
	all other areas	60	105	135
Subarea J	Midblock Zone	NA	110[6]	130[6]
	Ninth Avenue Zone	NA	130[6]	135[6]
	Tenth Avenue Zone	NA	185[6]	230[6]
Subarea K		NA[7]	NA[7]	NA[7]

1 see Section 98-423, paragraph (b)

[2] see Section 98-423, paragraph (c)

[3] see Section 98-423, paragraph (d)

[4] see Section 98-423, paragraph (e)

[5] see Section 98-423, paragraph (f)

[6] see Section 98-423, paragraph (g)

[7] see Section 98-423, paragraph (h)

98-424 - Authorization to modify certain bulk regulations

LAST AMENDED
3/22/2006

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

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the surrounding area.

98-43 - Special Distance Between Buildings Regulations

LAST AMENDED
6/23/2005

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

98-50 - SPECIAL HEIGHT AND SETBACK, OPEN AREA AND TRANSPARENCY REGULATIONS FOR ZONING LOTS ADJACENT TO THE HIGH LINE

LAST AMENDED
6/23/2005

98-51 - Height and Setback Regulations on the East Side of the High Line

LAST AMENDED
8/24/2017

(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#.

98-52 - Height and Setback Regulations on West Side of High Line

LAST AMENDED
6/23/2005

In C6-2A, C6-3A and M1-5 Districts and in Subareas A, B and E, no portion of the western #High Line frontage# of a #building#, including parapets, shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

For any #zoning lot#, or portion thereof, with more than 60 feet of width measured perpendicular to the west side of the #High Line#, the following rules shall apply to any #building# containing #residences#:

(a) At least 60 percent of the aggregate length of that portion of the #building# located above a height of 3 feet, 6 inches above the level of the #High Line bed# and facing the #High Line# shall be located between 15 and 20 feet of the west side of the #High Line# and extend up to at least the applicable minimum base height specified in the table in Section 98-423; and

(b) No #building#, or portion thereof, that exceeds the applicable maximum base height specified in the table in Section 98-423 shall be located within 30 feet of the #High Line#.

Chain link fences and razor wire shall not be permitted within the western #High Line frontage#.

98-53 - Required Open Areas on the East Side of the High Line

LAST AMENDED
8/24/2017

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 3 feet, 6 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.

(a) Open area requirements

All required open areas shall:

(1) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;

(2) be landscaped with shrubs, vines, flowers, ground cover, trees, and/or plants in planters over a minimum of 25 percent of the required open area;

(3) be maintained by the #building# owner who shall be responsible for the maintenance of the open area including, but not limited to, the repair of all amenities, litter control and the care and replacement of vegetation within the #zoning lot#;

(4) have all mechanical equipment which is located at the same elevation as the open area, or within 15 feet of the level of the open area, screened and buffered with no intake or exhaust fans facing directly onto the required open area; and

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

In addition, such screening material shall be maintained in good condition at all times, may be interrupted by normal entrances and/or exits, and shall have no signs hung or attached thereto, other than those permitted in Section 98-15.

(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;

(3) those items listed in paragraph (a) of Section 37-726 (Permitted obstructions); and

(4) 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.

98-54 - Transparency Requirements on the East Side of the High Line

LAST AMENDED
2/2/2011

The transparency requirements of this Section shall apply to the #High Line frontage# portion of #buildings# #developed# or #enlarged# after June 23, 2005, and located in C6-3A Districts and within Subareas A, C, F and G, except for such portions that contain #dwelling units#. At least 50 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed#, shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

98-55 - Requirements for Non-transparent Surfaces on the East Side of the High Line

LAST AMENDED
11/13/2012

Except in Subarea J, 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. Such elements shall substantially cover the applicable non-transparent portion of the #High Line frontage#.

98-60 - SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS

LAST AMENDED
10/27/2010

98-61 - High Line Access or Support Easement Volumes Requirement

LAST AMENDED
11/13/2012

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 (High Line Improvement Bonus), this provision does not apply.

In the #High Line Transfer Corridor#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway (hereinafter referred to as "secondary access"), shall be provided on any #zoning lot# from which #floor area# has been transferred pursuant to Section 98-33 unless a primary access easement has been provided pursuant to this Section.

However, a primary access easement shall not be required if a primary access easement is already provided on the same #block# and a secondary access easement shall not be required if a primary or secondary access easement has already been provided on the same #block#. Furthermore, primary and/or secondary access easements shall not be required where the Chairperson of the City Planning Commission certifies that:

(a) the minimum dimensions required for the access easement volume pursuant to paragraph (a) of Section 98-62 cannot be accommodated within 33 feet, 6 inches of a #street line# for primary access easements and 40 feet of a #street line# for secondary access easements; or

(b) in the case of a primary easement, a secondary easement is already provided on the same #zoning lot# and such easement is sufficient in size, or has been enlarged to be sufficient in size, to accommodate the provisions for primary access easements as specified in Section 98-62; or

(c) for primary or secondary easements, access has already been constructed, or an access volume has been dedicated, on the same #block# or on the same #street# frontage, and that such access or access volume meets the location and access requirements for primary or secondary access easements, as specified in Section 98-62, paragraphs (a) and (b), and meets all standards, as applicable, for persons with disabilities; or

(d) for primary or secondary easements, construction documents for the #High Line# open space have been developed by the City that specify the same #street# frontage as an access location; or

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

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

98-62 - High Line Access Easement Regulations

LAST AMENDED
11/13/2012

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 (High Line Improvement Bonus), as follows:

(a) Location and Minimum Dimensions

(1) Primary access easement volume

A primary access easement volume may be located within a #building# or within open areas on the #zoning lot#, including open areas required pursuant to Section 98-53 (Required Open Areas on the East Side of the High Line), provided such volume is within 15 feet of a #narrow# #street line#. The minimum length of such volume shall be 18 feet, 6 inches, and the minimum width shall be 10 feet; however, the minimum area of such volume shall be 350 square feet. The height of such volume shall extend from a point at least 10 feet below #curb level# to a point at least 15 feet above the level of the #High Line bed#. A primary access easement volume may also replace a previously provided secondary access easement volume, and such secondary access easement volume may be terminated pursuant to Section 98-64. Such minimum dimensions are illustrated in Diagram 6 (High Line Access Easement Volume Parameters) of Appendix C of this Chapter.

