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January 31, 2013

By Hand Delivery

Maurice Spreiregen
Land Use Review, Central Intake
Department of City Planning
22 Reade Street, Room 2E
New York, NY 10007-1216

CITY PLANNING COMMISSION
2013 JAN 31 PM 3:41
DEPT. OF CITY PLANNING

N130178ZRM

Re: Culture Shed
Application No. 130178 ZRM

Dear Maurice:

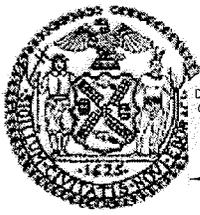
Enclosed please find one (1) original and six (6) copies of an application for an amendment of the Zoning Resolution in connection with the development of Culture Shed in Hudson Yards. The enclosed application comprises the LR Form (with attachments), Supplemental Form MM/ZM/ZR, Attachment 7, and the proposed text change. There is no ULURP fee because the applicant, the New York City Department of Cultural Affairs, is a city agency.

Thank you and please call me if you have any questions.

Very truly yours,

Robin A. Kramer

Enclosures



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

Land Use Review Application

Department of City Planning, New York, NY 10007-1216

N130178ZRM

Received by Central Intake on January 31, 2013

APPLICATION NUMBER

City Planning will assign and stamp reference numbers here

1. APPLICANT AND APPLICANT'S REPRESENTATIVES

APPLICATION NUMBER _____

New York City Department of Cultural Affairs
APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) *

c/o Kate D. Levin, Commissioner, Department of Cultural Affairs, 31 Chambers St
STREET ADDRESS

New York NY 10007
CITY STATE ZIP

212 513-9319
AREA CODE TELEPHONE # FAX#

APPLICATION NUMBER _____

Elise Wagner
APPLICANT'S PRIMARY REPRESENTATIVE

Kramer Levin Naftalis & Frankel LLP
REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

1177 Avenue of the Americas
STREET ADDRESS

New York NY 10036
CITY STATE ZIP

(212) 715-9189 (212) 715-8208
AREA CODE TELEPHONE # FAX#

* List additional applicants below:

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)
ADDITIONAL APPLICANT REPRESENTATIVE:

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.) TELEPHONE # FAX #

2. SITE DATA

(If the site contains more than one property complete the "LR Item 2. Site Data Attachment Sheet.")

Culture Shed
PROJECT NAME (IF ANY)

Tenth Avenue, Eleventh Avenue, West 30th Street, West 33rd Street
STREET ADDRESS

Tenth Avenue, Eleventh Avenue, West 30th Street, West 33rd Street
DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

C6-4, Special Hudson Yards District 8b
EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY) ZONING SECTIONAL MAP NO(S).

Block 702, Lots 1, 50; Block 704, Lots 1, 5 and 6 Man. 4
TAX BLOCK AND LOT NUMBER BOROUGH COMM. DIST.

N/A
URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO YES IF YES, IDENTIFY _____

3. DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

See attached LR Item 3: Description of Proposal

4. ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

* No supplemental form required

<input type="checkbox"/>	CHANGE IN CITY MAP..... MM	\$ _____	<input type="checkbox"/>	MODIFICATION	\$ _____
<input type="checkbox"/>	ZONING MAP AMENDMENT..... ZM	\$ _____			
<input checked="" type="checkbox"/>	ZONING TEXT AMENDMENT..... ZR	\$ _____	<input type="checkbox"/>	FOLLOW-UP	\$ _____
<input type="checkbox"/>	ZONING SPECIAL PERMIT..... ZS	\$ _____			APPLICATION NO. _____
<input type="checkbox"/>	ZONING AUTHORIZATION..... ZA	\$ _____	<input type="checkbox"/>	RENEWAL	\$ _____
<input type="checkbox"/>	ZONING CERTIFICATION..... ZC	\$ _____			APPLICATION NO. _____
<input type="checkbox"/>	PUBLIC FACILITY, SEL./ACQ..... PF	\$ _____	<input type="checkbox"/>	OTHER	\$ _____
<input type="checkbox"/>	DISPOSITION OF REAL PROP..... PD	\$ _____			SPECIFY _____
<input type="checkbox"/>	URBAN DEVELOP'T ACTION..... HA	\$ _____			TOTAL FEE (For all actions) \$ 0.00
<input type="checkbox"/>	URBAN RENEWAL PROJECT..... *	\$ _____			
<input type="checkbox"/>	HOUSING PLAN & PROJECT..... *	\$ _____			Make Check or Money Order payable to Department of City Planning.
<input type="checkbox"/>	FRANCHISE..... *	\$ _____			If fee exemption is claimed check box below and explain
<input type="checkbox"/>	REVOCABLE CONSENT..... *	\$ _____	<input checked="" type="checkbox"/>	Applicant is City Agency	
<input type="checkbox"/>	CONCESSION..... *	\$ _____			
<input type="checkbox"/>	LANDFILL..... *	\$ _____			Has pre-application meeting been held? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
<input type="checkbox"/>	OTHER (Describe)	\$ _____			David Karnovsky/Frank
					If yes <u>Ruchala</u>
					DCP Office/Representative
					Date of meeting



