



## CITY PLANNING COMMISSION

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August 11, 2008/Calendar No. 20

C 080409 ZSM

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**IN THE MATTER OF** an application submitted by the Whitney Museum of American Art and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to:

1. Section 74-921(a) of the Zoning Resolution to allow Use Group 3A (museum use) in an M1-5 District, and
2. Section 74-921(b) of the Zoning Resolution to modify the requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) for a building containing a museum use in Use Group 3A, on a zoning lot over which the High Line (as defined in Section 98-01) passes;

in connection with the proposed development of a 6-story museum building on property located at 555 West Street a.k.a. 820 Washington Street (Block 644, Lots 1 and 10), in an M1-5 District, Borough of Manhattan, Community District 2.

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The application for a special permit was filed on April 28, 2008, by the Whitney Museum of American Art and the New York City Economic Development Corporation (EDC) to allow a Use Group 3A museum in a M1-5 zoning district; and to permit height and setback modifications for a building containing a Use Group 3A museum in a M1-5 zoning district on a zoning lot over which the High Line passes. The special permit would facilitate the development of a six-story museum building on property located at 555 West Street a.k.a. 820 Washington Street (Block 644, Lots 1 and 10), in an M1-5 District.

### **RELATED ACTIONS**

In addition to the special permit which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

N 080406 ZRM      **Zoning Text Amendment** to Section 74-92, to permit height and setback modifications for a building containing a Use Group 3A use museum in a M1-5 zoning district on a zoning lot over which the High Line passes.

C 080407 PCM      **Site Selection and Acquisition** for a facility to be used by the NYC Department of Parks and Recreation (DPR) in connection with the operation and maintenance of the High Line public open space.

C 080408 PPM      **Disposition** of City-owned property to the NYC EDC.

## **BACKGROUND**

The applicant is seeking a zoning text amendment to Section 74-92 and a special permit pursuant to the amended section to facilitate the construction of a new museum facility at 820 Washington Street, in an M1-5 zoning district on the southern portion of a City-owned block bounded by Gansevoort Street on the south, West Street/Tenth Avenue on the west, Little West 12th Street on the north, and Washington Street on the east. The 108,461 square foot zoning lot is comprised of the entire block.

The northern portion of the subject block is developed with the two-story Gansevoort Cooperative Meat Market (“the Co-Op”). The southern portion of the block is presently occupied by a vacant lot, a partially demolished building at 820 Washington Street, and a number of small buildings that are a part of the Co-Op. The southern terminus of the High Line linear park extends over the eastern portion of the block.

The property is within the area which serves as the City’s wholesale meat market and is designated by the city as an agricultural market. The majority of the project site is City-owned under the jurisdiction of the New York City Department of Small Business Services (DSBS). The New York State Department of Transportation (NYSDOT) owns a small piece of the western portion of the project site at West Street. The site is outside of the boundaries of the Gansevoort Historic District

The existing building on Madison Avenue occupied by the Whitney Museum of American Art is inadequate to handle the museum’s entire collection. While the Madison Avenue building has a total of approximately 33,000 sf of exhibition space, the proposed building would provide the Whitney with approximately 50,000 sf of additional (indoor) exhibit space to display its collections.

The proposed museum would consist of the new museum structure and a maintenance and operations facility (High Line Support Facility) for the High Line. The High Line Support Facility is considered an accessory use to the High Line. The building, inclusive of the museum and the High Line Support Facility, would contain a total of approximately 175,000 square feet of floor area. About 29% of the floor area would be used for indoor exhibition space.

The proposed museum building would consist of six stories. The bulk of the building would be concentrated on the western portion of the site and the building would step down to the east, creating a series of outdoor terraces at the levels of the fourth, fifth and sixth floors that would accommodate large works of art and Whitney outdoor events. By concentrating the building's mass on the western edge of the site and stepping down from west to east, the design would maximize the amount of light and air that would reach the High Line.