(2) Secondary access easement volume

A secondary access easement volume shall be located within 15 feet of a #narrow# #street line# and directly adjacent to the #High Line# for a minimum length of 25 feet. Such volume shall have a minimum width of 10 feet. The height of such volume shall extend from #curb level# to a point at least 10 feet above the level of the #High Line bed#.

(b) Access

All access easement volumes shall be accessible either directly from a public sidewalk or through a publicly traversable way through the #zoning lot# directly connecting with a public sidewalk. Such publicly traversable way shall meet the following requirements:

(1) The required width of the publicly traversable way shall be a minimum of eight feet.

(2) No portion of the publicly traversable way shall be interrupted or occupied by an off-street parking or loading area.

(3) The access easement volume shall be visible from the public sidewalk or the publicly traversable way.

(4) The publicly traversable way shall be maintained by the property owner in good repair.

(5) The publicly traversable way shall be fully accessible to persons with disabilities.

(6) The publicly traversable way shall be open and accessible to the public at all times when a stairway and/or elevator located within the associated access easement volume is open and accessible to the public.

(c) Permitted obstructions

Any access structure within the access easement volume, or any weather protection provided by an overhang or roofed area over such access easement volume, #accessory# to the access structure, shall be considered permitted obstructions within required #yards# or open areas.

(d) Permitted #uses#

An access easement volume required on a #zoning lot# pursuant to the provisions of this Chapter may be temporarily used by the owner of such #zoning lot# for any permitted #use# until such time as required by the City of New York or its designee for access purposes. Such permitted #use# shall be limited to non-residential #uses# where such access easement volume is within a #building#. Where such access easement volume is within an open area, such area shall be landscaped, or may be improved in accordance with the provisions of Sections 37-726 (Permitted obstructions) and 37-73 (Kiosks and Open Air Cafes), except that in the case of open air cafes and kiosks, a certification shall not be required.

Improvements or construction of a temporary nature within the easement volume shall be removed by the owner of such #zoning

lot# prior to the time at which public use of the easement areas is required. A minimum notice of six months in writing shall be given by the City of New York or its designee to the owner of the #zoning lot#, in order to vacate the tenants of such temporary #uses#.

(e) #Legally required windows#

The minimum distance between any #legally required window# in a portion of a #building# used for #residential use# and an access easement volume shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

98-63 - Recording of High Line Access Easement Volume

LAST AMENDED
6/23/2005

An instrument in a form acceptable to the Department of City Planning creating a #High Line# access easement volume shall be recorded in the Office of the City Register, a certified copy of which shall be submitted to the Department of City Planning.

Notice by the Department of City Planning of its receipt of a certified copy of an instrument establishing any access easements required pursuant to this Chapter shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# of #enlargement# on a site pursuant to Section 98-60 for primary access easements. Receipt of a certified copy of an instrument creating a secondary access easement shall be provided in conjunction with notification, pursuant to Section 98-33, paragraph (a).

98-64 - Termination of High Line Access Easement Volume

LAST AMENDED
11/13/2012

In the event that the City Planning Commission notifies the Department of Buildings and the owner in writing that a #High Line# access easement volume is not required on a #zoning lot# under the final construction plans for the restoration and reuse of the #High Line# as an accessible, public open space, the restrictions imposed on such #zoning lot# by the provisions of Section 98-61 (High Line Access or Support Easement Volumes Requirement) shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the Commission to the extinguishment of the easement volume. On termination of the #High Line# access easement volume requirement which has been certified pursuant to this Section, any area reserved for such easement within a #building or other structure# may be used for any #use# permitted pursuant to the provisions of this Chapter and such area shall not be considered #floor area#; and any open area reserved for such easement shall be maintained as an open area and shall be subject to the open area requirements of Section 98-53 (Required Open Areas on the East Side of the High Line).

98-65 - Transit Facilities

LAST AMENDED
10/27/2010

The provisions of paragraph (b) of Section 93-65 (Transit Facilities) shall apply to any subway-related #use# on a #zoning lot# that includes the volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of this Chapter.

98-70 - SUPPLEMENTAL REGULATIONS

LAST AMENDED
10/27/2010

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

(b) In the #Special West Chelsea District#, the provisions of Section 93-91 (Demolition) shall apply.

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

Anti-harassment area

"Anti-harassment area" shall mean the #Special West Chelsea District#.

Referral date

"Referral date" shall mean December 20, 2004.