13DCP085M Complexity: Routine SEQR Type: Creation date: 1/30/2013

PRIVATE APPLICANT Review Deadline Reason Editor Agency: DCP

Project Name: Culture Shed n130178zrm

Review Flags

Participating Agencies DEP DCP LPC DEC DO SCA

Project Description: Build Year: CEQR fee:

Add New Milestone

Latest Milestone

Milestone Name

Milestone date:

Notes:

Milestone Version

Latest Stage

Stage	Start Date	End date
CEQR Number Created	1/30/2013	

Project Issues

N130178ZRM



13 DCP085M

5. ENVIRONMENTAL REVIEW

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (Disc LEAD AGENCY City Planning Commission

Received by Central Intake on January 31, 2013

30 11891

TYPE OF CEQR ACTION:

- TYPE II, TYPE I, UNLISTED (checked) with ULURP appl.

Has CEQR determination been made? Yes No

If yes, what was determination? Negative Declaration, CND, Positive Declaration. Date determination made: (Attach Copy)

If Positive Declaration, has PDEIS been filed?

Has Notice of Completion (NOC) for DEIS been issued? If yes, attach copy.

If PDEIS has not been filed, has final scope been issued? If yes, date issued:

6. COASTAL ZONE MANAGEMENT

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No Yes

7. RELATED ACTIONS BY CITY PLANNING

LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:

Table with columns: APPLICATION NO., DESCRIPTION/ DISPOSITION/STATUS, CAL. NO., DATE. Content: See Attached

8. RELATED ACTIONS BY OTHER AGENCIES

LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:

Table with columns: REFERENCE NO., DESCRIPTION/ DISPOSITION/STATUS, CAL. NO., DATE. Content: Disposition of Site by MTA

9. FUTURE ACTIONS REQUIRED

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

10. APPLICANT (Attach authorizing resolution(s), if applicable)

Kate D. Levin, Commissioner. Signature of Applicant. DATE 1/31/13. New York City Department of Cultural Affairs

11. CO-APPLICANTS

(Attach authorizing resolution(s), if applicable)

Form for co-applicants with fields for name, title, signature, date, company, address, city, state, zip, tel. no., fax.

ADMINISTRATIVE CODE

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE

THIS APPLICATION WILL BE DEEMED COMMISSION. ADDITIONAL INFORMATION



N130178ZRM

Received by Central Intake on January 31, 2013

City Map Change.....MM

Proposed City Map Change
(Check appropriate boxes)

APPLICATION NO _____

1. ESTABLISH NEW..... STREET PARK PUBLIC PLACE GRADE

2. ELIMINATE EXISTING..... STREET PARK PUBLIC PLACE GRADE

3. CHANGE EXISTING STREET WIDTH ALIGNMENT GRADE

4. EASEMENT
Delineate New..... Remove Existing Modify Existing

5. RELATED ACQUISITION OR DISPOSITION OF PROPERTY

Zoning Map ChangeZM

Proposed Zoning Map Change(s)

APPLICATION NO _____

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes")

CHANGE #1	FROM: _____	TO: _____
	EXISTING	PROPOSED
CHANGE #2	FROM: _____	TO: _____
	EXISTING	PROPOSED
CHANGE #3	FROM: _____	TO: _____
	EXISTING	PROPOSED
CHANGE #4	FROM: _____	TO: _____
	EXISTING	PROPOSED
CHANGE #5	FROM: _____	TO: _____
	EXISTING	PROPOSED



N130178ZRM

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Zoning Text Amendment.....ZR

Affected Zoning Resolution (ZR) Sections

APPLICATION NO _____

If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

ZR SECTION NUMBER	ZONING RESOLUTION SECTION TITLE
_____	SEE ATTACHED
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

LR ITEM 3 - DESCRIPTION OF PROPOSAL

**APPLICATION TO THE
NEW YORK CITY PLANNING COMMISSION**

for

**AMENDMENT TO ZONING RESOLUTION
ARTICLE IX, CHAPTER 3**

I. INTRODUCTION

This is an application (“Application”) by the New York City Department of Cultural Affairs for amendment of certain provisions of Article IX, Chapter 3 of the Zoning Resolution of the City of New York (the “Zoning Resolution” or “ZR”), applicable to the Hudson Yards Special District, to facilitate the development of a cultural facility known as the “Culture Shed.” The Culture Shed is proposed to be developed on a portion of Subarea A1 of the Eastern Rail Yards, between West 30th and West 31st Streets, between Tenth and Eleventh Avenues (the “Culture Shed Site”). The Culture Shed Site would be conveyed by the City to the Culture Shed, Inc. (the “Culture Shed Developer”), a not-for-profit entity, which would develop the Culture Shed, acting as designated developer.

II. BACKGROUND

In 2005, the City of New York adopted special provisions of the Zoning Resolution to enable the development of Hudson Yards (the “Hudson Yards Zoning Provisions”), including the development of the Metropolitan Transportation Authority’s (the “MTA”) John D. Caemmerer Yard (the “Eastern Rail Yard” or “ERY”) located between Tenth and Eleventh Avenues. The Hudson Yards Zoning Provisions identified certain subareas within Hudson Yards, including Subarea A1, which is located on the southernmost portion (between West 30th Street and West 33rd Street between Tenth Avenue and Eleventh Avenue) of the new Hudson Yards neighborhood that extends from West 30th Street to West 41st Street generally west of Eighth Avenue. The Hudson Yards Zoning Provisions envisioned a large mixed-use development over and adjacent to the existing open rail yard (which would continue to operate) within Subarea A1, including the construction of buildings comprising up to 11.0 FAR¹ of commercial, residential and community facility uses, of which up to 2 FAR could be used for community facility use. In 2007, the MTA, as the owner of the Eastern Rail Yard, issued a request for proposals to lease the airspace and a portion of terra firma located within Subarea A1 for development pursuant to the Hudson Yards Zoning Provisions applicable to Subarea A1, and a developer was subsequently designated by the MTA.

¹ An additional 8.0 FAR generated within Subarea A1 is not permitted to be used within Subarea A1 but may be transferred to certain sites in the northern portion of Hudson Yards as part of the Large-Scale Plan Subdistrict A in accordance with ZR Section 93-34.

Development of a cultural facility in the southern portion of Subarea A1 has been an element of the development plan for Hudson Yards since the initial proposal for the development of Hudson Yards. The Final Generic Environmental Impact Statement for the adoption of the Hudson Yards Zoning Provisions (the “FGEIS”) included analysis of a cultural facility containing 200,000 square feet of floor area. The current Hudson Yards Zoning Provisions contain restrictions on the location of buildings in Subarea A1, and provide for the development of a community facility use located within 220 feet of West 30th Street, west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard East, adjacent to the “connection to the High Line” (defined in ZR Section 93-71(f)), and “not closer than 50 feet east of the ‘southerly prolongation of the western sidewalk widening line of Hudson Boulevard West’” (the “Original Cultural Facility Location”). Pursuant to a Memorandum of Understanding signed in 2010 by the City of New York and the MTA, the MTA agreed to convey to the City an approximately 21,000 square foot lot at the Original Cultural Facility Location with 100,000 square feet of floor area for such cultural facility.

The Hudson Yards Zoning Provisions establish public access requirements for Subarea A1, which comprises a single zoning lot, including requirements for a public plaza, an outdoor plaza, and other public access areas, including a connection to the High Line. The public access areas must occupy at least 55 percent of the lot area of the zoning lot (comprising all of Subarea A1), with at least 40 percent of the lot area publicly accessible and open to the sky.

Since the adoption in 2005 of the Hudson Yards Zoning Provisions, there have been several amendments to these regulations relating to Subarea A1, including an amendment in 2009 concerning the location of buildings and parking and the parking requirements. In 2012, amendments were adopted at the request of the designated developer, ERY Tenant LLC (“ERY Tenant”) relating to the design of the public access areas, sign regulations and retail requirements. At the same time as the 2012 amendment requested by the ERY Tenant, an application by the Department of City Planning to amend the Hudson Yards Zoning Provisions to allow the use of the High Line as part of the required public access areas was also approved.

III. AREA DESCRIPTION

The area surrounding the Culture Shed Site consists of a mix of commercial, residential, light industrial, entertainment, institutional, and transportation-related uses. Zoning districts to the south of the Culture Shed Site include C6-3 and C6-4 districts within the Special West Chelsea District directly to the south, with an M2-3 district to the southwest and C6-4 and R8 district to the southeast. To the east are M1-5, C6-4, C6-2A, R8 and R8B districts. The blocks north of West 30th Street extending east to Eighth Avenue are in the Special Hudson Yards District and are primarily in a C6-4 zoning district, with an M1-5 district located in the midblock between Tenth and Eleventh Avenues north of West 33rd Street, and C2-8, R-8A and C1-7A districts to the northeast.

The designated developer for the ERY, ERY Tenant, is in the process of applying for a building permit for the first tower to be constructed in the ERY, an office building to be located on Tenth Avenue between West 30th and West 31st Streets. ERY Tenant is also preparing plans for a retail

building on Tenth Avenue north of the office tower, and a primarily residential tower west of and abutting the Culture Shed Site.

IV. PROJECT DESCRIPTION

A. Culture Shed, Inc.

The mission of the Culture Shed is to present exhibits, performances and other events across the spectrum of arts and culture, including visual art, design, dance, theater, music and media. The facility's design both facilitates and embodies this mission: the Culture Shed is a flexible structure that can expand and contract as necessary to create a multi-purpose venue that will foster innovation, collaboration, and cross-pollination in the creative sector. Robust community programming, ranging from film screenings to green markets, are also an essential part of Culture Shed's mission. The Culture Shed Organization will produce and present a full calendar of events in its architecturally dynamic spaces that have been designed to museum standards, providing a new platform for artists and multiple audiences.

The Culture Shed will follow a 'Kunsthalle' model: without a permanent collection or affiliation with any one institution, the Culture Shed will operate as a venue for short-term exhibits, performances and special events. The ability to present multiple works or events simultaneously in several spaces will allow for unique forms of collaboration across artistic and design disciplines. For example, a theater or dance company may present performances in a space adjacent to an art exhibit, with the performance and exhibit organized around common or related artistic themes and motifs.

A unique feature of the Culture Shed will be its ability to house large scale exhibits and events not easily accommodated in other venues in New York City; as a result a number of New York City not-for-profit organizations have already expressed an interest in using the Culture Shed as a venue for presenting special programming. The Culture Shed will also provide an unparalleled opportunity for major arts institutions around the globe to present traveling art exhibitions or performances. To that end, the Culture Shed will introduce a Cultural Timeshare program providing contributing global and national partners in the visual and performing arts with large contiguous spaces in which to present shows. The Cultural Timeshare will create a multi-year rotating pool of world-class innovative programming presented by leading national and international organizations.

The Culture Shed will host three main categories of activities:

1. Arts and Cultural Programming that includes art exhibits, visual and performing arts presentations that are:

- produced and presented by the Culture Shed Organization
- conceived and presented by the Culture Shed Organization in collaboration with local, national and international not-for-profit institutions

B. Description of Project

The Culture Shed will consist of a fixed building (the “Culture Shed Building”), with a retractable shed (the “Shed Portion”) that would be deployed from time to time to the east of the Culture Shed Building to provide additional space for exhibits and events. Portions of the Culture Shed, primarily back office and service facilities, would be located in the residential building (currently known as Tower D) to be developed by the ERY Tenant to the immediate west of the Culture Shed Site, on the east side of Eleventh Avenue between West 30th and West 31st Streets. The City would acquire the lot area needed for the development of the Culture Shed from the MTA and lease it to the Culture Shed Developer.

A plaza, with a lot area of approximately 17,758 square feet (the “Culture Facility Plaza”) would be developed to the east of the Culture Shed Building as part of the required public access areas. This plaza will be covered by the Shed Portion from time to time, in connection with Culture Shed events. When the Shed Portion is not deployed, the Culture Facility Plaza would be used for a variety of activities that would be open to the public.

V. PROPOSED ACTION

The following changes to the provisions of the Zoning Resolution would be needed to enable the construction of Culture Shed:

- Establish a definition for the ERY Culture Festival and Exhibit Facility that would permit all of the activities proposed by Culture Shed and allow them to be treated as community facility uses or uses in Use Groups 3 and 4.
- Modify the applicable sign regulations to allow signs on three sides of the Culture Shed, with a maximum total surface area of 2700 square feet, with not more than 200 square feet of signs facing the outdoor plaza or the connection to the High Line, and allow the use of banners, similar to other community facility uses.
- Revise the existing text with respect to the location of the cultural facility so that the Culture Shed Building may abut, and include support space within, Tower D.
- Allow certain portions of the Culture Shed, including floor area in portions of elevator shafts and stairwells in the abutting residential tower that pass through floors occupied by Culture Shed, to be excluded from the definition of floor area in the Zoning Resolution, so as to permit a facility of appropriate size.
- Provide that in the event that Tower D includes floor area for the Culture Shed, it is not required to have retail continuity facing the outdoor plaza
- Create a new open space, the Culture Facility Plaza, that would be considered open space and open to the sky for purposes of meeting the minimum required open space standards in Subarea A1. The Culture Facility Plaza would be treated as public access area for purposes of the Hudson Yards Zoning Provisions notwithstanding that at times the Culture Facility Plaza would be covered by the deployed Shed.

- Reduce the width of the defined “connection to the High Line” (ZR Section 93-71(e)) from 80 feet to a minimum of 60 feet, to accommodate the new Culture Facility Plaza. Require that any portion of the cultural facility that cantilevers over the connection to the High Line must not project beyond a defined limiting plane or distance over such connection.
- Permit portions of the outdoor plaza (as defined in Section 93-71(b)) to be used in connection with events in the Culture Facility Plaza and to be subject to time-ticketed access for such events, as well as allow roadways within the outdoor plaza adjacent to the Culture Facility Plaza to be temporarily closed to vehicular traffic during such events.
- Require that the Culture Facility Plaza be constructed prior to a TCO for the Culture Shed Building. Clarify that the construction of the Culture Facility Plaza is not a condition to a building permit or certificate of occupancy for any building other than the cultural facility.
- Allow the Culture Facility Plaza (and adjacent portions of the outdoor plaza when used in conjunction with events in the Culture Facility Plaza) to be closed to the public up to 12 days each year in connection with Culture Shed events.
- Facilitate the use of space within Tower D (the residential tower to the west of the Culture Shed Site), to provide storage, restrooms, maintenance facilities or other support space for the ERY High Line by excluding the floor space of such support facilities from the definition of floor area.

VI. CONCLUSION

The proposed amendment to the Zoning Resolution would enable the development of a significant new cultural facility for the City of New York, as envisioned in the redevelopment plans for Hudson Yards.

LR Item 7:

Related City Planning Commission Actions

<u>Application No.</u>	<u>Description/Disposition/Status</u>	<u>Cal. No.</u>	<u>Date</u>
N040500(A)ZRM	Adoption of Special Hudson Yards District zoning text	4	11/22/04
N0902112 ZRM	Text changes for mixed use development	11	3/04/09
N120171ZRM	Text changes related to High Line	10	4/25/12
N120176 ZRM	Text changes for ground floor retail, sign regulations and public access requirement	11	4/25/12



ZONING MAP

THE NEW YORK CITY PLANNING COM

Major Zoning Classific

The number(s) and/or letter(s) th an R, C or M District designation use, bulk and other controls as in the text of the Zoning Res

- R - RESIDENTIAL DISTF
- C - COMMERCIAL DISTI
- M - MANUFACTURING I

SPECIAL PURPOSE I
The letter(s) within the area designates the spec district as described in of the Zoning Resoluti

AREA(S) REZONEI

Effective Date(s) of Re

09-21-2011 C 10006

Special Requirements:

- For a list of lots subject l environmental requirements APPENDIX C.
- For a list of lots subject l restrictive declarations, see APPENDIX D.
- For Inclusionary Housing designated areas on this r see APPENDIX F.

MAP KEY

8a	8c	9a
8b	8d	9b
12a	12c	13a

© Copyrighted by the City of New York

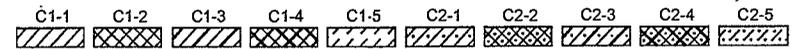
NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.

CULTURE SHED SITE IN SUBAREA A1 OF HUDSON YARDS

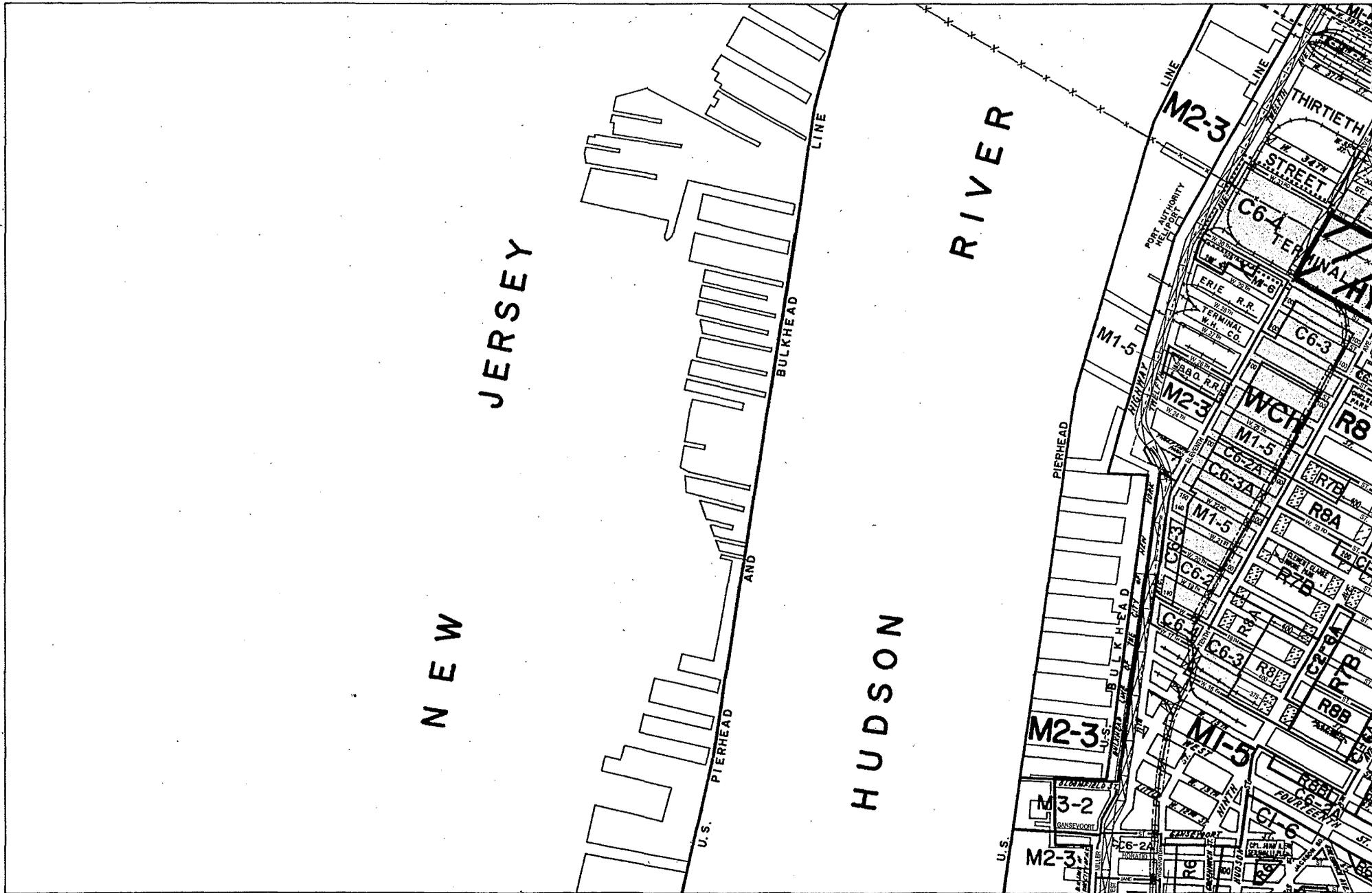
ATTACHMENT 7

ZONING MAP **8d**

NOTE: STREETS FOR THE STREET MAP CHANGE C 04058 MMM ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.



NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classification

The number(s) and/or letter(s) that appear on R, C or M District designation in use, bulk and other controls as described in the text of the Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT

- SPECIAL PURPOSE DISTRICT
The letter(s) within the square designates the special district as described in the text of the Zoning Resolution.
- AREA(S) REZONED

Effective Date(s) of Rezoning

12-21-2009 - C 090433

Special Requirements:

- For a list of lots subject to environmental requirements, see APPENDIX C.
- For a list of lots subject to restrictive declarations, see APPENDIX D.
- For Inclusionary Housing designated areas on this map, see APPENDIX F.

MAP KEY

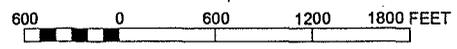
	8a	8c
	8b	8d
	12a	12c

© Copyrighted by the City of New York

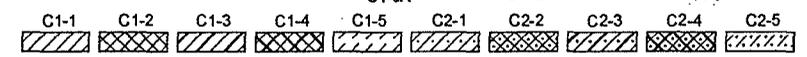
CULTURE SHED SITE IN SUBAREA A1 OF HUDSON YARDS

ATTACHMENT 7

ZONING MAP 8b



NOTE: STREETS FOR THE STREET MAP CHANGE C 040508MMM ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.



NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.

**EASTERN RAIL YARD
CULTURE FACILITY
TEXT AMENDMENT**

D R A F T

January 28, 2013

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE IX

SPECIAL PURPOSE DISTRICTS

Chapter 3

Special Hudson Yards District

* * *

93-00

GENERAL PURPOSES

* * *

93-01

Definitions

ERY Culture, Festival and Exhibit Facility

An “ERY Culture, Festival and Exhibit Facility” is a #use# that comprises changing, non-permanent exhibits, events, expositions, presentations, festivals and fairs related to any or all of the following: visual arts, performing arts, culinary arts, literature, journalism, broadcasting, crafts, technology, fashion and design, or any similar activity. Any #building# in which an #ERY Culture, Festival and Exhibit Facility# is located may include a moveable portion that may be extended and retracted to cover all or a portion of the Culture Facility Plaza described in Section 93-71(i).

* * *

93-10

USE REGULATIONS

93-101

ERY Culture, Festival and Exhibit Facility

For purposes of this Chapter, all references to #community facility#, #community facility use# or #uses# in Use Groups 3 or 4 in connection with Eastern Rail Yard Subarea A1 shall be deemed to include an #ERY Culture, Festival and Exhibit Facility#.

* * *

93-17

Modification of Sign Regulations

- (a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying #sign# regulations shall apply, except that #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. The following modifications to the underlying #sign# regulations shall apply in the Eastern Rail Yard Subarea A1:

* * *

- (4) For an #ERY Culture, Festival and Exhibit Facility#, the total #surface area# of all permitted #signs# and banners shall be as set forth in this subsection. The maximum aggregate #surface area# of all #signs# shall not exceed 2,700 square feet. #Signs# (other than banners) facing the outdoor plaza, as described in Section 93-71(b), shall not exceed a maximum aggregate #surface area# of 200 square feet; #signs# facing the Connection to the High Line, as described in Section 93-71(f), shall not exceed a maximum aggregate #surface area# of 200 square feet; and #signs# facing West 30th Street shall not exceed a maximum aggregate #surface area# of 1,700 square feet. A maximum of 600 square feet of #signs# in the form of banners are permitted facing or within the outdoor plaza. No #sign# shall exceed a height of 30 feet above the level of the Culture Facility Plaza, as described in Section 93-71(i) and no #signs# facing West 30th Street shall be located at a height above the #High Line#. Banners located within the outdoor plaza may be installed on one or two poles located not less than 13 feet from an #ERY Culture, Festival and Exhibit Facility#. The bottom of any such banner shall be located at least 10 feet above the bottom of the pole. Any #sign# that exceeds 300 square feet of #surface area# shall be non-#illuminated# or a #sign with indirect illumination#.

* * *

93-20 FLOOR AREA REGULATIONS

The #floor area# regulations of this Section, inclusive, shall apply to #zoning lots#.

93-21 Floor Area Regulations in the Large-Scale Plan Subdistrict A

In the Large-Scale Plan Subdistrict A, the #floor area# provisions of this Section shall apply.

* * *

(b) Eastern Rail Yard Subarea A1

- (1) The maximum #floor area ratio# for any #zoning lot# in the subarea shall be 11.0. The maximum #floor area ratio# for #commercial use# shall be 9.0, the maximum #floor area ratio# for #community facility use#, shall be 2.0, and the maximum #floor area ratio# for #residential use# shall be 3.0. #Residential use# shall only be permitted on a #zoning lot# with a non-#residential floor

area ratio# of 8.0 or more, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E).

Any floor space occupied by an #ERY Culture, Festival and Exhibit Facility#, including any floor space #accessory# thereto, that is located:

- (i) below the elevation of the Culture Shed Plaza described in Section 93-71(i).
- (ii) within the moveable portion that may be extended and retracted to cover and enclose all or any portion of the Culture Facility Plaza, or
- (iii) within a portion of a #building# that contains #residential use# and is not designed to house the moveable portion described above,

shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. In addition, in a #building# containing both #residential use# and an #ERY Culture, Festival and Exhibit Facility#, any floor space occupied by elevator shafts, structural systems or stairwells serving the #residential use# that is either located on any #story# occupied entirely by the #ERY Culture, Festival and Exhibit Facility# except for such elevator shafts, structural systems, and stairwells, or is located on a #story# occupied in part by the #ERY Culture, Festival and Exhibit Facility# where such elevator shaft or stairwell is not accessible for #residential use# on such #story# except for emergency egress, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential uses# and the total maximum #floor area ratio# of the #zoning lot#.

For a #building# or portion of a #building# containing #residential use# that is located adjacent to the #ERY High Line#, any floor space used for storage, restrooms, maintenance facilities or other support space for the #ERY High Line# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential or community facility uses# and the total maximum #floor area ratio# of the #zoning lot#.

* * *

**93-514
Eastern Rail Yard Subarea A1**

- (a) Location of #buildings#

#Buildings# shall be located only in the following areas:

- (1) east of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;
- (2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street; and
- (3) west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street, provided that either:
 - (i) such area contains only #uses# in Use Groups 3 and 4; or
 - (ii) where such area includes #residential use#, (a) such #residential use# ~~is permitted~~ shall be located only in a #building# or portion of a #building# located west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West, and such #building# may also include uses in Use Groups 3, 4, 6A and 6C, ~~and (b) a #building# containing only #uses# in Use Groups 3 or 4 may be located not closer than 50 feet east of such~~ prolongation. In addition, #uses# in Use Group 3 or 4 may be located in a #building# separate from any #building# containing #residential use#, provided that any such separate #building# may not be located closer than 50 feet east of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West.

* * *

93-70

PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites other than for an #ERY Culture, Festival and Exhibit Facility# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#, a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if

applicable, the #Tenth Avenue Spur#, as set forth in 93-71, paragraph (h), the requirements set forth in such Section shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. Such plan may provide for the outdoor plaza described in Section 93-71, paragraph (b), to be constructed in phases. The completion of the Cultural Facility Plaza shall be deemed integral only to an #ERY Culture, Festival and Exhibit Facility# and to no other #use# or #development# in the Eastern Rail Yard Subarea A1. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#.

For any portion of any #development# or #enlargement# other than an #ERY Culture, Festival and Exhibit Facility#, No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in Section 93-71, paragraph (h). Issuance of a temporary or permanent certificate of occupancy for any #building# or portion of a #building# not occupied by an #ERY Culture, Festival and Exhibit facility# shall not be conditioned upon the completion, substantial completion or improvement of the Culture Facility Plaza.

For an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for such #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza described in paragraph (i) of Section 93-71 is substantially complete and open to and useable by the public and no permanent certificate of occupancy from the Department of Buildings may be issued for the #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the

Department of Buildings that the Culture Facility Plaza is complete. If a moveable portion of the #ERY Culture, Festival and Exhibit Facility# is not initially constructed as part of the #ERY Culture, Festival and Exhibit Facility# but is constructed at a later date, any closure of the Culture Facility Plaza necessary for such construction shall not affect the validity of any certificate of occupancy previously issued for the #ERY Culture, Festival and Exhibit Facility#. No temporary certificate of occupancy for the moveable portion that is thereafter constructed, or an amended temporary certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is substantially complete and open to and useable by the public and no permanent certificate of occupancy for the moveable portion that is thereafter constructed, or an amended permanent certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is complete.

93-71

Public Access Areas in the Eastern Rail Yard Subarea A1

Any #development# in the Eastern Rail Yard Subarea A1 shall provide public access areas in accordance with the following requirements:

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f), and paragraphs (h) and (i), of this Section. For purposes of determining compliance with such 55% and 40% requirements, the Culture Facility Plaza, any portion of the Connection to the High Line allowed to be covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility# pursuant to paragraph (f) of this Section, and any portion of the Connection to the High Line that is not required to have a clear height of 60 feet pursuant to paragraph (f) of this Section shall be deemed publicly accessible and open to the sky at all times, including any time when a moveable portion of an #ERY Culture, Festival and Exhibit Facility# extends over the Culture Facility Plaza or the Connection to the High Line. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61 and, at the option of the owner, the #Tenth Avenue Spur#. If the Cultural Facility Plaza is closed during the construction of the moveable portion of the #ERY Culture, Festival and Exhibit Facility#, the amount of publicly accessible open space shall not be considered reduced during such period.

