CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

December 1, 2021

City Council
City Hall
New York, NY 10007

Re: Starrett-Lehigh and Terminal Warehouse Rezoning
ULURP No. *N 210409 ZRM*
Related Applications: *C 210408 ZMM*
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated November 22, 2021, from the City Council regarding the proposed modification to the above-referenced application submitted by RXR SL Owner LLC and Terminal Fee Owner LP for a zoning text amendment to establish Subarea K within the Special West Chelsea District (Article IX, Chapter 8) of the Zoning Resolution and to modify related sections including permitted uses, signage, sidewalk cafes, and loading requirements.

In accordance with Section 197-d(d) of the New York City Charter, the Commission determined on December 1, 2021, that the City Council's proposed modification does not require additional review of environmental issues or pursuant to Section 197-c of the Charter.

Very truly yours,

Anita Laremont

c: E. Hsu-Chen D. DeCerbo S. Li H. Marcus S. Amron R. Singer J. Mangin

Anita Laremont, Chair
City Planning Commission
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THE COUNCIL
THE CITY OF NEW YORK
LAND USE DIVISION
250 BROADWAY - ROOM 1602
NEW YORK NEW YORK 10007

RAJU MANN
DIRECTOR

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November 24, 2021

Honorable Anita Laremont, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Application No.: N 210409 ZRM (Preconsidered L.U. No. 921)
Related Application No.: C 210408 ZMM (Preconsidered L.U. No. 920)

Starrett-Lehigh+Terminal Warehouse Rezoning

Dear Chair Laremont:

On November 22, 2021 the Land Use Committee of the City Council, by a vote of 16-0-0 for Application **N 210409 ZRM** recommended modifications of the City Planning Commission's decision in the above-referenced matter.

Pursuant to Section 197-d(d) of the City Charter I hereby file the proposed modifications with the Commission:

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE I – GENERAL PROVISIONS

Chapter 4 – Sidewalk Cafe Regulations

* * *

14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes# however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Manhattan	**#Enclosed Sidewalk Cafe#**	**#Unenclosed Sidewalk Cafe#**
* * *	* * *	* * *
West Chelsea District	No	Yes[5]

* * *

[5] #Unenclosed sidewalk cafes# are allowed only on #wide streets# except they are not allowed on the west side of Ninth Avenue between West 15th Street and West 16th Street. <u>#Unenclosed sidewalk cafes# shall also be allowed on West 27th Street between Eleventh Avenue and Joe DiMaggio Highway.</u>

* * *

ARTICLE IX – SPECIAL PURPOSE DISTRICTS

Chapter 8 – Special West Chelsea District

98-00
GENERAL PURPOSES

* * *

98-04
Subareas and High Line Transfer Corridor

In order to carry out the provisions of this Chapter, Subareas A through ~~J~~ <u>K</u> and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

* * *

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

CHELSEA DISTRICT

* * *

98-12
Modification of Use Regulations

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

* * *

98-122
~~**Location within buildings**~~
In Subarea K

[Relocated to Section 98-124 below]

~~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#.~~

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 ~~15~~ 10 percent of the total #floor area# of the #building#.

98-123
Adult establishments

* * *

98-124
Location within buildings

[Relocated from Section 98-122 above]

In any C6 District 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#.

* * *

98-15
Signs

* * *

98-151
Modification of sign regulations in Subarea K

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.

* * *

98-17
Modification of Parking and Loading Regulations ~~in Subareas H~~

[Relocated to Section 98-171 below]

~~#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.~~

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

[Relocated from Section 98-17 above]

#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

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

* * *

98-20
FLOOR AREA AND LOT COVERAGE REGULATIONS

* * *

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

For all #zoning lots#, or portions thereof, located in Subareas A through ~~J~~ 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

* * *

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

* * *

98-42
Special Height and Setback Regulations

* * *

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

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

* * *

(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.