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

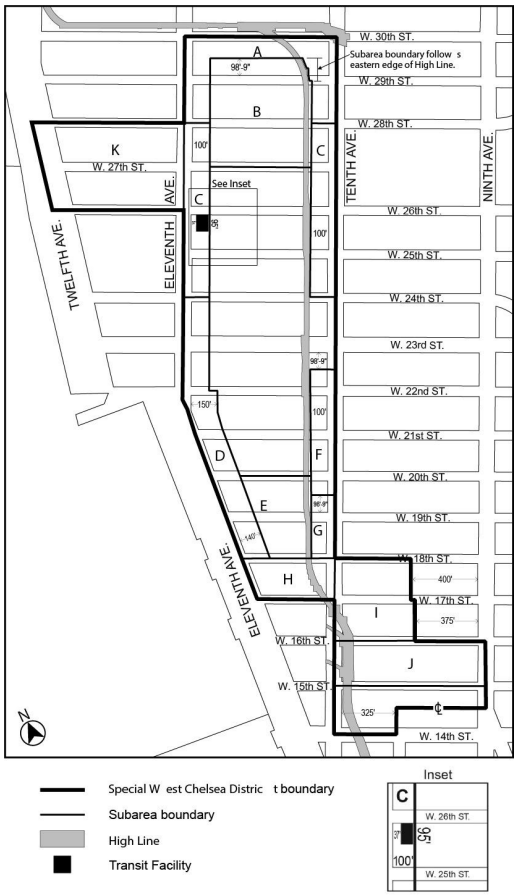
No portion of the #low income housing# required under this Section shall qualify to:

(a) increase the #floor area ratio# pursuant to the provisions of the #Special West Chelsea District#, #Special Hudson Yards District#, #Special Garment Center District#, #Special Clinton District# or Section 23-154; or

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

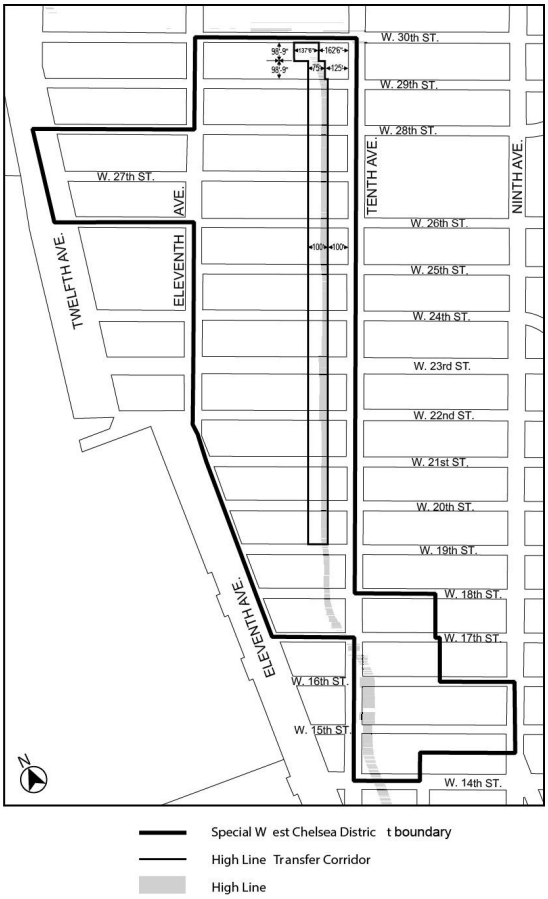
Appendix A - Special West Chelsea District and Subareas

LAST AMENDED
11/13/2012


W. 30th ST.
Subarea boundary follows eastern edge of High Line.
W. 29th ST.
W. 28th ST.
W. 27th ST.
W. 26th ST.
W. 25th ST.
W. 24th ST.
W. 23rd ST.
W. 22nd ST.
W. 21st ST.
W. 20th ST.
W. 19th ST.
W. 18th ST.
W. 17th ST.
W. 16th ST.
W. 15th ST.
W. 14th ST.
TWELFTH AVE.
ELEVENTH AVE.
TENTH AVE
NINTH AVE.
See Inset
A
B
C
D
E
F
G
H
I
J
K
98'-9"
100'
150'
140'
400'
375'
325'
N
Special West Chelsea District boundary
Subarea boundary
High Line
Transit Facility
Inset
C
W. 26th ST.
95'
100'
W. 25th ST.