- (3) contains no more than 7,200 square feet of #floor area# at the level of the outdoor plaza and above, and no more than 3,600 square feet of #floor area# below the level of the outdoor plaza;
- (4) has a maximum north-south dimension of 85 feet at the level of the outdoor plaza and above;
- (5) is located such that the maximum east/west dimension measured along a line 355 feet from West 30th Street is 40 feet at the level of the outdoor plaza and above. For portions of the #building# located north or south of such line, the maximum east/west dimension shall increase at a rate of one foot in the east/west dimension for every four feet in the north/south dimension from such line, up to a maximum east/west dimension of 60 feet; and
- (6) has a maximum perimeter wall height of 24 feet, and a maximum #building# height of 30 feet. Above a height of 24 feet, no portion of a building may penetrate a #sky exposure plane# that begins at a height of 24 feet above the perimeter walls and rises over the #building# at a slope of 2.5 feet of horizontal distance for each foot of vertical distance. Such heights shall be measured from the highest level of the adjoining portions of the outdoor plaza.

No #building# location or setback requirements shall apply to any #building# walls facing the northern, eastern or southern boundaries of the outdoor plaza.

#Building# walls fronting upon the western boundary of the outdoor plaza shall extend along at least 70 percent of the length of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and shall rise to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, a setback at least 20 feet in depth is required from such prolongation line. However, such #building# wall may rise without setback at such prolongation line, provided the aggregate width of such #building# wall does not exceed 50 percent of the width of such line and provided all other portions of the #building# that exceed a height of 120 feet are set back at least 20 feet from such prolongation line at a height not lower than 90 feet.

The retail and glazing requirements of Section 93-14 (Ground Floor Level Requirements) shall apply to at least 70 percent of the length of all #building# walls facing each side of the outdoor plaza, except that such retail requirements shall not apply to any #building# or portion of a #building# located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street containing only #uses# in Use Group 3 or 4 or an #ERY Culture, Festival and Exhibit Facility#. ~~located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street.~~

(f) Connection to the High Line

A publicly accessible connection between the High Line and the outdoor plaza (hereinafter referred to as the "connection") shall be provided that has a minimum width, measured parallel to the High Line, of 80 60 feet, and is located east of the Culture Facility Plaza. If any portion is covered For a width of 60 feet measured parallel to the High Line, the clear height of such the connection shall be at least 60 feet. Above such height, overhangs of the 60 foot width dimension of the connection shall be permitted by the movable portion of the #ERY Culture, Festival and Exhibit Facility#, provided that the angle of such overhang is a maximum of 14 degrees east of the vertical extension of the western edge of such 60 foot width, as measured from the intersection of such vertical extension with the 60 foot clear height of the connection. Additionally, such overhang shall project over no more than 16 feet of the 60 foot width dimension. Any portion of the connection east of the minimum 60 foot width shall, if covered, have a minimum clear height of 60 feet. The movable portion of the #ERY Culture, Festival and Exhibit Facility# shall be permitted to overhang any portion of the connection west of such minimum 60 foot width, provided that the angle of such overhanging portion is a maximum of 14 degrees measured at the western edge of the connection at its ground level. The glazing requirements of Section 93-14, paragraph (c), shall apply to at least 50 percent of the length of all #building# walls facing such the connection.

* * *

(i) Culture Facility Plaza

(1) A publicly accessible space located east of and abutting the non-moveable portion of an #ERY Culture, Festival and Exhibit Facility#, and bounded to the north by the outdoor plaza and to the south by the #ERY High Line# shall be provided. During times when the Culture Facility Plaza is not covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza may be used for purposes of outdoor events related to an #ERY Culture, Festival and Exhibit Facility#. All such events shall be open and accessible to the general public free of admission charge, provided that ticketed events with tickets available on a first come first served or timed basis shall be permitted. During all times when the Culture Facility Plaza is not used for an #ERY Culture, Festival and Exhibit Facility# event or covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza shall be open and accessible to the public between the hours of 6:00 am and 1:00 am. Notwithstanding any other provision, the Culture Facility Plaza may be closed to the public not more than 12 days each calendar year for an event related to the #ERY Culture, Festival and Exhibit Facility#, provided that not less than five days prior to any such closing, notice is given to the applicable community board and is posted at conspicuous locations at such plaza. No #building# or portion of a #building# that is not used for an #ERY Culture, Festival and Exhibit Facility#

shall have any obligation to comply with the requirements of this subparagraph or paragraph (a) of Section 93-71 related to the Culture Facility Plaza.

- (2) When the Culture Facility Plaza is used for an event related to an #ERY Culture, Festival and Exhibit Facility#, or when the moveable portion of the shed is deployed and such event or use of the shed includes use of an adjacent portion of the outdoor plaza described in Section 93-71 (b), use of such portion of the outdoor plaza shall be governed by the provisions of subparagraph (i) of this Section permitting use of ticketed events with tickets available on a first come first served or timed basis. An adjacent portion of the outdoor plaza may also be closed to the public in connection with a closure of the Culture Facility Plaza up to 12 days each year pursuant to subparagraph (i) of this Section. During any outdoor event utilizing an adjacent portion of the outdoor plaza, portions of the outdoor plaza used for vehicular access to and egress from the Eastern Rail Yard may be closed to vehicular use in order to accommodate the event attendees, for a period that shall extend no longer than necessary for such purpose. All other public access areas listed in this Section 93-71, including all portions of the outdoor plaza not used for the outdoor event, shall remain open and accessible at all such times.