Along Gansevoort Street the building would set back at an angle from west to east providing unobstructed views of the river from the southern terminus of the High Line. The setback would also allow for the development of an approximately 10,400 square foot public open space that would extend along most of the building's Gansevoort Street frontage and would terminate at the eastern edge of the zoning lot at Washington Street. This space would be known as the Largo and would serve as the main entrance to the museum. A portion of the museum building would cantilever over the Largo. The Largo would also provide direct access to the museum's restaurant and bookstore. It would be improved with seating, plantings and works from the Whitney's collection. In addition, a stairway would lead directly from the southern end of the High Line to a space between Washington Street and the Largo, thereby providing a pedestrian connection between the Largo and the museum, and the High Line.

**(1) Museum:**

Five elevators as well as large staircases would provide access to the upper floors of the museum where the galleries would be located. One of the elevators would have a 20 foot wide cab and would be available to transport large works of art. The rear of the elevator cab and the adjacent portion of

the exterior wall would be glazed in order to provide views of the Hudson River and the City. The elevator would also be visible from outside the museum.

The proposed program for the museum is as follows:

#### Ground Floor –

- Lobby with areas for ticketing, membership, and coat check.
- Small admission-free exhibition area.
- Museum bookstore
- Restaurant/café.

The ground floor would also have two loading berths that would be accessed from West Street. One of the loading berths would be designed for the secure shipment and receipt of artwork and would lead directly to the elevator available for the transport of art.

#### Second Floor and second floor mezzanine –

- Staff offices, a library and boardroom
- Public lobby, rest rooms and small café
- Raked floor auditorium. The western wall of the auditorium would be glazed to provide views of the river.

#### Third –Sixth Floors

- Gallery space
- Special Requirement spaces – Conservation Department, Works on Paper Center, a 2,000 square foot black box gallery for performing arts, video and educational programming.
- Educational department. This space would be located partly on the third floor and partly within a small third floor mezzanine.
- The outdoor terraces on the third, fourth, and fifth floors would be used as outdoor exhibition or performance space

The museum would also have two cellar levels which would house all of the building's mechanical equipment.

## **(2) High Line Support Facility**

The proposed High Line Support Facility would be located in the building's northeast corner and would house staff of the DPR, in addition to vehicles and equipment involved with the maintenance and operation of the High Line. The facility would contain approximately 28,000 square feet of floor area in four above-grade and two below-grade levels. It would also contain a large freight elevator designed to accommodate DPR equipment and materials. The facility would also contain a public lobby and a public elevator to access the level of the High Line. Two small bridges would connect the building to the High Line. One bridge would be used by vehicles to access the High Line for maintenance. An elevated driveway would run along the northern edge of the facility and lead to this bridge. Vehicles would access the facility from the existing courtyard located in the Meat Market Co-Op. The second bridge would allow pedestrians to access the High Line. The two below-grade levels would contain storage areas and mechanical equipment.

## **TEXT AMENDMENT**

Use Group 3A (museum uses) are not allowed as-of-right in M1-5 zoning districts. Section 74-921 provides for the modification of the M1-5 use regulations to allow museum uses by special permit. A building in a M1-5 district may rise to six stories or 85 feet, whichever is less, and is then required to setback 15 feet on a wide street, or 20 feet on a narrow street. Above the setback the building could continue to rise within a sky exposure plane of 5.6 to 1 on a wide street, and 2.7 to 1 on a narrow street. The proposed text amendment would add a provision to Section 74-921 to allow the modification of height and setback regulations for a building containing a museum use in a M1-5 district, located on a zoning lot over which the High Line passes. In order to grant the Special Permit, the Commission must make findings related to bulk distribution, light and air, and facilitating the public's enjoyment of the High Line.

## **DISPOSITION**

The Department of Citywide Administrative Services and DSBS propose the disposition of the City-owned project site which consists of the entire block (B 644, L 1, 10) to EDC to facilitate the construction of the museum building proposed by the Whitney and the Support Facility for the High Line. Following approval of the disposition, EDC intends to enter into a direct sale of the project site to the Whitney.