Appendix B - High Line Transfer Corridor Location

LAST AMENDED
11/13/2012

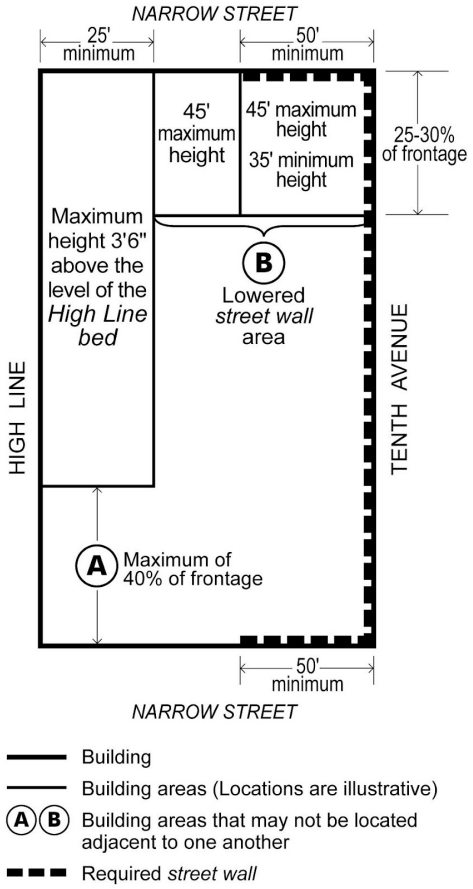


Appendix C -

LAST AMENDED
10/17/2007

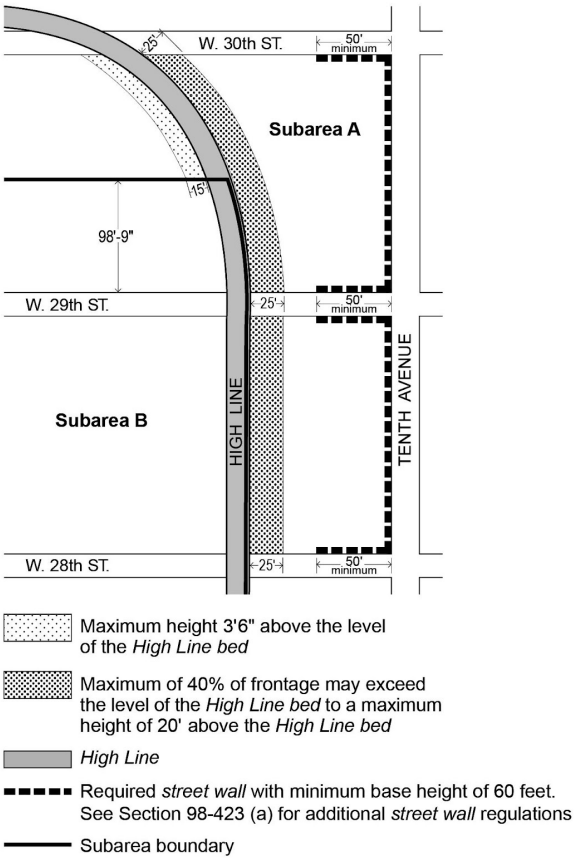
(3/22/06)

Diagram 1 – Street Wall and High Line Frontage Regulations in Subareas C, F and G


NARROW STREET
25' minimum
50' minimum
45' maximum height
45' maximum height
35' minimum height
25-30% of frontage
Maximum height 3'6" above the level of the High Line bed
B
Lowered street wall area
HIGH LINE
TENTH AVENUE
A
Maximum of 40% of frontage
50' minimum
NARROW STREET
Building
Building areas (Locations are illustrative)
A B
Building areas that may not be located adjacent to one another
Required street wall

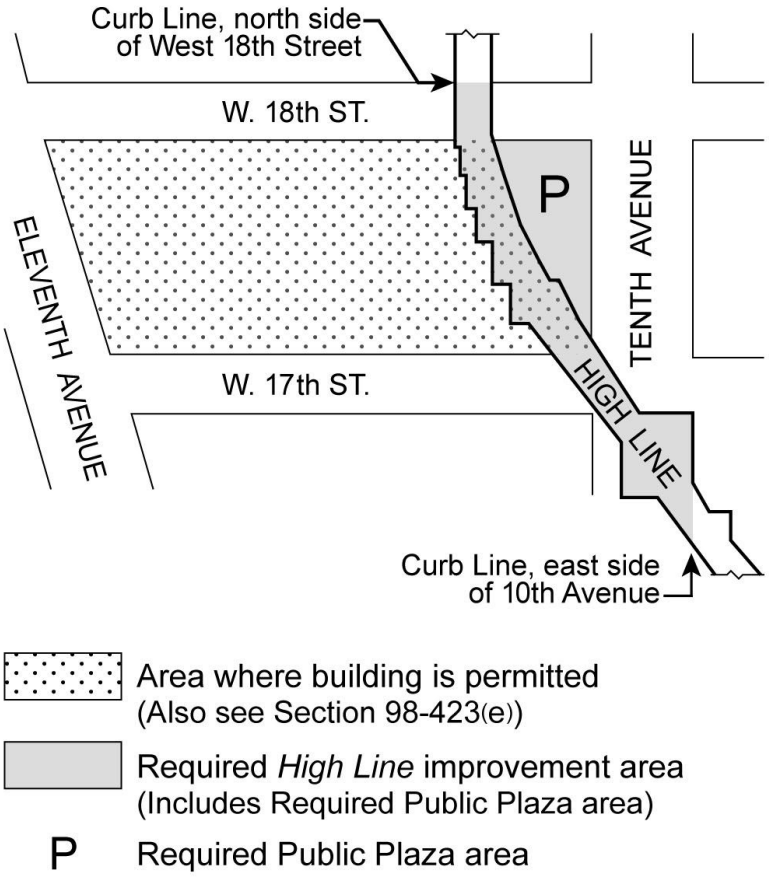
(6/23/05)

Diagram 2 – Street Wall and High Line Frontage Regulations in Subarea A (98C.2)



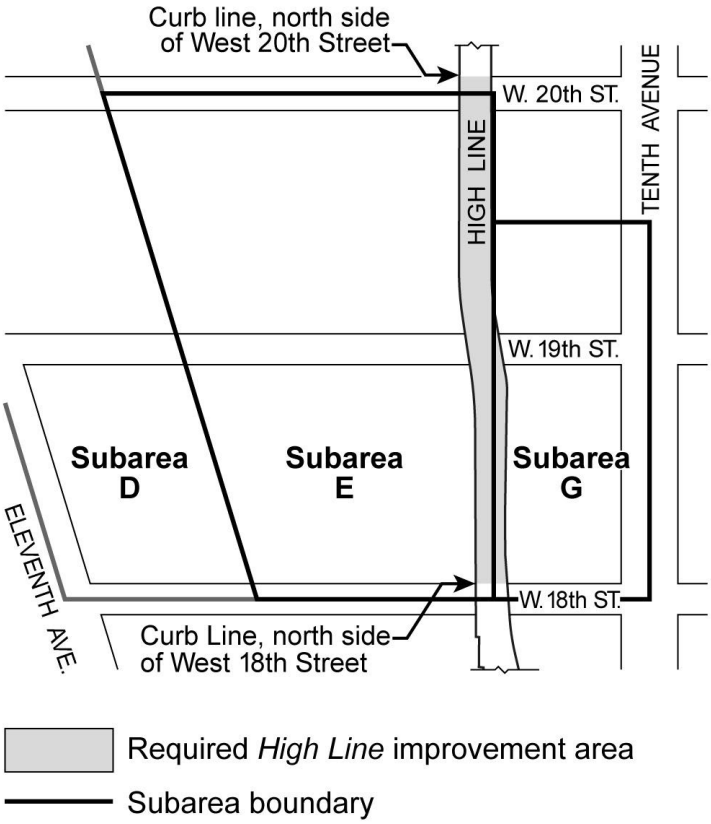
(10/17/07)

