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3
4 March 7, 2012

5
6 Amanda M. Burden
7 Chair
8 City Planning Commission
9 22 Reade Street
10 New York, NY 10007

11
12 **Re: Text Amendment for Eastern Rail Yards**
13 **ULURP Application # N120176ZRM**

14
15 Dear Chair Burden:

16
17 On February 8, 2012, a joint meeting of Manhattan Community Board 4’s (CB4)
18 Clinton/Hell’s Kitchen Land Use Committee and Chelsea Preservation and Planning
19 Committee heard a presentation by Michael Samuelian of The Related Companies
20 (“Developer”) on proposed text amendments to the Special Hudson Yards District
21 (SHYD). These text amendments primarily concern public access areas, ground floor
22 requirements, and signage regulations applicable within the Eastern Rail Yard Subarea
23 A1 in order to facilitate a revised and improved site plan consistent with the overall goals
24 of the SHYD. On March 7, 2012, by a vote of for, against, abstained, CB4 voted to
25 recommend **denial** of the application **unless** certain conditions were met.

26
27 **History of the Site**

28
29 Subarea A1 of the SHYD, the focus of this application, is the Eastern Rail Yards which
30 run from West 30th Street to West 33rd Street between Tenth and Eleventh Avenues.
31 This site is currently occupied by the Metropolitan Transit Authority’s (MTA) Long
32 Island Railroad Cammerer lay up yards. In 2005, when the zoning for the Eastern Rail
33 Yards was adopted, the text and accompanying site diagrams were, at best, a schematic
34 plan (See Attached Site Plan). The goal then was to facilitate the replacement of the
35 existing rail yards with a mixed-use neighborhood of which 55% of the lot area would be
36 occupied by public access areas. While that goal remains, there have been many changes
37 since 2005 including updates to the site plan, the selection of The Related Companies as
38 the developer and the City and Developer committing to preserve Phase III of the High
39 Line. As the plan for the Eastern Rail Yards moves towards true functionality, multiple
40 text amendments are needed to facilitate the updated site plan.

41
42 Summaries of the Proposed Text Amendments, followed by the Board’s comments, are
43 below.

44
45 **Modification of Existing Sign Regulations**

46

1 Existing Regulations

2
3 The existing sign regulations in Subarea A1 of the SHYD are the sign regulations of a
4 C6-4 District. Accordingly:

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

10
11 Additional applicable existing sign regulations in Subarea A1 state:

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

16
17 Proposed Modifications

18
19 For signs facing Tenth Avenue or within 100 feet of Tenth Avenue:

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

29
30 **CB4 Comments**

31
32 The proposed sign regulations nearly double the height limits allowed under the existing
33 sign regulations for a C6-4 District. In some instances, the modifications to the allowable
34 square footage allow almost a fourfold increase in square footage. The Board fails to see
35 how signs on steroids are consistent with the overall goals of the SHYD. CB4 does not
36 want Hudson Yards to become Times Square West.

37
38 While the goal of restricting flashing signs in order to protect the visual experience for
39 pedestrians along the High Line may be laudable, the Board is adamant that the visual
40 experience of residents or office workers who are not on the High Line, who even may be
41 across the street from the Eastern Rail Yards, should also be protected. The Board
42 requests that DCP require a text amendment to explore reducing the lumens of the
43 flashing signs and turning the signs off at a set hour in the evening.

44
45 The Board cannot recommend approval of these amendments unless modifications to
46 decrease the proposed height and square footage of the signs, limit the lumens and

1 intensity of the flashing signs, and control hours of operation are put in place. Further,
2 given CB4's experience with both the Yotel sign lighting and the Port Authority north
3 wing signs, (which have created major quality of life issues for residents a full block
4 away from the sign), CB4 must be assured that any "bounce" from flashing signs will not
5 drive nearby residents or office workers to distraction.

6 7 **Public Access Areas**

8 9 Existing Regulations

10
11 Subarea A1 requires that 55% of the lot area be publicly accessible (40% of the lot area
12 must be open to the sky; the additional 15% of the lot area may either be open or
13 enclosed.) These open or enclosed areas include the outdoor plaza, public plaza, through
14 block connection, connection to public plaza, connection to High Line and Tenth Avenue
15 bridge.