While the City is generally required to dispose of real property through public auction, an exception is the disposition of real property by the City to a local development corporation such as EDC pursuant to City Charter Section 384(b)(4), for reconveyance to a private party where the interests of the City's economic development and/or urban planning goals would be best served through a sole source or a request for proposals process rather than through public auction.

The Disposition action removes the market designation.

The application also facilitates the disposition of three easements for the benefit of the project site:

Easement #1: The easement would restrict construction on a strip of property which runs from Washington Street to a point eight feet from the High Line. The width of the strip varies from 30 to approximately 89 feet. No construction would be allowed within the westernmost 38'-4" of the strip while construction would be limited to a height of 38 feet within the remainder of the strip, which corresponds to the height of an existing building located in a portion of the strip.

Easement #1 would provide a buffer between the Museum building and any new development on the northern portion of the zoning lot. The easement would also preserve sight lines to and from the museum along West Street, Washington Street, and the High Line.

Easement #2: The easement would restrict construction on a C-shaped segment of the zoning lot located to the north of the area subject to Easement #1. Within this area, which extends in north-south directions along West Street and the western edge of the High Line and in an eastward direction along the edge of Easement #1, new construction would be limited to a height of 89 feet.

Easement #2 would preserve sightlines to and from the museum along West Street and Washington Street and would also ensure that adequate light reach the museum building.

Easement #3: The easement would prohibit construction within an area extending 38'-9" from the High Line's Gansevoort Street terminus and would have a height of 29 feet, which reaches the underside of the High Line.

Easement #3 would preserve both physical and visual access from Washington Street to the museum entrance and the Largo.

### **SPECIAL PERMIT**

The Whitney is requesting a special permit pursuant to Section 74-921 to facilitate the construction of a new museum structure in an M1-5 zoning district, within 400 feet from the boundary of a C6-2A district where such a facility would be permitted as-of-right. The building would have a lot area of 108,461, a total floor area of approximately 175,000 square feet, and a FAR of 1.61.

The Whitney is also requesting a special permit pursuant to the proposed 74-921(b) to modify bulk in a building containing a museum use in a M1-5 district, located on a zoning lot over which the High Line passes. There are a number of locations along Gansevoort and West streets where the building would encroach upon the height and setback provisions of the M1-5 district. On Gansevoort Street, at a height of 85 feet, the museum would encroach upon the sky exposure plane for a height of approximately ten to 30 feet, a length of approximately 128 feet and a maximum depth of approximately nine feet. On the West Street side of the structure at a height of 89 feet, the building would encroach upon the sky exposure plane for a depth of approximately 12 feet, a length of approximately 90 feet and a height of approximately 62 feet.

### **ENVIRONMENTAL REVIEW**

This application (C 080409 ZSM), in conjunction with the related applications (N 080406 ZRM, C 080407 PCM, and C 080408 PPM) were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York

Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07SBS021M. The lead agency is the Department of Small Business Services.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on April 30, 2008.

### **UNIFORM LAND USE REVIEW**

This application (C 080409 ZSM), in conjunction with the related applications (N 080406 ZRM, C 080407 PCM, and C 080408 PPM) were certified as complete by the Department of City Planning on May 5, 2008, and were duly referred to Community Board 2 and the Borough President of Manhattan, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 2 held a public hearing on this application (C 080409 ZSM), in conjunction with the related applications (N 080406 ZRM, C 080407 PCM, and C 080408 PPM) on May 15, 2008, and on May 22, 2008, by a vote of 43 to 0 with 0 abstentions, adopted a resolution recommending approval of the applications.

### **Borough President Recommendation**

This application (C 080409 ZSM), in conjunction with the related applications (N 080406 ZRY, N 080407 PCM, and N 080408 PPM) was considered by the Borough President of Manhattan, who issued a recommendation on June 30, 2008, approving the applications.