Diagram 3 – Subarea H Requirements (98C.3)



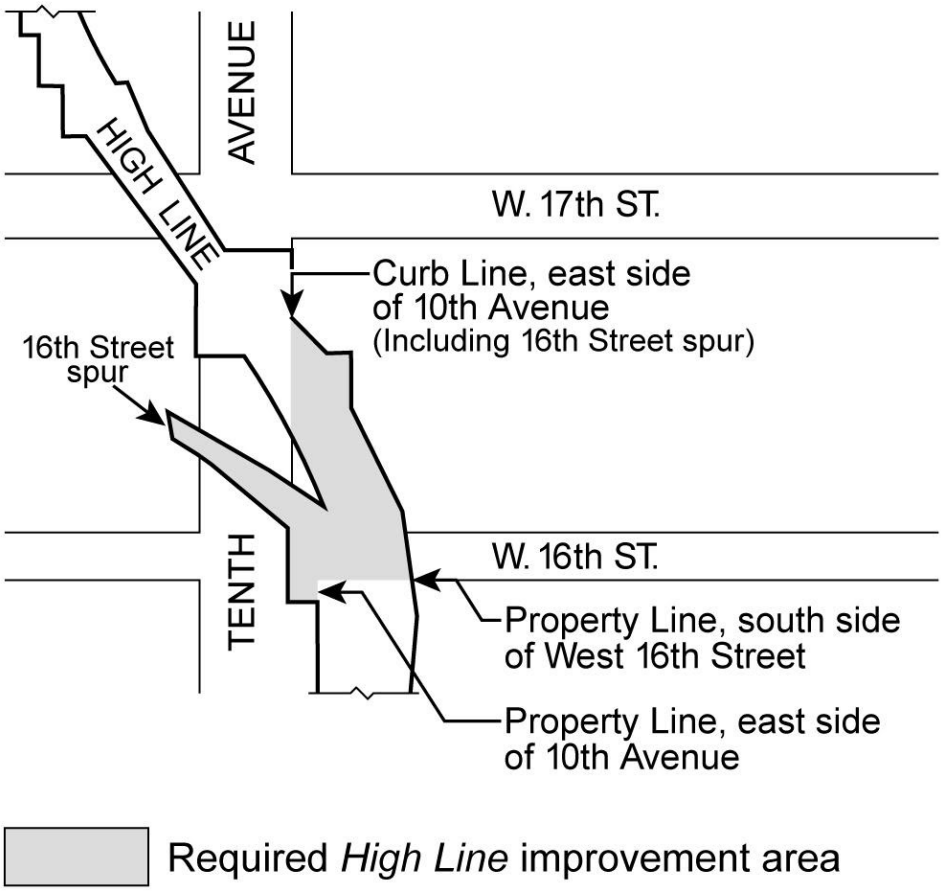
(6/23/05)

Diagram 4 – High Line Improvement Area Boundaries for Zoning Lots Divided by District Boundaries in Subareas D, E and G (98C.4)



(3/22/06)

Diagram 5 – Subarea I Requirements Between West 16th and West 17th Streets (98C.5)



(6/23/05)

Diagram 6a – High Line Access Easement Volume Parameters: Primary Access Easement Volume (98C.6a)

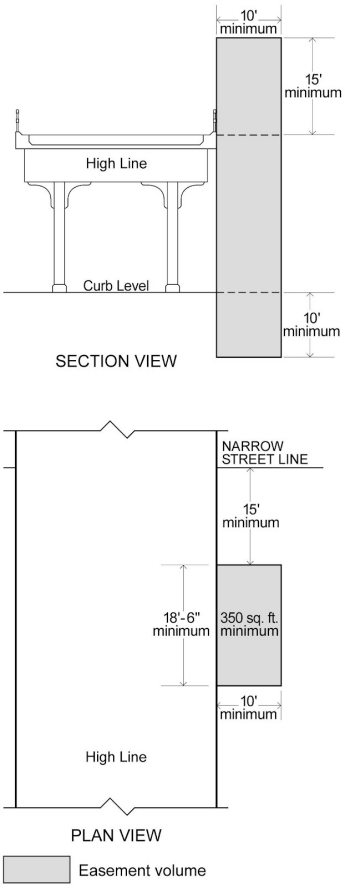
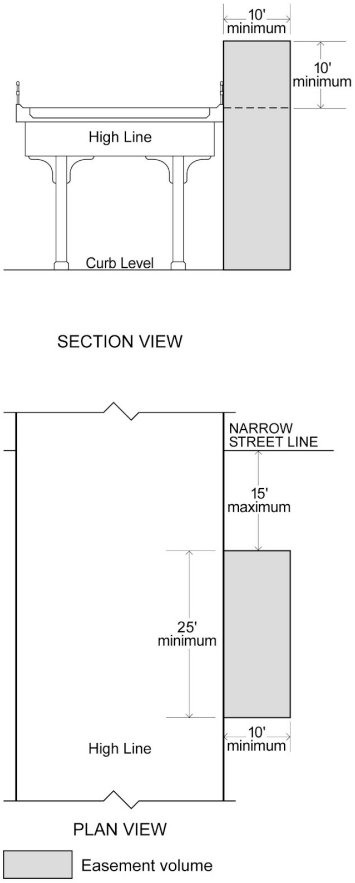
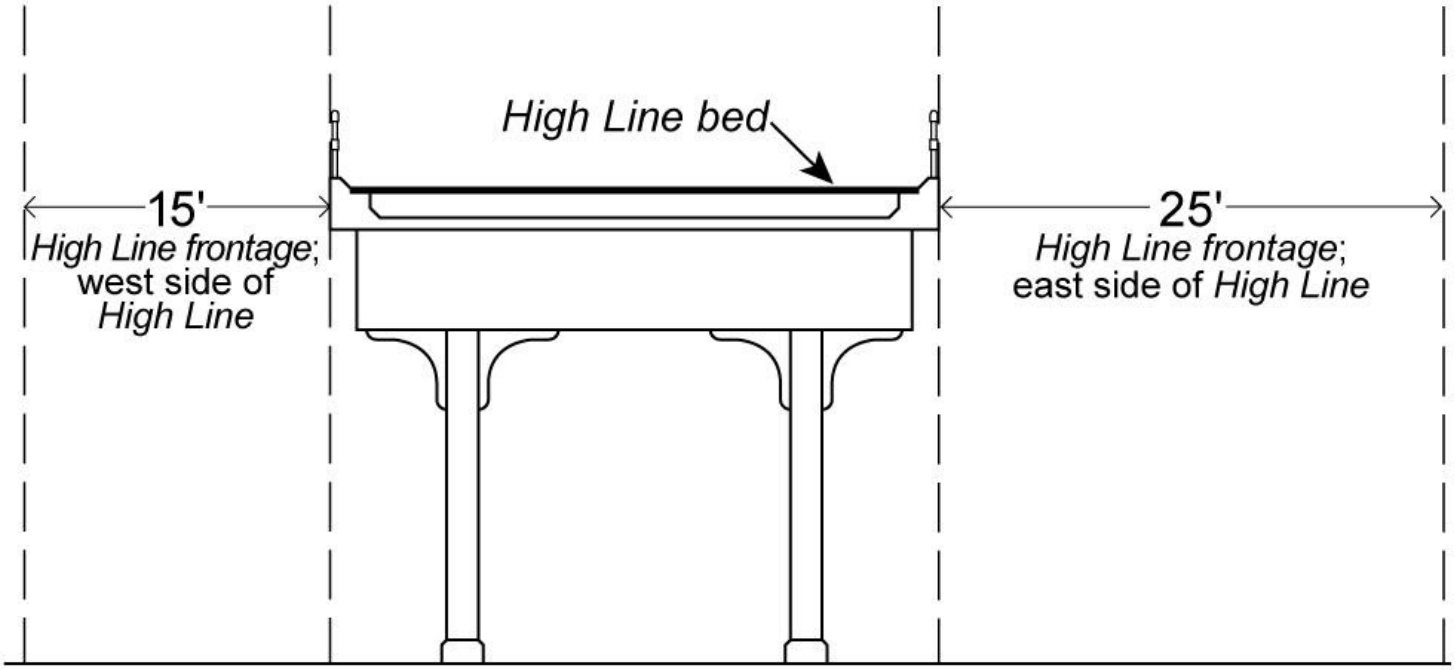