* * *

(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)

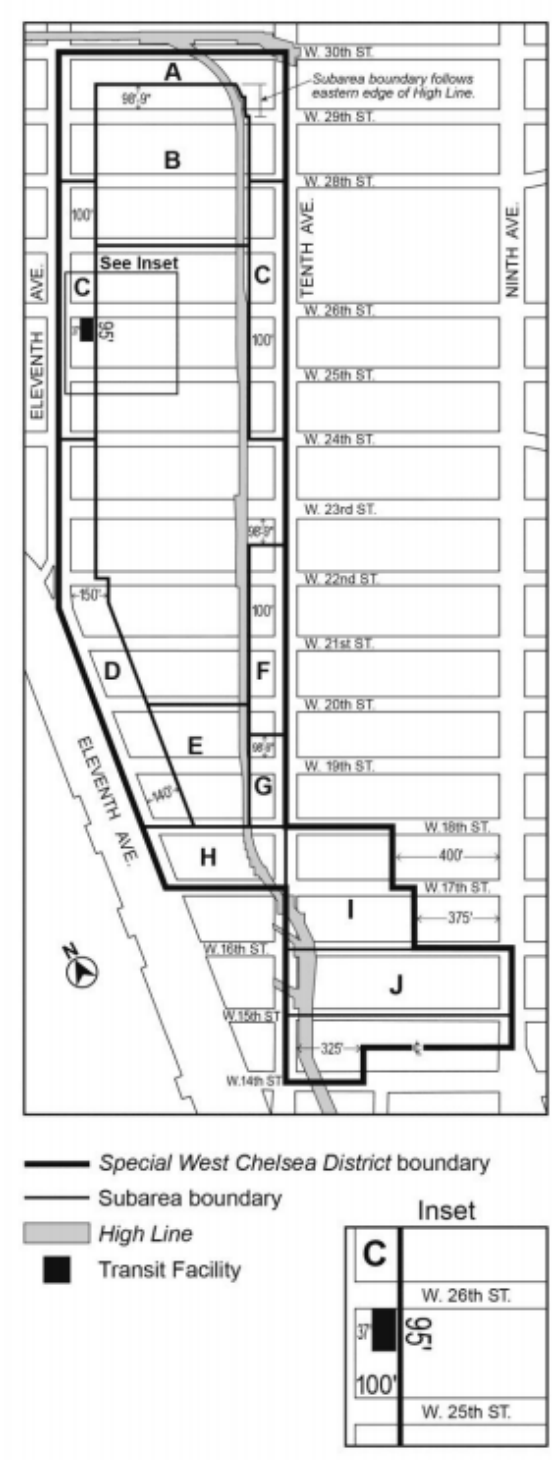
[6] See Section 98-423, paragraph (g)