### **City Planning Commission Public Hearing**

On June 18, 2008, Calendar No. 9, the City Planning Commission scheduled July 2, 2008, for a public hearing on this application (C 080409 ZSM). The hearing was duly held on July 2, 2008, Calendar No.32, in conjunction with the hearings on the related applications (N 080406 ZRY, N 080407 PCM, and N 080408 PPM). There were ten speakers in favor of the applications and none in



opposition.

A representative from EDC affirmed the agency's enthusiastic support of the project and reviewed the reasons behind the support. The speaker noted that the project has been designed to be architecturally distinctive. The speaker further noted that the Whitney tends to develop strong ties to the community and that the museum use at that location would complement the existing galleries in Chelsea.

The director of the Whitney Museum stated that the museum is very pleased with the design of the building and is looking forward to building partnerships in the area. In response to questions, the speaker noted that the building would be faced with a light color, possibly matte, either metal or stone; and that there would be windows, mostly on the west side of the building in the areas occupied by offices and education-related uses.

The attorney for the project reviewed the zoning governing the site and described the subject proposal. The speaker noted that the Whitney and EDC are in the process of negotiating easements with the objective of retaining sightlines to the museum.

A representative of one of the two architectural firms that designed the museum stated that the proposed design meets the museum's programmatic needs while responding to its physical surroundings. The speaker noted that the design respects the High Line by stepping back through the use of terracing; and that the design retains views to the river as well as light and air to the High Line.

The Chair of the Community Board 2 Land Use Committee affirmed the community board's support for the project. The speaker noted that the community board has established a new committee to work with the Whitney's construction team and that the Whitney has agreed to participate. In response to a question, the speaker stated that he did not anticipate any operational problems with the meat businesses in the area as the local meat industry is not growing and the overall area has changed.

A representative of Friends of the High Line stated that his organization is extremely pleased with the design of the museum and the collaboration with the High Line. He noted that the M&O agreement is critical to the success of the High Line. The speaker praised the public amenities to be provided by the Whitney and commented on the Largo, which is how the area is being referred to adjacent to the museum where the sidewalk widens to create a seamless flow from the museum to the High Line.

The Director of Land Use for the Manhattan Borough President stated that the Borough President supports all of the actions the Whitney has requested. The speaker commented that the Borough President believes that the Whitney has proposed a great project and that each of the actions should be approved.

Two members of the community commented that the Whitney has developed a very good working relationship with the community and the community board. Both speakers affirmed their full support of the project.

A representative of the Department of Parks noted that because of the Whitney, the M&O facility for the High Line will be constructed much more quickly than otherwise. The speaker further noted that the public elevator to access the High Line will be located within the museum but will be paid for by the City.

There were no other speakers and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

The application (C 080409 ZSM) in conjunction with the related applications (N 080406 ZRY, N 080407 PCM, and N 080408 PPM), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and

Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 08-026M.

The action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that the grant of the special permit and approval of the text amendment are appropriate.

### **Text Amendment**

The Commission notes that museum structures often have design considerations directly related to the floor to ceiling heights necessitated by the nature of the artwork or exhibitions programmed for the particular gallery or design considerations related to the angle with which sunlight strikes galleries at certain times of the day. The Commission also notes the adjacency controls for development sites in direct proximity to the High Line which are intended to facilitate the reuse of the High Line as a public open space by preserving views, light, and air to the High Line.

The Commission believes that while neither of these design considerations alone would warrant a discretionary process by which the M1-5 bulk provisions could be modified, the Commission notes that together the height and setback requirements of museums and of the High Line may create a situation such that a building in compliance with the M1-5 height and setback provisions would not be suitable for the museum or would result in a building whose envelope may not serve to preserve views, light, and air to the High Line. The Commission therefore believes that it is appropriate to amend the Zoning Resolution to add a provision to Section 74-921 to allow for certain bulk modifications by special permit in M1-5 districts to facilitate Use Group 3A uses on zoning lots over which the High Line passes. The text amendment would provide for the modification of height and setback regulations for a building containing a museum use in a M1-5 district, located on a zoning lot over which the High Line passes.