Diagram 6b – High Line Access Easement Volume Parameters: Secondary Access Easement Volume (98C.6b)



(6/23/05)

Diagram 7 – High Line Bed and Frontages (98C.7)



Appendix D - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

LAST AMENDED
2/2/2011

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea H between West 17th and 18th 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 9822 (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 9825 (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 (b) of Section 9825, 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# under Section 12-10.

(a) Requirements for issuance of building permit under paragraph (a) of Section 9825

(1) As a condition of issuance of a building permit under paragraph (a) of Section 9825:

(i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix D, 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, provided, that in the event the Owner has previously entered into agreements for construction of At-Grade Plaza Work and Stairway and Elevator Access Work by the City, pursuant to paragraph (a)(2) of this Appendix D, and has made a contribution pursuant thereto, the amount of contribution to the #High Line# Improvement Fund under this subparagraph for purposes of Section 98-25, paragraph (a) shall be reduced by such amount at the time it is made;

(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 use of the At-Grade Plaza and the stairway and elevator that will provide access to the #High Line#, as shown in Diagram 3 of Appendix C, such easement area for the At-Grade Plaza to include the entire area of the #zoning lot# east of the #High Line# and such easement area as it relates to such stairway and elevator to be at least 2,500 square feet and in a location and configuration acceptable to the City; access for the potential performance by the City of work under the provisions set forth below; and maintenance and repair of the stairway and elevator. Such declaration shall incorporate by reference the maintenance and operating agreement referred to in paragraph (a)(1)(iii) of this Appendix D, provided that, in the event the Owner enters into agreements for construction of some or all of the At-Grade Plaza Work and Stairway and Elevator Access Work by the City pursuant to paragraph (a)(2) of this Appendix D, the provisions of such restrictive declaration shall be modified as deemed necessary by the City to effectuate such agreements; and

(iii) the Owner shall execute a maintenance and operating agreement for the At-Grade Plaza.

The easements and agreements described herein shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (b).

(2) Upon the request of the Owner or the City, the City in its sole discretion, may enter into agreements with the Owner, in a form acceptable to the City, providing for construction by the City of some or all of the At-Grade Plaza Work described in paragraph (b)(2)(ii)(b) of this Appendix D, and some or all of the Stairway and Elevator Access Work described in paragraph (b)(3)(ii) by the City, including provisions with regard to the viability of retail space fronting the At-Grade Plaza. Pursuant to such agreements, the Owner shall make a contribution of $2,300,000 to a sub-account of the #High Line# Improvement Fund to fund such construction, which amount may be reduced in accordance with provisions of such agreements by an amount reflecting expenditures that the owner has reasonably incurred or shall reasonably incur with respect to remediation work for the At-Grade Plaza and any other work which is the responsibility of the Owner

pursuant thereto. All parties in interest shall execute a Restrictive Declaration pursuant to paragraph (a)(1)(ii) of this Appendix D, with such modifications as deemed necessary by the City to effectuate such agreements.

(3) 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 by Owner, approved by the Chairperson of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the contribution to the #High Line# improvement. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.

(4) 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 9825, 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 under paragraph (b) of Section 9825

(1) Structural Remediation Work under paragraph (b)(2) of Section 9825:

(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 (b). 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) in this Section (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 24 months. In that event, the amount of contribution to the #High Line# Improvement Fund shall be reduced by $21.00 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 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 (b)(2), with respect to the Structural Remediation Work, shall be of substantial completion with respect to issuance of any temporary certificate of occupancy, and of final completion with respect to issuance of any final certificate 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 public view versus those that will not be so exposed) and shall include, but not be limited to, the following:

(a) Removal and disposal of all leadbased 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;

(b) 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;

(c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City;

(d) 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;

(e) 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

(f) Any work required to be performed belowgrade for the anticipated improvements of the #High Line# for reuse as open space.

(iii) Subject to the Not-To-Exceed Limit set forth in paragraph (c) of this Appendix D, if Owner exercises the option to perform the Structural Remediation Work, it shall reimburse the City for the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer, telephone).

(iv) 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 delays 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.

(v) 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 and, in addition, for any time during which Owner is unable to gain access in order to perform the Structural Remediation Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon December 20, 2004.

(vi) In the event that the City does not provide the specifications for the Structural Remediation Work, within the timeframe set forth in paragraph (iv) of this Section, Owner may exercise the option to perform such 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 as described in paragraph (b)(1)(v), 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.

(2) At-Grade Plaza Work under paragraph (b)(3) of Section 9825:

The following shall apply, except to the extent that agreements and other instruments in a form acceptable to the City have been executed pursuant to paragraph (a)(2) of this Appendix D, that provide for construction of some or all of the At-Grade Plaza Work set forth in paragraphs (b)(2)(ii)(b) and (b)(2)(ii)(c), by the City:

(i) Owner shall perform AtGrade Plaza Work within the area on the #zoning lot# shown in Diagram 3 of Appendix C. For any temporary certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of substantial completion of the At-Grade Plaza Work (i.e., the At-Grade Plaza shall be open and accessible to the public). For any permanent certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of final completion of the At-Grade Plaza Work. Substantial completion of the At-Grade Plaza Work shall also require execution by all parties-in-interest of the declarations, easements and maintenance and operating agreement described in paragraph (a) of section (1) of this Appendix, if not previously provided in connection with issuance of a building permit.

(ii) At-Grade Plaza Work shall include, but not be limited to:

(a) remediation work; and

(b) all paving, plantings, surface treatments, lighting, trees, seating, fountains and other site amenities; and

(c) infrastructure work, including conduits, drainage, water line, electrical connections, and other utility work serving the At-Grade Plaza.

(iii) The At-Grade Plaza Work shall be performed by the Owner pursuant to construction documents provided by the City by January 31, 2008. The AtGrade Plaza Work shall be completed within one year following January 31, 2008, subject to reasonable extension for any delays beyond Owner's reasonable control and to such extension as the City and the Owner may mutually agree, and, in addition, for any time during which Owner is unable to gain access in order to perform the At-Grade Plaza Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon October 17, 2007, or for any time needed to perform any necessary remediation work on the #zoning lot#.

(iv) In no event shall Owner be required to complete the At-Grade Plaza Work until the #High Line# improvements within the portion of the #High Line# Improvement Area, as shown in Appendix C of this Chapter, adjacent to the #zoning lot# (and, as applicable, over such Improvement Area, as shown on Diagram 3 of Appendix C), are substantially complete (i.e., open to the public but for the work needed to complete the At-Grade Plaza Work). Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 9825, paragraph (b)(3), until the Chairperson determines that the At-Grade Plaza Work is substantially complete.

(v) The cost to Owner of the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph, (b)(3) of this Section) shall not exceed $2,300,000. The amount of contribution to the #High Line# Improvement Fund under subdivision (a) of section (1) of this Appendix made for purposes of Section 98-25, paragraph (a), shall be reduced by such amount at the time it is made. In addition to the costs of the At-Grade Plaza Work, subject to the Not-To-Exceed Limit set forth paragraph (c) of this Appendix D. Owner shall be required to reimburse the City for:

(a) the reasonable cost of developing the plans and construction documents for the At-Grade Plaza Work; and

(b) the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).

(vi) In the event that construction documents for the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) are not delivered to Owner within the timeframe set forth in paragraph (3) of this subsection, Owner shall not be required to perform the AtGrade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) consistent with such documents. Instead, Owner shall perform Alternate At-Grade Plaza Work which shall include all necessary remediation work, all necessary belowgrade work (including related infrastructure work necessary to support the #High Line#), and atgrade improvements pursuant to the standards set forth in Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743 and 37-76 of the Zoning Resolution, except that open-air cafes and kiosks shall not be permitted. Permitted obstructions, whether as described in the City's specifications for the At-Grade Plaza Work or as specified in Section 37-726, for the Alternate At-Grade Plaza Work, shall not count towards #lot coverage#.

(vii) The cost to the Owner of the Alternate At-Grade Plaza Work shall not exceed $1,400,000. In addition, Owner shall, subject to the Not-To-Exceed Limit of paragraph (c) of this Appendix D, be required to reimburse the City for the reasonable cost of hiring or procuring the services of a fulltime resident engineer to supervise the Alternate At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).

(viii) Upon substantial completion of the At-Grade Plaza and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4), Owner shall provide the City with the declarations,

easements and maintenance and operating agreement described in subsection (a) of section (1) of this Appendix, if not already provided in connection with the issuance of a building permit; such At-Grade Plaza shall be open and accessible to the public during at least the same hours during which the #High Line# is open and accessible to the public, subject to the terms of the maintenance and operating agreement; and Owner shall maintain the At-Grade Plaza pursuant to the terms of the maintenance and operating agreement.

(3) Stairway and Elevator Access Work under paragraph (b)(4) of Section 98-25:

The following shall apply except to the extent that agreements and other instruments in a form acceptable to the City have been executed pursuant to paragraph (a)(2) of this Appendix D that provide for the construction of some or all of the Stairway and Elevator Access Work described in paragraph (b)(3)(ii) of this Appendix D by the City:

(i) Except as provided in paragraph (b)(3)(iii) of this Section, Owner shall perform Stairway and Elevator Access Work within the At-Grade Plaza area as shown in Diagram 3 of Appendix C in conjunction with performance of the AtGrade Plaza Work. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (b)(4), 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 pursuant to such Section shall be of final completion of the work.

(ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator, shall be included in the construction drawings for the AtGrade Plaza Work described above, and shall be performed by Owner within the time period for performance of the At-Grade Plaza Work described in paragraph (c) of this Section. The location for the stairway and elevator shall take into account the viability of any retail spaces fronting the At-Grade Plaza.

(iii) Owner shall not be responsible for performance of the Stairway and Elevator Access Work where it performs the Alternate At-Grade Plaza Work in accordance with paragraph (b) of this Section. In that event, prior to commencing the Alternate At-Grade Plaza Work and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4):

(a) Owner shall deposit into the #High Line# Improvement Fund, a contribution of $900,000.00 (the Access Contribution), to be used at the direction of the Chairperson of the City Planning Commission for construction of stairway and elevator facilities on the #zoning lot#; and

(b) Owner shall provide the City with the declarations, easements, and maintenance and operating agreement described in paragraph (a)(1) of this Appendix D, if not previously provided in connection with issuance of a building permit.

(4) City performance of work in the event of failure to perform:

(i) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (a) of this Appendix D, Structural Remediation Work (where Owner has exercised the option under paragraph (b)(1) of this Appendix), the AtGrade Plaza Work or Alternate Plaza Work, as applicable, and the Stairway and Elevator Access Work (where required to do so under paragraphs (b)(2) and (b)(3) of this Appendix), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area, as shown in Appendix C of this Chapter, for the #zoning lot#, as shown on Diagram 3 of Appendix C, and a relevant deadline for performance of such work under paragraphs (b)(1), (b)(2) or (b)(3) has passed, subject to the provisions of such sections relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.

(ii) The City may proceed with performance and/or completion of the work following such notice unless Owner:

(a) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total), unless such date is extended by mutual agreement between the City and

Owner, for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City; and

(b) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control and, in addition, any time in which Owner is unable to gain access in order to perform the At-Grade Plaza Work or Alternate Plaza Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon December 20, 2004, or for any time during which remediation work is in progress on the #zoning lot#.

(iii) In the event Owner does not comply with the requirements of paragraph (b)(4)(ii):

(a) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (1) of section (a) of this Appendix;

(b) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and

(c) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor any temporary or permanent certificate of occupancy may be issued pursuant to Section 98-25, paragraph (b), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.

(c) Reimbursement Not-To-Exceed Limits

Reimbursement of the City by Owner of costs pursuant to this Appendix shall not exceed a total of $450,000.00.

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

LAST AMENDED
8/24/2017

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 9825, 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; 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 to 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. All easements described herein shall be in a form acceptable to the City and shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (c); and

(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 9825, 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 9825:

(1) Structural Remediation Work pursuant to paragraph (c)(2) of Section 9825

(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 24 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:

(a) Removal and disposal of all leadbased 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;

(b) 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;

(c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City;

(d) 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;

(e) 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

(f) 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 fulltime 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)(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)(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:

(a) 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.

(b) 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)(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 August 24, 2017, 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:

(a) 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 with 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.

(b) 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 August 24, 2017, 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

(1) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (a)(1) of this Appendix), Structural Remediation Work (where Owner has exercised the option under paragraph (b)(1) of this Appendix) and the Stairway and Elevator Access Work (under paragraph (b)(3)), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area, as shown in Appendix C of this Chapter, for the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, and a relevant deadline for performance of such work under paragraphs (b)(1), (b)(2) or (b)(3) of this Appendix, as applicable, has passed, subject to the provisions of such paragraphs relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.

(2) The City may proceed with performance and/or completion of the work following such notice unless Owner:

(i) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total) for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City, unless such date is extended by mutual agreement between the City and Owner; and

(ii) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control.

(3) In the event Owner does not comply with the requirements of paragraph (c)(2) of this Appendix:

(i) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (a)(1) of this Appendix;

(ii) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and

(iii) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor may any temporary or permanent certificates of occupancy be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.

Appendix F - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and

Located Within Subarea J

LAST AMENDED
11/13/2012

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 paragraph (a), the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); in paragraph (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 in 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 a 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 November 13, 2012, up to the amount specified in Section 98-22, 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 F, 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 November 13, 2012, 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 October 25, 2012, and on file at the Office of the Counsel, Department of City Planning, required in connection with environmental assessment (CEQR No. 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# that utilizes the provisions of Section 98-25 shall include a #transient hotel#;

(b) Retail concourse

As a condition of any #development# or #enlargement# pursuant to Section 98-25, the 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)(3):

(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)(iii)(c)(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)(iii)(d) 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)(iii)(c)(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 November 13, 2012;

(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)(iii)(d) 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 November 13, 2012, 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, 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)(iii)(c)(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 the core and shell of the #High Line# support space described in paragraphs (a)(1)(iii)(c)(2) and (3) of this Appendix F including the provision of and access to separately metered gas, ventilation, water, sewer, 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)(iii)(c)(4) 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 this paragraph, (a)(1)(iv), shall be estimated at the time of such approval by a licensed engineer selected by the 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 the Engineering News Record (ENR) for New York City commencing as of December 1, 2012. 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 November 13, 2012, until the #High Line# Support Work described in paragraph (b)(1) of this Appendix F has 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)(vi)(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)(iii) 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)(3);

(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 November 13, 2012.

(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)(3);

(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 #building# 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 the 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.