



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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Chair

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District Manager

January 8, 2009

Amanda M. Burden, AICP
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: N090211 ZRM – Eastern Yards Text Change

Dear Chair Burden:

Manhattan Community Board 4 is pleased to provide its comments on the application by RG ERY LLC, affiliated with Related Companies, for four amendments to the zoning text that applies to the Eastern Rail Yards (ERY). We recommend approval of the application, subject to the conditions in this letter, including additional text changes requested in the last section.

On December 1, 2008 we and the Hudson Yards Community Advisory Committee (HYCAC) hosted a public forum with Related Companies, at which Related presented its initial plans for the ERY along with its application for the zoning text changes. Approximately 165 people attended, including representatives of Related, the Hudson Yards Development Corporation and the Department of City Planning. (Related's plans for the Western Rail Yards were presented at a similar forum on September 15, 2008.)

This letter relates only to the proposed zoning text changes. The HYCAC is separately providing comments to the MTA and Related on the development proposal for the ERY. We endorse those comments, a copy of which is attached.

Change Section 93-514(a) to allow a residential building at Eleventh Avenue and 30th Street. The first proposed text amendment would allow residential use in the southwest portion of the ERY, where the zoning presently allows only community facility use. This would allow the required community facility use to be concentrated in the middle of the 30th Street frontage, and a residential building (known as ER-2) to be located at the corner of Eleventh Avenue and 30th Street. We have supported a residential building at this location since the demise of the stadium. It will reinforce the development of 30th Street as a residential corridor, help to reintroduce the familiar NYC street grid and more evenly distribute development across the site. With the change, the height of ER-2

(which would otherwise be located closer to Tenth Avenue, above a commercial tower) would shrink from 1021 feet to 600 feet, ER-1 on Tenth Avenue would shrink from 933 feet to 822 feet and ER3/EH-1 at Eleventh Avenue and 33rd Street would shrink from 880 feet to 785 feet. We recommend approval of this change.

Change Section 93-71 to eliminate retail requirement for community facility building. With the second proposed text amendment, the community facility building would no longer be required to include retail use on the ground floor facing the outdoor plaza and the High Line. The glazing requirement would remain, to ensure transparency. While it is important that these ground floor spaces be transparent and full of activity, we recognize that retail use may be incompatible with some community facility uses. The proposed change makes sense to us, and we recommend approval.

Change Section 93-81 to reduce ERY parking requirement. The third proposed text amendment would make three important changes in the ERY parking requirements: parking would no longer be required, commercial and community facility parking would be capped at 350 accessory spaces, and total parking spaces would be capped at 1,000 accessory spaces. The Environmental Assessment Statement reports that this will not change the number of vehicles that can be accommodated on-site; the requested changes just mean that the developer would no longer be required to lease or acquire off-site parking spaces to meet a parking requirement.

Community District 4 is choked with traffic. The availability of parking contributes to that traffic by encouraging people to come to the area by private car. Development of the ERY is dependent on completion of the extension of the No. 7 subway, at which point the area will be well-served by mass transit. Zoning policy for the area should encourage the use of mass transit and discourage the use of private cars. We therefore opposed the increased parking requirements for Hudson Yards when the rezoning was approved in 2005, and are pleased that those requirements would now be removed for the ERY. But we believe the change should go further: it should revert to the standard parking regulations for Manhattan below 60th Street (Article 1, Chapter 3 of the Zoning Resolution) which, according to the RFP for the Western Rail Yard, will be part of the rezoning for the WRY. Based on the development information in the application, this would result in a maximum of approximately 720 accessory parking spaces, rather than the 1,000-space maximum now sought.

We therefore recommend approval of this change, provided parking is further limited to the maximum amounts in Article 1, Chapter 3.

Change Section 93-82 re: public use of accessory parking spaces. The Hudson Yards zoning allows all accessory parking spaces to be made available for public use. The fourth proposed text amendment would eliminate that provision for the ERY, and would restrict use of any parking spaces on the ERY to uses on the ERY, that is to people who live or work in buildings on the ERY or are visitors to the hotel, retail space or community facility on the ERY. We recommend approval of this change, but note that enforcement of an accessory-only limitation is notoriously difficult. To ensure that all

parking spaces are indeed operated as accessory spaces only, residential parking spaces must be available only on a monthly basis, and operational restrictions must be established for other parking spaces to reduce transient parking.

Additional Text Changes

Our review of Related's development proposal in conjunction with this application leads to a request for several further text changes:

1. Street-level on 30th Street. Because the only solid ground in the ERY development site is along 30th Street, all parking spaces and loading facilities for the entire site must be accessed only from 30th Street. Care must be taken to ensure that 30th Street does not become the "back-of-house" loading dock portion of the site. This is especially important since the plans for the WRY and the northern portion of the Special West Chelsea District envision the transformation of 30th Street into a residential promenade between Tenth Avenue and the Hudson River. We request the following additional changes:

- Reduce curb cuts to the minimum necessary. The site plan shows three curb cuts, one for the parking facility, one for a loading area and one for the LIRR. Could these be reduced to two?
- Keep the space under the High Line active. Creative use of the space under the High Line should be encouraged. Possible uses include market and gallery space, and space for small not-for-profit organizations. Zoning should require active uses, with transparent storefronts, and should allow a floor area exemption, if necessary, for enclosed spaces.

2. Preserve the High Line; Save the Spur. A large and significant portion of the High Line runs over the ERY, connected directly to the sections of the High Line to the south that are currently being transformed into a new public park. The High Line includes the Spur, the City-owned section of the structure that sits over the intersection of Tenth Avenue and 30th Street, adjacent to the ERY. CB4 has long supported full preservation of the High Line, and we were pleased that the RFPs for both the ERY and the WRY required proposals to preserve the structure. Related continues to show the High Line on its drawings for both sites. But the brutal truth of the situation is that the High Line on the ERY and the WRY remains unprotected and at serious risk of demolition. Now is the time to put in place the zoning protections to ensure that the High Line will be preserved. Specifically, borrowing from the provisions of the West Chelsea rezoning:

- Prohibit development in the area occupied by the High Line
- The High Line must remain open and unobstructed from the High Line bed to the sky (see ZR Section 98-421)
- Establish height, setback, transparency and planting requirements for building frontages along the High Line (see ZR Section 98-50)

Other zoning provisions will emerge as the details of High Line preservation are developed. It is time for that work to begin.

Thank you, as always, for considering our comments.

Sincerely,



Jean-Daniel Noland, Chair
Manhattan Community Board 4



Anna Hayes Levin, Chair
Clinton/Hell's Kitchen Land Use Committee

Elisa Gerontianos, Co-Chair
Clinton/Hell's Kitchen Land Use Committee

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