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

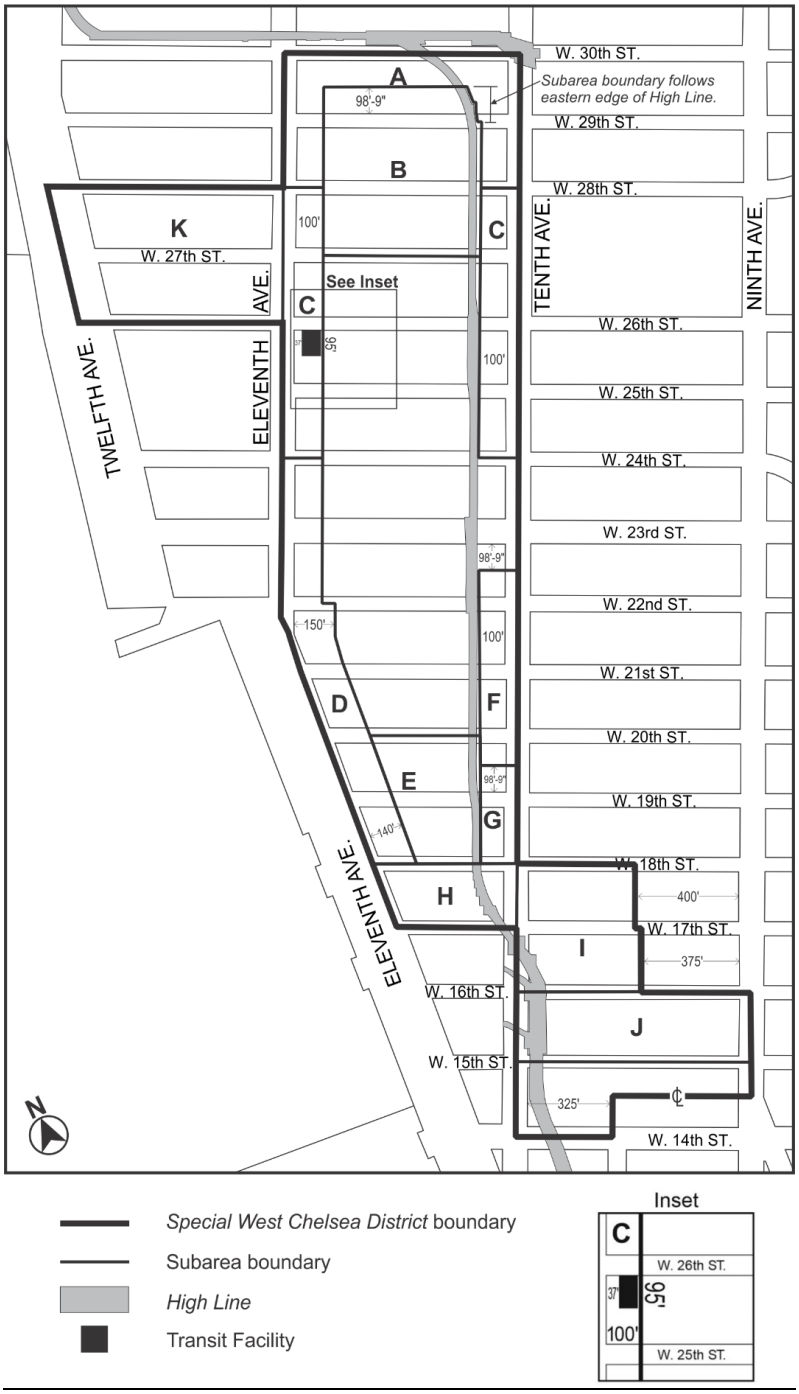
* * *

Appendix A
Special West Chelsea District and Subareas

[EXISTING MAP]



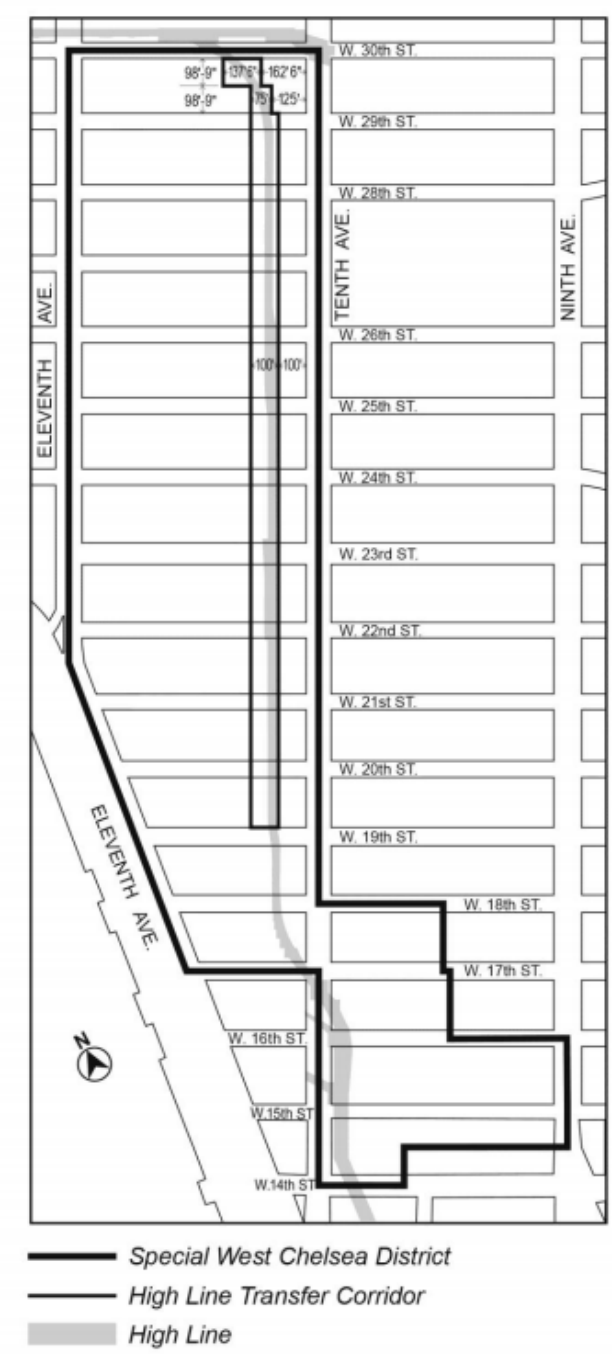
[PROPOSED MAP]


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'
95'
Special West Chelsea District boundary
Subarea boundary
High Line
Transit Facility
Inset
37'

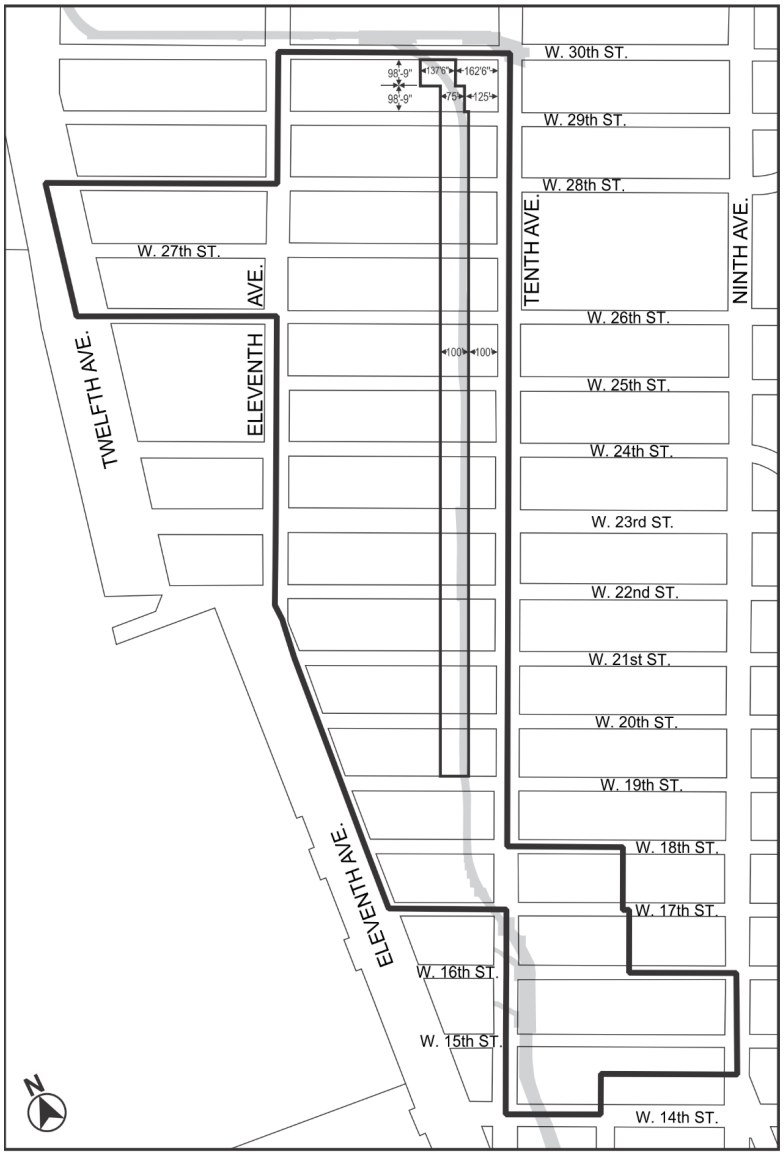
Appendix B

High Line Transfer Corridor Location

[EXISTING MAP]



[PROPOSED MAP]



* * *

Please feel free to contact me at (917) 999-8054 if you or your staff have any questions in this regard.

Sincerely,



…….
Julie Lubin,
General Counsel

JL:mcs

C: Members, City Planning Commission
Raju Mann, Director, Land Use Division
Amy Levitan, Deputy Director
Jeff Campagna, Deputy General Counsel
Angelina Martinez-Rubio, Deputy General Counsel
Arthur Huh, Assistant General Counsel
Andrew Lassiter, Project Manager
Susan Amron, Esq., DCP
James Harris, DCP
Danielle J. DeCerbo, DCP
File