16 17 Proposed Modifications

18
19 • Public access areas, other than the ERY High Line, shall be open to the public between
20 6:00am and 1:00am, except any enclosed portions of the through block connection and
21 connection to the public plaza which shall be open to the public from 8:00 a.m. to 10:00
22 p.m.

23 24 **CB4 Comments**

25
26 While the Board understands that public access areas may have to be closed on occasion
27 for emergencies, cleaning, or maintenance, it cannot agree to open-ended limitations on
28 public perambulation through such a large area of Manhattan. The Eastern Rail Yards are
29 not a private realm. They are part of the public realm, part of the Hell's Kitchen
30 community, part of a new re-imagined and rebuilt part of New York City.

31
32 Passage from Tenth Avenue to Eleventh Avenue or from West 33rd Street to West 30th
33 Street through the public areas must at all times of the day and night remain unrestricted.
34 The site plan for the Eastern Rail Yards was laid out in order to restore the street grid
35 interrupted in 1910 by the construction of the tracks to Pennsylvania Station. Restricting
36 access across the site to only 8 a.m. to 10 p.m. in our 24 hour city is inconsonant with that
37 goal.

38
39 CB4 cannot recommend approval of this change unless it is clear that, barring
40 emergencies or maintenance, access through the public areas will remain passable by the
41 public 24 hours a day, 7 days a week.

42 43 Outdoor Plaza

44 45 Existing Regulations

46

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

8
9 **Proposed Modifications**

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

16
17 **CB4 Comments**

18
19 The Board agrees with Developer that a small pavilion with a newsstand or café would
20 provide a public amenity and enliven the Eleventh Avenue entrance to the Outdoor Plaza.
21 However, the Board requests that the pavilion be no more than 20 feet in height.
22 Additionally, CB4 is adamant that the entire outdoor plaza, including the area around the
23 proposed pavilion, be accessible to the public and that there is an entrance to the pavilion
24 from Eleventh Avenue.

25
26 The Board recommends approval of the inclusion of a small pavilion on the southwestern
27 portion of the outdoor plaza provided it not exceed 20 feet in height; that its use is
28 restricted to small-scale retail; that outdoor tables or chairs be available for public use
29 even when not ordering food or drink; and that a cultural use, such as a not-for-profit
30 theater, be considered for the space below the pavilion on Eleventh Avenue.

31
32 **Public Plaza**

33
34 **Existing Regulations**

35
36 A publicly accessible space shall be provided at the intersection of Tenth Avenue and
37 West 30th Street. Such public plaza shall have a minimum area of 12,000 square feet
38 with a minimum frontage of 200 feet along Tenth Avenue and a minimum frontage of 60
39 feet along West 30th Street (the “Public Plaza”).

40
41 **Proposed Modifications**

- 42
43 • Reduce the minimum frontage for the Public Plaza on Tenth Avenue from 200 feet to
44 180 feet;
45 • Reduce the ground floor retail requirement from 70% to 25%;

- 1 • Exempt the building walls of the Long Island Rail Road (LIRR) facilities from glazing
- 2 requirements;
- 3 • Add language requiring the Public Plaza to contain the following amenities:
- 4 • No less than 120 linear feet of fixed seating;
- 5 • No less than 12 moveable tables and 48 moveable chairs; and,
- 6 • No less than 4 trees which may be planted in a planting bed.
- 7 • Add language requiring the Public Plaza to contain at least two of the following
- 8 amenities:
- 9 • Artwork;
- 10 • Water features; or,
- 11 • Food service in a retail space directly accessible from the public plaza.

12

13 **CB4 Comments**

14

15 The Board accepts the necessity for reducing the minimum frontage along Tenth Avenue

16 and the reduction of the retail requirements along the public plaza given the LIRR use.

17 Further, the Board enthusiastically supports the requirement to activate and beautify this

18 important entryway into Hudson Yards. As such, the Board feels that public works of art

19 would be the element which might best enhance this public space and urges Developer to

20 engage with CB4 and the Department of Cultural Affairs in a process to select an

21 appropriate work of public art for display. Further, the Board requests that DCP require

22 artwork, water features, and food service to all be required amenities of the Public Plaza.

23

24 Developer reported to the Board that they would be unable to plant the portion of the

25 Public Plaza occupied by the NYC Department of Environmental Protection (DEP)

26 access easement area, with the exception of two trees. As the Board has learned from

27 dealing with another DEP site, at Tenth Avenue between West 48th and West 49th

28 Streets, public use of the water tunnel shaft easement area may not be incompatible with

29 the necessity of having access to the area in case of an emergency. Without greening, this

30 area will be a barren, concrete plaza. The Board has urged Developer, and Developer has

31 willing agreed, to work with DEP and CB4's City Council representative to develop

32 creative ways to make the access easement area an inviting and usable public space

33 including the use of moveable planters.

34

35 The Board also recommends that a public access stair to the High Line be located at the

36 corner of 30th Street and Tenth Avenue. This High Line stair should be similar in size

37 and treatment to the stair at Gansevoort Street that descends into a similar public plaza.

38

39 The Board recommends approval to these modifications on the condition that Developer

40 engages with DEP, DCP and CB4 to find creative ways to enhance the DEP access

41 easement area and make it a usable public space with extensive greening and works with

42 CB4 to find appropriate public works of art for the plaza; and that artwork, water

43 features, and food service all be required amenities on the Public Plaza; and that a public

44 access stair to the High Line be located at the corner of 30th Street and Tenth Avenue.

45

46 **Through Block Connection and Tenth Avenue Bridge**

1
2 Existing Regulations

3
4 A publicly accessible through block connection shall be provided connecting the outdoor
5 plaza with the Tenth Avenue pedestrian bridge. Public access shall also be provided
6 between such through block connection and the Tenth Avenue sidewalk within 50 feet of
7 the center line of West 32nd Street. Such through block connection may be open to the
8 sky or enclosed, need not be linear, and may have necessary grade changes. Such through
9 block connection shall have a minimum width of 30 feet. A publicly-accessible
10 pedestrian bridge shall be provided over Tenth Avenue linking the through block
11 connections.

12
13 Proposed Modifications

- 14
15 • Allow Developer to build an atrium adjacent to the outdoor plaza as part of the through
16 block connection;
17 • Require the Atrium to be at least 4,000 square feet with a minimum height of 60 feet
18 and depth of 50 feet;
19 • If Developer elects to build an atrium, the remainder of the through block connection
20 shall be:
21 • A minimum width of 24 feet and height of 34 feet for at least 70% of the
22 enclosed area, including the atrium, as long as no portion of the
23 connection is less than 17 feet high;
24 • Permitted obstructions such as escalators, elevators, stairs, and lighting are allowed as
25 long as they do not interfere within a 24-foot wide travel path
26 and do not occupy more than 20% of the connection.
27 • Allow outdoor plaza to connect to Tenth Avenue sidewalk anywhere north of West
28 32nd Street instead of to the Tenth Avenue bridge;
29 • The publicly-accessible pedestrian bridge over Tenth Avenue need not be constructed
30 until the 450 West 33rd Street through block connection is completed.

31
32 **CB4 Comments**

33
34 The Board supports Developer having the option to build an atrium (though we would not
35 impose the unreasonable requirement that it be "iconic" — only a future generation can
36 affix such a modifier to an edifice). Additionally, CB4 accepts the change in dimensions
37 of the through block connection and agrees that the connection to the Tenth Avenue
38 bridge should be built only when the bridge itself is built.

39
40 However, the Board would like to reiterate its position that care must be taken to ensure
41 that West 30th Street does not become a “back-of-house” loading dock. This is especially
42 important since the plans for the Western Rail Yards and the northern portion of the
43 Special West Chelsea District envision the transformation of West 30th Street into a
44 public promenade between Tenth Avenue and the Hudson River.