## **Special Permit**

The Commission notes that the proposed museum would be located in an area of lower Manhattan which has evolved into a center for galleries and contemporary art. Over the course of the past several decades photography studios, art galleries, fashion and design retailers as well as restaurants, bars, and clubs have been drawn to the Gansevoort Meat Market area. The proposed museum would be located in the immediate vicinity of these compatible uses. The Commission believes that the site of the proposed museum use, at the terminus of the High Line, is particularly attractive as it will provide a cultural component to the concluding experience of being on the High Line. The Commission believes that the Whitney Museum of American Art would be consistent with and supportive of the essential character of this area.

The Commission believes that an adequate separation from noise, traffic and other adverse effects of the surrounding non-residential districts will be achieved. The Commission notes that the building will incorporate high levels of insulation and other sound, temperature and dust attenuating features further shielding it from outside noise and other intrusions. Furthermore, the Commission believes that by installing relatively few windows, the museum building would be further shielded from the exterior environment. The Commission also notes that a substantial amount of open space adjacent to the proposed museum structure will provide adequate separation from the noise, traffic and other aspects of the non-residential district surrounding it. The eastern edge of the Proposed Building will be adjacent to the High Line, while to the west, the proposed museum structure will front upon an open area, accessible to pedestrians, which will extend into the bed of the State-owned West Street/Route 9A. A substantial portion of the south-facing frontage of the building will open onto the aforementioned 10,400 square foot Largo, while the entire length of the proposed museum structure will set back from Gansevoort Street, where the sidewalks will be widened significantly.

The Commission believes that the museum will draw a minimum of vehicular traffic to and through local streets. The Commission notes that the proposed museum is located in close proximity to a number of major streets and roadways, including West Street/Route 9A, and West 14<sup>th</sup> Street, three blocks to the north. The Commission further notes that the loading dock for the museum has been

located on West Street to curb the number of trucks utilizing the more local side streets. The Commission notes that the Environmental Assessment Statement prepared for the Whitney applications projected that the museum would generate between 19 and 154 vehicular trips during the morning, midday, evening and Saturday peak hours, including taxi and private-auto trips. The EAS recommends that, in connection with this project, several timing changes be made to the traffic signals located at two intersections along West 14<sup>th</sup> Street. It concludes that, if these signal improvements are made, the proposed project, including the new Whitney facility, would not produce any adverse traffic impacts in the vicinity of the site. The EAS does not identify any other potential impacts associated with this project which might interfere with the appropriate use of property in the surrounding area.

The Commission notes that the site is well served by mass transit. The Commission therefore believes that there will be a significant number of transit trips to and from the museum as noted in the EAS. The proposed museum is a short distance from the 14<sup>th</sup> Street/8<sup>th</sup> Avenue station which serves the A, C, E, and L trains while the 14<sup>th</sup> Street/7<sup>th</sup> Avenue station serves the 1, 2, and 3 lines. . In addition, five bus routes, consisting of the M8, M11, M14A, M14D and M20 bus lines, are located a short distance from the project site. The Commission believes visitors to the museum would utilize these bus and rapid transit facilities.

The Commission further believes that a significant number of visitors to the museum will arrive on foot as a result of the proposed museum being located at the terminus of the High Line. The Commission believes that a visit to the museum will be a natural extension for many of the pedestrians descending from the High Line.

The Commission believes that the project will benefit from the proposed modification of bulk. The Commission notes that to a large extent, the massing of the building was driven by the goals of providing ample light and air to the High Line, retaining sight lines to the Hudson River from the High Line, providing ample open space along the Gansevoort Street frontage of the museum, and providing outdoor space for the museum to exhibit works from its collection while also meeting the programmatic needs of the museum for large unobstructed gallery spaces.

