



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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March 12, 2012

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

**Re: Text Amendment for Eastern Rail Yards
ULURP Application # N120176ZRM**

Dear Chair Burden:

On February 8, 2012, a joint meeting of Manhattan Community Board 4's (CB4) Clinton/Hell's Kitchen Land Use Committee and Chelsea Preservation and Planning Committee heard a presentation by Michael Samuelian of The Related Companies (Developer) on proposed text amendments to the Special Hudson Yards District (SHYD). These text amendments primarily concern public access areas, ground floor requirements, and signage regulations applicable within the Eastern Rail Yard Subarea A1 in order to facilitate a revised and improved site plan consistent with the overall goals of the SHYD. On March 7, 2012, by unanimous vote, CB4 recommended **denial** of the application **unless** certain conditions were met.

History of the Site

Subarea A1 of the SHYD, the focus of this application, is the Eastern Rail Yards which run from West 30th Street to West 33rd Street between Tenth and Eleventh Avenues. This site is currently occupied by the Metropolitan Transit Authority's (MTA) Long Island Railroad Cammerer lay up yards. In 2005, when the zoning for the Eastern Rail Yards was adopted, the text and accompanying site diagrams were, at best, a schematic plan. The goal then was to facilitate the replacement of the existing rail yards with a mixed-use neighborhood of which 55% of the lot area would be occupied by public access areas. While that goal remains, there have been many changes since 2005 including updates to the site plan, the selection of The Related Companies as the developer and the City and Developer committing to preserve Phase III of the High Line. As the plan for the Eastern Rail Yards moves forward, multiple text amendments are

needed to facilitate the updated site plan.

Summaries of the Proposed Text Amendments, followed by the Board's comments, are below.

Modification of Existing Sign Regulations

Existing Regulations

The existing sign regulations in Subarea A1 of the SHYD are the sign regulations of a C6-4 District. Accordingly:

- Both illuminated or flashing signs and non-illuminated signs can be five times the street frontage of the zoning lot, but no more than 500 square feet for an interior or through lot and no more than 500 square feet on each frontage for a corner lot;
- The maximum allowable height of a sign is 40 feet from curb level; and,
- No roof signs are allowed.

Additional applicable existing sign regulations in Subarea A1 state:

- Flashing signs shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street; and,
- Flashing signs shall not be allowed on any portion of a building fronting upon the outdoor plaza.

Proposed Modifications

For signs facing Tenth Avenue or within 100 feet of Tenth Avenue:

- Up to 4 signs can exceed the maximum height limitations, as long as no sign exceeds 95 feet in height;
- Up to 5 signs can be located without regard to the underlying limitations on maximum surface area as long as:
 - The aggregate surface area does not exceed 4,400 square feet; and,
 - Each sign has a maximum surface area of 650 square feet, except for one sign which may be 1,800 square feet.
- No flashing signs are allowed above the High Line bed within 150 feet of and facing the ERY High Line.

CB4 Comments

The proposed sign regulations nearly double the height limits allowed under the existing sign regulations for a C6-4 District. In some instances, the modifications to the allowable square footage allow almost a fourfold increase in square footage. The Board fails to see how signs on steroids are consistent with the overall goals of the SHYD. CB4 does not

want Hudson Yards to become Times Square West.

While the goal of restricting flashing signs in order to protect the visual experience for pedestrians along the High Line may be laudable, the Board is adamant that the visual experience of residents or office workers who are not on the High Line, who even may be across the street from the Eastern Rail Yards, should also be protected. The Board requests that DCP require a text amendment to explore reducing the lumens of the flashing signs and turning the signs off at a set hour in the evening.

The Board cannot recommend approval of these amendments unless modifications to decrease the proposed height and square footage of the signs, limit the lumens and intensity of the flashing signs, and control hours of operation are put in place. Further, given CB4's experience with both the Yotel sign lighting and the Port Authority north wing signs, (which have created major quality of life issues for residents a full block away from the sign), CB4 must be assured that any "bounce" from flashing signs will not drive nearby residents or office workers to distraction.

Public Access Areas

Existing Regulations

Subarea A1 requires that 55% of the lot area be publicly accessible (40% of the lot area must be open to the sky; the additional 15% of the lot area may either be open or enclosed.) These open or enclosed areas include the outdoor plaza, public plaza, through block connection, connection to public plaza, connection to High Line and Tenth Avenue bridge.

Proposed Modifications

- Public access areas, other than the ERY High Line, shall be open to the public between 6:00am and 1:00am, except any enclosed portions of the through block connection and connection to the public plaza which shall be open to the public from 8:00 a.m. to 10:00 p.m.

CB4 Comments

While the Board understands that public access areas may have to be closed on occasion for emergencies, cleaning, or maintenance, it cannot agree to open-ended limitations on public perambulation through such a large area of Manhattan. The Eastern Rail Yards are not a private realm. They are part of the public realm, part of the Hell's Kitchen community, part of a new re-imagined and rebuilt part of New York City.

Passage from Tenth Avenue to Eleventh Avenue or from West 33rd Street to West 30th Street through the public areas must at all times of the day and night remain unrestricted. The site plan for the Eastern Rail Yards was laid out in order to restore the street grid interrupted in 1910 by the construction of the tracks to Pennsylvania Station. Restricting

access across the site to only 8 a.m. to 10 p.m. in our 24 hour city is inconsonant with that goal.

CB4 cannot recommend approval of this change unless it is clear that, barring emergencies or maintenance, access through the public areas will remain passable by the public 24 hours a day, 7 days a week.

Outdoor Plaza

Existing Regulations

A publicly accessible space, open to the sky, shall be located within the area bounded by West 33rd Street, the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East, a line 250 feet north of and parallel to West 30th Street, Eleventh Avenue, a line 220 feet south of and parallel to West 33rd Street, and the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West (the "Outdoor Plaza"). No more than 10% of the Outdoor Plaza may be occupied by a building or other structure.

Proposed Modifications

Add language allowing the 10% coverage on the Outdoor Plaza to include an eating or drinking establishment, which will not count as a public access area, as long as the building is no more than 6,000 square feet of the lot at the level of the outdoor plaza and above, contains no more than 12,000 square feet of floor area, and does not exceed a height of 30 feet.

CB4 Comments

The Board agrees with Developer that a small pavilion with a newsstand or café would provide a public amenity and enliven the Eleventh Avenue entrance to the Outdoor Plaza. However, the Board requests that the pavilion be no more than 20 feet in height. Additionally, CB4 insists that the entire Outdoor Plaza, including the area around the proposed pavilion, must be accessible to the public; that there is an entrance to the pavilion from Eleventh Avenue; and that there is 24-hour access from the Eleventh Avenue entrance to the Outdoor Plaza.

The Board recommends approval of the inclusion of a small pavilion on the southwestern portion of the outdoor plaza provided it not exceed 20 feet in height; that its use is restricted to small-scale retail; that outdoor tables or chairs be available for public use even when not ordering food or drink; that there is 24-hour access from the Eleventh Avenue entrance; and that a cultural use, such as a not-for-profit theater, be considered for the space below the pavilion on Eleventh Avenue.

Public Plaza

Existing Regulations

A publicly accessible space shall be provided at the intersection of Tenth Avenue and West 30th Street. Such Public Plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 200 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street.

Proposed Modifications

- Reduce the minimum frontage for the Public Plaza on Tenth Avenue from 200 feet to 180 feet;
- Reduce the ground floor retail requirement from 70% to 25%;
- Exempt the building walls of the Long Island Rail Road (LIRR) facilities from glazing requirements;
- Add language requiring the Public Plaza to contain the following amenities:
 - No less than 120 linear feet of fixed seating;
 - No less than 12 moveable tables and 48 moveable chairs; and,
 - No less than 4 trees which may be planted in a planting bed.
- Add language requiring the Public Plaza to contain at least two of the following amenities:
 - Artwork;
 - Water features; or,
 - Food service in a retail space directly accessible from the public plaza.

CB4 Comments

The Board accepts the necessity for reducing the minimum frontage along Tenth Avenue and the reduction of the retail requirements along the public plaza given the LIRR use. Further, the Board enthusiastically supports the requirement to activate and beautify this important entryway into Hudson Yards. As such, the Board feels that public works of art would be the element which might best enhance this public space and urges Developer to engage with CB4 and the Department of Cultural Affairs in a process to select an appropriate work of public art for display. Further, the Board requests that DCP require artwork, water features, and food service to all be required amenities of the Public Plaza.

Developer reported to the Board that they would be unable to plant the portion of the Public Plaza occupied by the NYC Department of Environmental Protection (DEP) access easement area, with the exception of two trees. As the Board has learned from dealing with another DEP site, at Tenth Avenue between West 48th and West 49th Streets, public use of the water tunnel shaft easement area may not be incompatible with the necessity of having access to the area in case of an emergency. Without greening, this area will be a barren, concrete plaza. The Board has urged Developer, and Developer has willing agreed, to work with DEP and CB4's City Council representative to develop creative ways to make the access easement area an inviting and usable public space

including the use of moveable planters.

The Board also recommends that a public access stair to the High Line be located at the corner of 30th Street and Tenth Avenue. This High Line stair should be similar in size and treatment to the stair at Gansevoort Street that descends into a similar public plaza.

The Board recommends approval to these modifications on the condition that Developer engages with DEP, DCP and CB4 to find creative ways to enhance the DEP access easement area and make it a usable public space with extensive greening and works with CB4 to find appropriate public works of art for the plaza; that artwork, water features, and food service all be required amenities on the Public Plaza; and that a public access stair to the High Line be located at the corner of 30th Street and Tenth Avenue.

Through Block Connection and Tenth Avenue Bridge

Existing Regulations

A publicly accessible through block connection shall be provided connecting the outdoor plaza with the Tenth Avenue pedestrian bridge. Public access shall also be provided between such through block connection and the Tenth Avenue sidewalk within 50 feet of the center line of West 32nd Street. Such through block connection may be open to the sky or enclosed, need not be linear, and may have necessary grade changes. Such through block connection shall have a minimum width of 30 feet. A publicly accessible pedestrian bridge shall be provided over Tenth Avenue linking the through block connections.

Proposed Modifications

- Allow Developer to build an atrium adjacent to the outdoor plaza as part of the through block connection;
- Require the Atrium to be at least 4,000 square feet with a minimum height of 60 feet and depth of 50 feet;
- If Developer elects to build an atrium, the remainder of the through block connection shall be:
 - A minimum width of 24 feet and height of 34 feet for at least 70% of the enclosed area, including the atrium, as long as no portion of the connection is less than 17 feet high;
 - Permitted obstructions such as escalators, elevators, stairs, and lighting are allowed as long as they do not interfere within a 24-foot wide travel path and do not occupy more than 20% of the connection.
- Allow outdoor plaza to connect to Tenth Avenue sidewalk anywhere north of West 32nd Street instead of to the Tenth Avenue bridge;
- The publicly-accessible pedestrian bridge over Tenth Avenue need not be constructed until the 450 West 33rd Street through block connection is completed.

CB4 Comments

The Board supports Developer having the option to build an atrium (though we would not impose the unreasonable requirement that it be "iconic" — an attribution only a future generation can affix). Additionally, CB4 accepts the change in dimensions of the through block connection and agrees that the connection to the Tenth Avenue bridge should be built only when the bridge itself is built.

Connection to Public Plaza

Existing Regulations

- A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the public plaza;
- Retail and glazing requirements shall apply to at least 50% of the length of all building walls;
- Minimum clear width of public way is 20 feet;
- Minimum clear height is 20 feet.

Proposed Modifications

- Minimum clear height shall be 34 feet within at least 50% of the enclosed area of the connection to the public plaza, provided no portion of the connection shall be less than 17 feet;
- Permitted obstructions such as stairs, elevators, and lighting are allowed.

CB4 Comments

The proposed text amendment specifies that the connection, open or enclosed, between the public plaza and the outdoor plaza need not be linear and may have necessary grade changes and that permitted obstructions such as escalators and stairs may not occupy more than 20% of the connection to the public plaza.

CB4 recommends approval of this modification, again emphasizing that passage through the public access areas must be open 24 hours a day, 7 days a week.

Connection to the High Line

Existing Regulations

- A publicly accessible connection between the High Line and the outdoor plaza shall be provided that has a minimum width, measured parallel to the High Line, of 80 feet. If covered, the average clear height of such connection shall be 60 feet.
- Retail and glazing requirements shall apply to at least 50 percent of the length of all building walls facing each side of such connection.

Proposed Modifications

Remove language about retail requirements

CB4 Comments

CB4 recommends approval of this change.

Retail Continuity

Existing Regulations

Map 2 specifies locations where the special ground floor use and transparency requirements apply. Such regulations apply along either 100 percent or 50 percent of the building's street frontage. Uses within stories that have a floor level within five feet of curb level, and within 50 feet of the street line shall be limited to commercial uses permitted by the underlying district.

Proposed Modifications

- Allow public access areas to count towards retail continuity requirement;
- Allow lobby entrances of 120 feet or 25% of wall, whichever is less, on building walls facing the eastern boundary of the outdoor plaza;
- Other lobby walls are still required not to exceed 40 feet or 25% of building's street frontage, whichever is less.

CB4 Comments

CB4 recommends approval of this change.

Further CB4 Comments: West 30th Street

CB4 notes with concern that not one of the text amendments in this application addresses the central importance of West 30th Street as a gateway to the newest part of the West Side.

Yet 30th Street at Tenth Avenue is the at-grade entrance to the southern portion of Hudson Yards. And the 30th Street High Line entrance, off a large visible public plaza, is the closest to a major public transportation hub, Penn Station, and is ADA accessible. West 30th Street is the only location on the High Line with major entrances along the north and south sides of the same street. And with the West Chelsea rezoning to the south, Hudson Yards to the east, and the High Line running east and west, Hudson River Park is poised to receive a major influx of users and become a major pedestrian boulevard and entrance to the new West Side developments.

In short, West 30th Street is the front door to Hudson Yards, the High Line, and Hudson

River Park.

Current plans for the Eastern Rail Yards, however, include a porte cochère, essentially a large, circular driveway requiring two curb cuts, under the north side of the High Line at West 30th Street and Tenth Avenue. CB4 strongly feels that the first space you encounter in a new section of the city should not be a private driveway for an office building. The Board does not want to replicate the Lincoln Tunnel's Dyer Avenue as the entrance to the Eastern Rail Yards.

Care must be taken to ensure that West 30th Street does not become a "back-of-house" loading dock. This is especially important since the plans for the Western Rail Yards and the northern portion of the Special West Chelsea District envision the transformation of West 30th Street into a public promenade between Tenth Avenue and the Hudson River.

The north side of West 30th Street should be enlivened with retail and public uses and entry lobbies to serve the Hudson Yards development. The structure of the High Line should be framed by storefronts and multiple uses that draw people in to the area. The West 30th Street sidewalks and the spaces under the Highline should function as a pedestrian gateway and boulevard, part of the public realm, not broken by curb cuts for private driveways.

CB4 requests that West 30th Street between Tenth and Eleventh Avenues be fully landscaped and that sidewalk widening be considered. Further, CB4 requests that the SHYD text be amended to require storefront uses under the High Line in the same way that retail continuity has been required in the other Hudson Yards subareas and to require limits on the number of curb cuts. CB4 cannot support a porte cochère entrance on West 30th Street on the Eastern Rail Yards.

CB4 cannot support the amendments to the text unless a porte cochère be disallowed, that curb cuts be reduced to the minimum necessary (15 feet wide), except as needed for required for loading docks, including the LIRR, that the text be modified to include retail continuity requirements in the spaces underneath the High Line along West 30th Street. The Board requests that West 30th Street between Tenth and Eleventh Avenues be fully landscaped and that sidewalk widening be considered.

Conclusion

CB4 believes the Eastern Rail Yards should be designed for the public realm. As such, the public should not be obligated to accommodate to design: design should accommodate the public. CB4 requests that the Eastern Rail Yards be continually viewed as a public space within Hell's Kitchen rather than an isolated private development.

Thank you, as always, for considering our comments.

Sincerely,



Corey Johnson, Chair
Manhattan Community Board 4



Jean-Daniel Noland, Chair
Clinton/Hell's Kitchen Land Use Committee



J. Lee Compton, Co-Chair
Chelsea Preservation & Planning

[Signed 3/12/12]

Bret Firfer, Co-Chair
Chelsea Preservation and Planning

cc: Congressman Jerrold Nadler
NYS Senator Tom Duane
NYS Assembly Member Richard Gottfried
NYC Council Speaker Christine Quinn
Manhattan Borough President Scott Stringer
HYDC – Ann Weisbrod, Wendy Leventer, Aaron Kirsch
DCP – David Karnovsky, Edith Hsu-Chen, Frank Ruchala
MTA
Friends of the High Line – Peter Mullan
Related – Michael Samuelian
Fried Frank – Melanie Meyers, Tal Golumb