1 The current plans for the Eastern Rail Yards include a porte cochère, essentially a large,
2 circular driveway requiring two curb cuts, under the High Line at West 30th Street and
3 Tenth Avenue. West 30th Street is a gateway for Hudson Yards, the High Line, and
4 Hudson River Park. This passageway should be transformed into a public promenade.
5 Therefore, the street and ground level must be fully enlivened with both public and
6 private uses. The idea of taking this square footage and using it as a driveway is
7 completely in opposition to the idea of this space as a public realm. CB4 cannot support a
8 porte cochère on the Eastern Rail Yards. The uses at the site should be a combination of
9 retail, gallery, and not-for-profit space. Transparency celebrates the High Line, as
10 evidenced by the former car wash on West 14th Street and the Equinox on West 16th
11 Street. The structure of the High Line should be framed by storefronts and multiple uses
12 that draw people in to the area. CB4 requests that the SHYD text be further amended to
13 include limits on the number of curb cuts and to require storefront use under the High
14 Line.

15
16 CB4 recommends approval of these amendments to the text on the condition that a porte
17 cochère be disallowed, and that curb cuts be kept to the minimum necessary, perhaps one
18 for a loading area and one for the LIRR, and that storefront use be required underneath
19 the High Line.

20 21 **Connection to Public Plaza**

22 23 Existing Regulations

- 24
25 • A public way, open or enclosed, shall be provided connecting the outdoor plaza or the
26 through block connection with the public plaza;
27 • Retail and glazing requirements shall apply to at least 50% of the length of all building
28 walls;
29 • Minimum clear width of public way is 20 feet;
30 • Minimum clear height is 20 feet.

31 32 Proposed Modifications

- 33
34 • Minimum clear height shall be 34 feet within at least 50% of the enclosed area of the
35 connection to the public plaza, provided no portion of the connection shall be less than 17
36 feet;
37 • Permitted obstructions such as stairs, elevators, and lighting are allowed.

38 39 **CB4 Comments**

40
41 The proposed text amendment specifies that the connection, open or enclosed, between
42 the public plaza and the outdoor plaza need not be linear and may have necessary grade
43 changes and that permitted obstructions such as escalators and stairs may not occupy
44 more than 20% of the connection to the public plaza.

45

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

4 **Connection to the High Line**

6 Existing Regulations

8 • A publicly accessible connection between the High Line and the outdoor plaza shall be
9 provided that has a minimum width, measured parallel to the High Line, of 80 feet. If
10 covered, the average clear height of such connection shall be 60 feet.

11 • Retail and glazing requirements shall apply to at least 50 percent of the length of all
12 building walls facing each side of such connection.

14 Proposed Modifications

16 Remove language about retail requirements

18 **CB4 Comments**

20 CB4 recommends approval of this change.

22 **Retail Continuity**

24 Existing Regulations

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

32 Proposed Modifications

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

40 **CB4 Comments**

42 CB4 recommends approval of this change.

44 CB4 strongly believes that the Eastern Rail Yards should be designed for the public
45 realm. As such, the public should not be obligated to accommodate to design: Rather,
46 design should accommodate the public. CB4 requests that the Eastern Rail Yards be

1 continually viewed as a public space within Hell's Kitchen rather than an isolated private
2 development.

3
4 Thank you, as always, for considering our comments.

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6
7 Sincerely,

8
9
10 Corey Johnson

11 JD, Lee, Bret

12 CC: Congressman Jerrold Nadler

13 NYS Senator Tom Duane

14 NYS Assembly Member Richard Gottfried

15 NYC Council Speaker Christine Quinn

16 Manhattan Borough President Scott Stringer

17 HYDC – Ann Weisbrod, Wendy Leventer, Aaron Kirsch

18 DCP – David Karnovsky, Edith Hsu-Chen, Frank Ruchala

19 MTA

20 Friends of the High Line – Peter Mullan

21 MTA

22 Related – Michael Samuelian

23 Fried Frank – Melanie Meyers, Tal Golumb

24

25