These goals were primarily satisfied by shifting the bulk of the building to the west along the Route 9A/West Street corridor. The building will then step down to the east, creating large outdoor terraces which would be accessible to visitors to the Whitney on the third, fourth and fifth levels and could be used for the display of artwork which could be also viewed by pedestrians on the High Line. By shifting the bulk to the west while creating the terraces on the east, the High Line retains a significant amount of light and air thereby enhancing the experiencing being on the High Line.

The Commission notes that the building was further sculpted by the provision of the Largo which was made possible by partially cantilevering the building over the exterior pedestrian space; by narrowing the building as it extends west toward the High Line to provide views of the Hudson from the terminus of the High Line; and by setting the building back at its southwest corner, near the intersection of Gansevoort and West streets to provide another open space that would be accessible to the public and could be used for museum-related events while also providing an open space link to the Hudson River Park.

This massing, which enables these open spaces and light and air, requires slight encroachments along the West and Gansevoort Street frontages. The Commission believes that the proposed modification of the height and setback regulations provides a better distribution of bulk on the zoning lot by allowing the massing of the building to be arrayed in such a way to facilitate the aforementioned terraces, the Largo, as well as appropriately sized gallery spaces for the museum. The Commission notes that the modification will facilitate the terracing along the east side of the building which will result in a better relationship with the High Line by maximizing the provision of light and air to the High Line and other buildings in the immediate vicinity along Washington Street. The Commission believes that by maximizing the light and air to the High Line, the proposed modification of bulk will result in a development that facilitates the public's use and enjoyment of the High Line.

### **Site Selection and Acquisition**

The Commission believes that the application for site selection and acquisition of property located at 555 West Street a.k.a. 820 Washington Street (Block 644, Lots 1 and 10) to facilitate the development of a High Line Support Facility for use by DPR is appropriate.

The Commission notes that the site is adjacent to the High Line, thereby allowing DPR staff and maintenance vehicles easy access to the High Line. Acquisition of this property by the City will help to expedite the development of the High Line, and provide a resource for DPR that would allow it to better serve the local community as well as the intended users of the High Line north of the site.

### **Disposition**

The Commission believes that the disposition of the site to EDC is appropriate. The museum believes that the subject location, at the southern end of the High Line and the short distance from the waterfront and the Hudson River Park, presents the opportunity for the Whitney to become a unique cultural and recreational destination.

The Commission also believes that the disposition of the three easements for the benefit of the project site is appropriate. The easements would provide a buffer between the proposed Museum building and any new development on the northern portion of the subject zoning lot. The easements would also preserve sight lines to and from the museum along West Street and the High Line; they would preserve physical as well as visual access from Washington Street to the museum entrance and the Largo; and they would ensure that adequate light is able reach the museum building. The Commission believes that the effect of the easements would be to ensure a superior distribution of the available floor area on the remaining northern portion of the zoning lot.

Given the unique nature of the site and the fact that land use review has focused on the specific plan for the Whitney Museum, a general disposition pursuant to zoning would not appear appropriate. Therefore, to ensure that the disposition action would facilitate a museum use, the Commission is modifying the disposition application from the version as certified, to restrict the disposition for purposes of a building containing a museum use and a maintenance and operations facility (High Line Support Facility) for the High Line pursuant to the subject application and C 080407 PCM. The Commission notes that the actions requested in the three applications specifically relate to the Whitney Museum and the maintenance and operations facility. Restricting the disposition to these uses would make certain that future development on the site would occur pursuant to the appropriate land use applications and review.

## **FINDINGS**

The City Planning Commission hereby makes the findings pursuant to Sections 74-921 (a) Use Modifications for Use Groups 3A and 4A in M1 Districts and 74-921 (b) Bulk Modifications for Museums in M1-5 Districts.

Section 74-921 (a): Use Modifications for Use Groups 3A and 4A in M1 Districts:

- (1) an adequate separation from noise, traffic and other adverse effects of the surrounding non-residential districts is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along lot lines of the zoning lot;
- (2) such facility is so located as to draw a minimum of vehicular traffic to and through local streets and that such use will not produce traffic congestion or other adverse effects that interfere with the appropriate use of land in the district or in any adjacent district;
- (3) not applicable;
- (4) in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (5) not applicable; and
- (6) such facility will not impair the essential character of the surrounding area.

Section 74-921 (b): Bulk Modifications for Museums in M1-5 Districts

- (1) provide a better distribution of bulk on the zoning lot;
- (2) result in a better relationship of the building to open areas including the High Line, adjacent streets and surrounding developments;
- (3) provide adequate light and air for buildings on the zoning lot and do not adversely affect adjacent zoning lots by unduly restricting access to light and air to surrounding streets and properties; and
- (4) result in a development that facilitates the public's use and enjoyment of the High



Line.

**RESOLUTION**

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies, and be it further

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, that based on the environmental determination, and the consideration and findings described in this report, submitted by the Whitney Museum of American Art and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to:

1. Section 74-921(a) of the Zoning Resolution to allow Use Group 3A (museum use) in an M1-5 District, and
2. Section 74-921(b) of the Zoning Resolution to modify the requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) for a building containing a museum use in Use Group 3A, on a zoning lot over which the High Line (as defined in Section 98-01) passes;

in connection with the proposed development of a 6-story museum building on property located at 555 West Street a.k.a. 820 Washington Street (Block 644, Lots 1 and 10), in an M1-5 District, Borough of Manhattan, Community District 2 is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 080409 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions,

specifications and zoning computations indicated on the following plan, prepared by the Renzo Piano Building Workshop and Cooper Robertson & Partners, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1.02	Average Curb Level & Lot Division Diagrams	April 29, 2008
Z-1.03	Site Plan & Zoning Analysis and Calculations	April 29, 2008
Z-1.04	Waiver Plan	April 29, 2008
Z-2.01	Zoning Section B1	April 29, 2008
Z-2.02	Zoning Section B2	April 29, 2008
Z-2.03	Zoning Section A1	April 29, 2008
Z-2.04	Zoning Section A2	April 29, 2008
Z-2.05	Zoning Section A3	April 29, 2008
Z-3.01	Level - 2 Plan	April 29, 2008
Z-3.02	Level -1 Plan	April 29, 2008
Z-3.03	Level 1 Plan	April 29, 2008
Z-3.04	Level 1 Mezzanine Plan	April 29, 2008
Z-3.05	Level 2 Plan	April 29, 2008
Z-3.06	Level 2 Mezzanine Plan	April 29, 2008
Z-3.07	Level 3 Plan	April 29, 2008
Z-3.08	Level 3 Mezzanine Plan	April 29, 2008
Z-3.09	Level 4 Plan	April 29, 2008
Z-3.10	Level 4 Mezzanine Plan	April 29, 2008
Z-3.11	Level 5 Plan	April 29, 2008
Z-3.12	Level 6 Plan	April 29, 2008
Z-3.13	Roof Plan	April 29, 2008
Z-4.01	Easement Plan	April 29, 2008

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plan listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Upon the failure of any party having any right, title or interest in the property that is the subject of these applications, or the failure of any heir, successor, assign, or legal

representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permits hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permits. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of these application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of these special permits is hereby granted.

5. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of these special permits.

The above resolution (C 080409 ZSM ), duly adopted by the City Planning Commission on August 11, 2008 (Calendar No. 20), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**KENNETH J. KNUCKLES, Esq., Vice Chairman**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA,**  
**ALFRED C. CERULLO, III, MARIA M. DEL TORO, RICHARD W. EADDY,**  
**NATHAN LEVENTHAL, SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners**