



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

MANHATTAN OFFICE

Amanda M Burden, FAICP
DIRECTOR

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Robert J. Benfatto, Jr, Esq.
District Manager
Manhattan Community Board 4
330 West 42nd St, 26th Floor
New York NY 10036

December 6, 2012

RE: N 140191 ZRM
Manhattan West Text Amendment

Dear Mr. Benfatto:

The Department of City Planning is referring to you the above-referenced application submitted by BOP West 31st Street LLC to amend the Special Hudson Yards District of the New York City Zoning Resolution in order to facilitate development of 450 West 33 Street in Subarea B1 and Ninth Avenue Rail Yard in Subarea B2.

The proposed text amendment would modify the requirements of the public access area and phasing plan of 450 West 33 Street in Subarea B1 and Ninth Avenue Rail Yard in Subarea B2; and parking certification of Ninth Avenue Rail Yard in Subarea B2.

The application for the zoning text amendment (N 140191 ZRM) is not subject to the Uniform Land Use Review Procedure (ULURP) and does not require public hearing by the community board. However, if you have any comments or recommendations on this application (N 140191 ZRM), please send them by **February 9, 2014** to:

City Planning Commission
Calendar Information Office
22 Reade Street, Room 2E
New York, N. Y. 10007

If you have any questions on the proposed text amendment, please contact the applicant's representative, Kenneth Lowenstein, Land Use Counsel – Holland & Knight, at (212) 513-3438.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edith Hsu-Chen', with a horizontal line drawn through the middle of the signature.

Edith Hsu-Chen

ENCLOSURE

c: Gail Benjamin, New York City Council
Kenneth Lowenstein, Holland & Knight (w/o Enc)
Jacquelyn Harris, DCP (w/o Enc)
David Karnovsky, DCP (w/o Enc)
Adam Wolff, DCP (w/o Enc)



City Planning will assign and stamp reference numbers here

Land Use Review Application

Received by Central Intake on November 25, 2013

Department of City Planning

DEPARTMENT OF CITY PLANNING



N 140191ZRM
N 140192ZCM

1. APPLICANT AND APPLICANT'S REPRESENTATIVES

APPLICATION NUMBER

APPLICATION NUMBER

BOP West 31st Street LLC

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) *
250 Vesey Street, 15th Floor

STREET ADDRESS

New York NY 10281
CITY STATE ZIP

212-417-2591 212-417-7196
AREA CODE TELEPHONE # FAX#

APPLICATION NUMBER

Kenneth Lowenstein

APPLICANT'S PRIMARY REPRESENTATIVE

Holland & Knight LLP

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

31 West 52nd Street
STREET ADDRESS

New York NY 10019
CITY STATE ZIP

212-513-3438 212-385-9010
AREA CODE TELEPHONE # FAX#

* List additional applicants below:

Brookfield Properties W 33rd Co., L.P.

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.")

371 9th Ave., 401-409 9th Ave; 450 West 33rd St
STREET ADDRESS

Manhattan West

PROJECT NAME (IF ANY)

9th Ave, 31st Street, 33rd Street, 10th Avenue

DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

C6-4/HY- Farley Cor Sub District B SubAreas B1 & B2

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY)

8d

ZONING SECTIONAL MAP NO(S)

Block 729, Lots 1, 15, 50 & 60

TAX BLOCK AND LOT NUMBER

Manhattan

BOROUGH

4

COMM. DIST.

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 description

4. ACTIONS REQUESTED AND FEES

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

* No supplemental form required

- CHANGE IN CITY MAP.....MM \$ _____
- ZONING MAP AMENDMENT.....ZM \$ _____
- ZONING TEXT AMENDMENT.....ZR \$ 5445
- ZONING SPECIAL PERMIT.....ZS \$ _____
- ZONING AUTHORIZATION.....ZA \$ _____
- ZONING CERTIFICATION.....ZC \$ 430
- PUBLIC FACILITY, SEL./ACQ.....PF \$ _____
- DISPOSITION OF REAL PROP.....PD \$ _____
- URBAN DEVELOP=MENT ACTION.....HA \$ _____
- URBAN RENEWAL PROJECT.....* \$ _____
- HOUSING PLAN & PROJECT.....* \$ _____
- FRANCHISE.....* \$ _____
- REVOCABLE CONSENT.....* \$ _____
- CONCESSION.....* \$ _____
- LANDFILL.....* \$ _____
- OTHER (Describe) \$ _____

- MODIFICATION \$ _____
- FOLLOW-UP \$ _____ APPLICATION NO. _____
- RENEWAL \$ _____ APPLICATION NO. _____
- OTHER \$ _____ SPECIFY _____

TOTAL FEE (For all actions) \$ 5875

Make Check or Money Order payable to Department of City Planning

If fee exemption is claimed check box below and explain

Has pre-application meeting been held? NO YES

If yes **Shampa Chanda** 10/16/1012
DCP Office/Representative Date of meeting

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TO BE FILED ON 11-26-13

Basic Form LR - continued



5. ENVIRONMENTAL REVIEW

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (Discu... LEAD AGENCY Department of City Planning

TYPE OF CEQR ACTION:

TYPE II, TYPE I, UNLISTED (checked) Type II category: Has EAS been filed? Yes No If yes, Date EAS filed:

Date determination was made:

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. Includes entries for 900102 ZSM and 870307 ZSM.

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.

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)

Philip Wharton, Senior Vice President, Development (Signature: Philip Wharton) DATE

BOP West 31st Street LLC APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

11. CO-APPLICANTS (Attach authorizing resolution(s), if applicable)

Philip Wharton, Senior Vice President, Development (Signature: Philip Wharton) DATE 11/22/13

Brookfield Properties W 33rd Co., L.P. CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

250 Vesey Street New York NY 212-417-2591 212-417-7196 STREET ADDRESS CITY STATE ZIP TEL. NO. FAX

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET 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 10-164 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE

THIS APPLICATION WILL BE DEEMED PREPARED FOR THE COMMISSION. ADDITIONAL INFORMATION



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N140191ZRM

N140192ZCM

CITY PLANNING

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 Change ZM

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: _____
	Received by Central Intake on November 25, 2013	
CHANGE #4	FROM: _____	TO: _____
		PROPOSED
CHANGE #5	FROM: _____	TO: _____
		PROPOSED


N140192ZRM

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

Special Permit/Authorization/Certification. . . .ZS/ZA/ZC

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N140191ZRM

N140192ZCM

APPLICATION NO.

(If more than five actions are being requested, enter "see attached" below, and list ALL PROPOSED ACTIONS in the same format as below on a separate sheet titled "Proposed Zoning Special Permits/ Authorization/ Certifications.")

Action(s) requested pursuant to ZR (Check one box for each proposed action)	Special Permit (ZS)	Authorization (ZA)	Certification (ZC)	PURSUANT TO:		TO MODIFY: SECTION NO. (If applicable)
				ZONING RESOLUTION SECTION NUMBER	ZONING RESOLUTION SECTION TITLE	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	93-122	Certification for Residential Use in subdistricts A, B and E	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	93-122(b)	Certification for Residential Use in subdistricts A, B and E	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

HAS A DRAFT RESTRICTIVE DECLARATION BEEN INCLUDED WITH THIS APPLICATION? YES NO

WILL ALL PARTIES IN INTEREST TO THE PROPERTY AGREE TO A RESTRICTIVE DECLARATION IF REQUIRED? YES NO

Property ownership/ interest

CHECK APPLICABLE BOX(ES) (If more than one box is checked in the left column, please explain below).

APPLICANT:

- IS OWNER OF SUBJECT PROPERTY
- IS LESSEE OF SUBJECT PROPERTY
- HAS CONTRACT TO LEASE/BUY SUBJECT PROPERTY
- IS OTHER (explain real property interest below)

APPLICANT:

- IS A CITY AGENCY
- IS A STATE OR FEDERAL AGENCY

Discussion of findings

STATEMENT IN SUPPORT OF REQUIRED ZONING RESOLUTION FINDINGS/DECLARATION OF COMPLIANCE
 (This is the same discussion/statement as in Attachment #11. If it fits below, it may be put here instead of in a separate attachment. If Attachment #11 has been completed, you may leave this area blank).

See Attached

PROPOSED ZONING TEXT AMENDMENTS

ZR SECTION NUMBER	ZONING RESOLUTION SECTION TITLE
93-22	Maximum Floor Area in Farley Corridor Subdistrict B
93-70	Public Access Requirements for Special Sites
93-72	Public Access Areas at 450 West 33 rd Street
93-73	Public Access Areas on Ninth Avenue Rail Yard
93-731	Special Requirements for Zoning Lots with floor area ratios greater than 10
93-821	Permitted Parking when the reservoir surplus is greater than or equal to zero
93-822	Permitted parking when a reservoir deficit exists

LR Item 3. Description of Proposal

371 9th Avenue, 401-409 9th Avenue and 450 West 33rd Street

November 25, 2013

1. Introduction

This application is submitted by BOP West 31st Street LLC and Brookfield Properties W 33rd Co., L.P. (affiliates of Brookfield Office Properties ("Applicant")) for:

- Zoning text amendments; and
- Certifications by the Chairperson of the City Planning Commission pursuant to Sections 93-122 and 93-122(b) of the Zoning Resolution.

These actions will facilitate the development of approximately 4 million square feet of commercial and residential floor area on the Ninth Avenue Rail Yards (Block 729, Lots 50 & 60) ("**Development Site**") bounded by Ninth Avenue, West 33rd Street, West 31st Street and a line 498 west of Ninth Avenue. The proposed actions will also modify the existing requirements relating to the public access areas on the zoning lot located immediately to the west of the Development Site and bounded by Tenth Avenue, West 33rd Street, West 31st Street and a line 302 feet east of Tenth Avenue (Block 729, Lots 1 and 15) ("**450 Site**").

Both the Development Site and the 450 Site are in a C6-4 district in the Special Hudson Yard District. The Development Site is within the Central Blocks Subarea B2 of the Farley Corridor Subdistrict and the 450 Site is within the Western Blocks Subarea B1 of the Farley Corridor Subdistrict.

2. Background

Prior to the adoption of the Special Hudson Yards District in 2005, the Development Site and the 450 Site were zoned M1-6. In 1989, the owner of southern portion of the Development Site obtained a special permit (C870307 ZSM) to allow the construction of a proposed 51-story office tower on a platform over a rail yard. In 1990, the owner of the northern portion of the Development Site obtained a special permit (C900102 ZSM) to permit the construction of a 31-story office building and a public parking garage with a capacity of 312 spaces. Neither building was ever constructed. The 450 Site is occupied by a 14-story plus penthouse office building which was constructed in the late 1960's pursuant to a special permit to permit development over a rail yard.

3. Description of Surrounding Area

The surrounding area contains a mix of residential, commercial, public facility, and transportation and utility uses. Public facilities and institutions are primarily found in the eastern and southern portions, while transportation and utility uses are found in the central and western portions. Residential, commercial, and a small amount of manufacturing uses are scattered throughout the surrounding area.

Along Ninth Avenue, tenement buildings with ground floor retail uses are mixed among 12- to 14-story prewar buildings. Several 16- to 18-story prewar residential buildings line West 34th Street. A few brownstones are located in the southeastern edge of the surrounding area.

Commercial uses are found throughout the surrounding area, including a 16-story building on the corner of Ninth Avenue and West 31st Street, and two 18-story buildings on West 33rd Street. Retail use, including restaurants and a large electronics store, is concentrated along Ninth Avenue and West 34th Street. There is a cluster of commercial and industrial buildings between West 33rd and West 34th Streets, west of Tenth Avenue.

Several major institutional and public facility uses are located in the surrounding area. In the southern portion, the USPS Morgan General Mail Facility occupies the block bounded by West 29th and West 30th Streets, and Ninth and Tenth Avenues. The James A. Farley Post Office building occupies the block east of the Project Area across Ninth Avenue. The Clinton School for Writers and Artists/MS 260 and the Church of St. Michael are located adjacent to each other, just north of the Project Area on West 34th Street. The Webster Apartments, an apartment residence for women, is located at 419 West 34th Street.

West of Tenth Avenue is the Eastern Rail Yard section of the Long Island Rail Road's (LIRR) John D. Caemmerer West Side Yard, which is currently being used as for LIRR rail yard operations and is under construction with the development of a platform over the rail yard to accommodate a future mixed-use development. Other significant transportation uses in the surrounding area include the Lincoln Tunnel entrance and several lots that are used for bus parking and staging.

The Development Site and the 450 Site are both zoned C6-4, and are located in the Farley Corridor Subdistricts B1 and B2, respectively, of the Special Hudson Yards District. The Special Hudson Yards District was established in 2005 to foster a mix of uses and densities, provide new publicly accessible open space, extend the Midtown central business district by providing opportunities for substantial new office and hotel development, reinforce existing residential neighborhoods, and encourage new housing on Manhattan's Far West Side.

The surrounding area contains R8A and R8B residential zoning districts, C2-5, C6-2A, and C6-3X commercial districts, an M1-5 manufacturing district, and the Special West Chelsea District. The R8A and R8B zoning districts are contextual residential districts with mandatory Quality Housing bulk regulations set at or near the street line. C2-5 districts are commercial overlay districts mapped in residential districts, along streets that serve local retail needs. C6-2A and C6-3X districts are contextual commercial districts with maximum building heights, and are widely mapped in special districts. Within the surrounding area, these districts are mapped within the Special Hudson Yards District. The Special West Chelsea District provides a regulatory framework for the continued development of a dynamic mixed residential and commercial area centered around the public open space created by reuse of the High Line, a former elevated rail line running north-south through the length of the district (just outside of the study area).

4. Description of Project Area

The Project Area is located in the Hudson Yards area in Manhattan Community Board 4 directly across the street from the future Moynihan Station and one block west of Penn Station. It

occupies the super block between Ninth and Tenth Avenues, 31st and 33rd Streets and includes lots 1, 15, 50, 60 and 63(now condominiums) in Block 729.

The principal land uses in the Project Area are office, retail and transportation. Existing buildings on the 450 Site and at 424 West 33rd Street contain office and retail uses. The area between Ninth Avenue and Dyer Avenue is occupied by an active below-grade rail yard primarily used by Amtrak. In late 2012, the Applicant commenced construction of a platform to cover the below-grade rail yard and that construction is expected to be completed in approximately two years. Prior to construction of the platform, three public parking lots were located on at-grade portions of the Development Site on 31st and 33rd Street with a total capacity 450 parking spaces.

The 450 Site is occupied by a 14-story plus penthouse commercial building with ground floor retail. The building occupies the entire zoning lot and is notable for its pyramid-like shape with steeply sloping sides on both 33rd and 31 Streets. It was constructed in 1970 pursuant to a special permit to allow construction over a rail yard and was originally known as the West Yard Distribution Center. The main entrance is located on West 33rd Street with the 31st Street and Tenth Avenue frontages containing the building's 38 loading docks. Most of the remainder of the building's Tenth Avenue frontage is occupied by mechanical space.

The only other parcel in the Project Area is 424 West 33rd Street (formerly lot 63), a 13-story commercial office building.

The Development Site and the 450 Site are separated by Dyer Avenue which is located in a below grade cut 53 feet in width owned by the Applicant. Since 1954, the Port Authority of New York and New Jersey has an easement granted in 1954 for an access road (known as Dyer Avenue) to the third tube of the Lincoln Tunnel. The Applicant retains the right to construct in the area above Dyer Avenue.

5. Description of Proposed Development Site

The Development Site consists of lots 50 and 60 in Block 729. It occupies the entire Ninth Avenue block front (455 feet) and extends 478 feet west on 31st Street. Along 33rd Street, the Development Site also extends west a distance of 478 feet but it does not include the lot containing 424 West 33rd Street.

The Development Site has an area of approximately 213,600 square feet. It contains no existing buildings but, as described in the preceding section, there is an active below-grade rail yard used primarily for Amtrak. The applicant is currently constructing a platform to cover the rail yard and to enable the development of the proposed commercial and residential buildings. Along both 33rd and 31st Streets, public parking lots with a total capacity of approximately 450 spaces were in operation until recently.

6. Description of Proposed Development

Applicant intends to develop the Development Site into a new commercial center, residential hub, and extensive green space (to be known as Manhattan West) that links the mid-town business district and Moynihan Station to the Eastern and Western Rail Yards and beyond to

Hudson Park and Boulevard, the northern terminus of the High Line, and the new 7 Line extension.

It is currently anticipated that a total of five buildings will be constructed on the Development Site: two office buildings on the northeast and southeast corners, respectively, a residential building on the southwest portion and mixed used buildings containing office, hotel or retail uses on the northwest portion and to the north of the residential building. At this time, the exact heights of the buildings are not known but it is expected that the two office buildings will be skyscrapers. The height and setback regulations in the Special Hudson Yard District allow a building to rise without setback to a height of 150 feet with a mandatory 15 foot setback above that height on a wide street and 20 feet on a narrow street. Alternatively, if a 15 foot setback at grade is provided on a narrow street, no setback is required on a narrow street.

A notable feature of the proposed development is the extensive network (over two acres) of new publicly accessible open space that will be provided. This space will include gardens, plazas, terraces, and passageways along with a deck over the existing Dyer Avenue between 31st and 33rd Streets to create a seamless public open space in place of the open cut roadway. The open space will be extensively landscaped with both trees and planted areas, have fixed and moveable seating and tables and other amenities.

Upon completion, the Development Site will contain approximately four million square feet of zoning floor area, with approximately 3.2 million square feet of commercial (office, hotel and retail) uses and 800,000 square feet of residential uses. The first stage of the project is the construction of a platform above the rail yards which commenced in late 2012. Completion of the entire project is expected in 2020.

6. Actions Necessary to Facilitate the Project

The following actions are required to implement the proposed project:

- Zoning Text Amendments to Section 93-221 (Maximum Floor Area Ratio in the Farley Corridor Subdistrict B); Section 93-70 (Public Access Requirements for Special Sites); Section 93-72 (Public Access Areas at 450 West 33rd Street); Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard); 93-731 (Special Requirements for Zoning Lots with Floor Area Ratios Greater than 10); Section 93-821 (Permitted Parking when the Reservoir Surplus is Greater than or Equal to Zero) and 93-822 (Permitted Parking when a Reservoir Deficit Exists).
- Chair Certification pursuant to Section 93-122 to allow residential development on the Development Site.
- Chair Certification pursuant to Section 93-122(b) to permit residential development in connection with a phased development.

The following describes the proposed actions in detail.

A. Text Amendments

- (1) Amendment to Section 93-221 (Maximum Floor Area Ratio in the Farley Corridor Subdistrict B).

The Development Site is located in the Central Blocks Subarea B2 of the Farley Corridor Subdistrict, which permits a base FAR of 12 and a maximum FAR of 19. The 450 Site is in the Western Blocks Subarea B1 of the Farley Corridor Subdistrict, which permits a base FAR of 10 and a maximum FAR of 21.6. The Zoning Resolution generally prohibits the transfer of floor area between districts with different maximum FARs. However, the text is not as clear when subareas within special districts are involved. The proposed text amendment would prohibit a transfer of floor area between a zoning lot located north of West 31st Street in the Western Blocks Subarea B1 and a zoning lot located north of West 31st Street in the Central Blocks Subarea B2.

- (2) Amendments to Section 93-70 (Public Access Requirements for Special Sites); Section 93-72 (Public Access Areas at 450 West 33rd Street); Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard); 93-731 (Special Requirements for Zoning Lots with Floor Area Ratios Greater than 10).

The existing zoning regulations require the following public access areas for developments or enlargements on the Development Site which exceed 10 FAR:

- A public plaza, open to the sky, to be located at the intersection of Ninth Avenue and 33rd Street with a minimum area of 11,280 square feet and a minimum frontage of 60 feet along West 33rd street;
- A minimum 60 foot wide covered pedestrian space with a minimum average height of 60 foot located within 10 feet of the extension of West 32nd Street and extending from Ninth Avenue to Dyer Avenue (up to 40% of this area may be open to the sky);
- A through block connection, open to the sky, with a minimum width of 20 feet adjacent to Dyer Avenue connecting West 31st and 33rd Streets; and
- If a connection to a pedestrian passage from the Eighth Avenue subway to the west side of Ninth Avenue has been constructed under West 33rd Street, an entrance to the building.

For developments or enlargements with an FAR of more than 4 but less than 10, a through block passageway with a minimum width of 60 feet must be constructed within 10 feet of the extension of West 32nd Street and for developments and enlargements with an FAR greater than 2, two easements must be provided-- one within 10 feet of Dyer Avenue to facilitate the construction of a bridge across Dyer Avenue and the other with a minimum width of 60 feet in the prolongation of the former 32nd Street.

For the 450 Site, a through block connection within the existing building must be provided for any development or enlargement. Where less than 75% of the existing floor area is demolished in connection with the development or enlargement, the through block connection may be open or enclosed with a minimum width of 30 feet. Where more than 75% of the existing floor area is demolished, the through block connection must have a minimum width of 60 feet and be enclosed for at least 60% of its length. In addition, a pedestrian bridge across Dyer Avenue must

be constructed linking the through block connection with the covered pedestrian space (or open area) on the Development Site.

The proposed text amendments would substitute a new, redesigned series of public access areas. The revised public access spaces for the Development Site will consist of the following elements:¹

- An Entry Plaza with a minimum size of 10,080 square feet and a minimum Ninth Avenue frontage of 168 feet located at the corner of Ninth Avenue and 33rd Street. The entry plaza will have a minimum of eight trees, 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables and at least two planting beds with an aggregate minimum size of 800 square feet. A 12 foot wide minimum clear path adjacent to the building is required and at least 70% of the ground floor of the building fronting on the entry plaza must be glazed. The entry plaza will connect to the northern edge of the central plaza.
- The Central Plaza will be a minimum of between 80 to 100 feet wide and extend from Ninth Avenue to Dyer Avenue. The Central Plaza will include a landscaped area with at least 44 trees, large (minimum 7,500 square feet) planting beds as well as at least 725 linear feet of seating including a minimum of 120 moveable chairs and 30 moveable tables. An event space of no more than 4,500 square feet is proposed for the western part of the central plaza and will be used for both public events (such as concerts, performances, special events, art exhibitions, etc.) with up to 12 private events permitted upon approval by the Commission of a restrictive declaration. When no events are occurring, the entry plaza will contain a minimum 192 linear feet of seating including 96 moveable chairs and 24 moveable tables along with two moveable food kiosks during warmer months. Two clear circulation paths with an aggregate width of at least 30 feet and a minimum width of 12 feet and running the full width of the central plaza will be provided, at least 50% of the aggregate building frontage on the central plaza must be occupied by retail uses and at least 70% of the ground floor of the buildings fronting on the central plaza must be glazed. For the 100 foot wide plaza alternative, the proposed text amendment allows for a one-story retail pavilion to be constructed in the central plaza provided that the lot coverage of the pavilion is at least 1,000 square feet and no more than 3,000 square feet, that its eastern wall is located at least 10 feet west of the prolongation of the east face of the building fronting on the north side of the Central Plaza that at least 50% of the exterior walls are transparent and that 100% of the east facing wall be transparent. The text limits the width of the pavilion to 40 feet and 25 feet in height.
- An Art Plaza with a minimum area of 7,480 square feet at the corner of Ninth Avenue and 31st Street. The art plaza will contain one or more pieces of artwork approved by the Public Design Commission, 45 linear feet of seating along with at least four trees and a

¹ The proposed text retains the requirement in the existing text that if a pedestrian passageway from the Eighth Avenue subway beneath 33rd Street is constructed, then an entrance within the building on the northeast corner is required.

planting bed of at least 410 square feet. It will connect with the southern edge of the central plaza and at least 70% of the ground floor of the building fronting on the art plaza must be glazed.

- A platform covering the full width of Dyer Avenue from 31st to 33rd Streets. The platform will be landscaped with trees (a minimum of 16), contain a planting bed of at least 1,500 square feet and have two eight-foot wide circulation paths or one 12-foot wide path extending for the full length of the Dyer Platform. Like the other public access areas on the Development Site, at least 70% of the ground floor of any buildings fronting on the eastern side of the platform must be glazed.²
- 31st Street connector consisting of a stair and elevator will connect the Dyer platform with the sidewalk at 31st Street.

For the 450 Site, the proposed text provides that the following new public access areas must be constructed at the time that the Dyer platform is substantially completed:

- A passageway (or breezeway) in the 450 Building which connects the Dyer platform to Tenth Avenue. The passageway will be located within 35 feet of West 31st Street, have a minimum clear path of 10 feet and, except for structural elements of the 450 West building, be visually open to West 31st Street. Applicant intends to develop retail uses in the space as existing leases expire.
- An podium with a minimum area of 1800 square feet at the corner of Tenth Avenue and 31st Street which will connect with the breezeway and provide stairs and elevators to the sidewalk.

In addition, the owner of the 450 Site is required to provide an easement to the owner of the Development Site to allow the construction of the Dyer platform on the 450 Site. The proposed text also amends the existing requirement for a through block passageway within the 450 Building to provide that such passageway is required only for enlargements which increase the floor area of the 450 Building to more than 1,373,700 square feet or 10 FAR.

The proposed text requires that the seating, planting areas, trees and stairs generally comply with the public plaza design standards. Kiosks and open air cafes are permitted provided that they do not occupy more than 20% of the public access area and that any seating provided for an open air café does not count towards meeting the seating requirements for the public access areas. The public access areas are required to be open to the public from 6 am to 1 am.

The proposed text amendments modify the provisions of the existing text relating to phasing for the Development Site. The proposed amendments sets forth the minimum public access areas that must be constructed with each building and requires that the Chair approve the design for each public access areas to be completed for each building. The proposed text also includes

² While the Applicant has the right to construct the Dyer Platform without any approvals from the Commission, the proposed text amendment would make it a required element of the public access space for the Development Site and define minimum standards for this area.

provisions allowing the Chair to modify the requirements for the public access areas if there are unforeseen ventilation issues on the Development Site and to allow for construction of temporary public access areas if necessary to accommodate construction staging.

- (3) Section 93-821 (Permitted Parking when the Reservoir Surplus is Greater than or Equal to Zero) and 93-822 (Permitted Parking when a Reservoir Deficit Exists).

The 2005 Hudson Yards text amendment included special parking regulations which required off-site accessory parking for all zoning lots in excess of 15,000 square feet. Commercial developments were required to provide 0.3 parking spaces for each 1,000 square feet of floor area and residential developments were required to parking for 33 percent of the dwelling units. Under these regulations, if the Development Site were developed to its maximum permitted FAR of 19, the required number of off-site accessory parking spaces was approximately 1250 (the exact number depends on the mix of uses).

In 2010, the Zoning Resolution was amended to modify the parking regulations in the Special Hudson Yards District. According to the report that accompanied these amendments, the revisions were designed to reflect changing conditions in the area, including a decrease in the number of commuters using automobiles, the reduced development plans for the Javits Convention Center and new development concepts for the Western Rail Yards.

The 2010 amendments eliminated the requirement that off-street parking be provided, reduced the permitted parking ratios and imposed a cap on the total amount of off-street parking permitted in the Special Hudson Yard District. All permitted parking is required to obtain a certification from the Chair and to complete substantial construction of the building which includes the parking within two years of such certification.

As of January 2013, the number of parking spaces in the Special Hudson Yard District exceeds the limits established by the Zoning Resolution. As a result, the only new accessory parking allowed in the Special Hudson Yards District is on zoning lots that already contain accessory parking. For such zoning lots, a new development may contain parking up to the amount permitted by the Zoning Resolution provided that a Chair's certification is obtained and that substantial construction is completed within two years from the date of such certification. However, if substantial construction is not completed within such two-year period and there are spaces remaining under the cap, the accessory parking may still be allowed.

Prior to commencement of construction of the platform over the below grade rail yards on the Development Site, there were four parking lots with a total capacity of approximately 434 spaces. Upon completion of the development of the Development Site, it is expected to have approximately 300 parking spaces. It is presently expected that the Development Site will be fully developed in 2020 or in seven years. Since construction of the platform alone is estimated to take approximately 27 months to finish, it is not possible to complete substantial construction of any building within the two-year period required by the Zoning Resolution.

The Department has previously recognized that the two year requirement to substantially complete construction is not realistic or practical for large development sites. For example, there

is no two year limit for parking at the Eastern Rail Yard site, which, like the Development Site, is a large project built on top of a platform over active rail yards.

The proposed text amendment aligns the certification for the parking with the timing of the actual construction process for this large site. It only allows the Development Site to utilize the parking permitted by the Zoning Resolution and does not increase the number of parking spaces permitted on the Development Site or allowed in the Special Hudson Yards District.

B. Certification under Section 93-122

Pursuant to Section 93-221, residential development is only permitted on the Development Site after 15 FAR of commercial uses have been developed. Section 93-122 provides that residential use on the Development Site requires a certification by the Chairperson of the City Planning Commission that the minimum amount of commercial floor area has been provided.

Applicant intends to develop the zoning lot with a total of 3,204,450 square feet of commercial floor area (15 FAR). This floor area is expected to be located in four commercial buildings on the zoning lot. Applicant is also proposing to develop a residential building on the southwest portion of the Development Site that will contain 854,520 SF of residential floor area (4 FAR).

C. Certification under Section 93-122(b)

Section 93-122(b) provides that for phased developments, the Chairperson may, by certification, permit one or more buildings containing residential uses to be developed before residential use is allowed under Section 93-221. Such certification requires that the Chairperson find that a plan has been submitted showing that one or more regularly-shaped portions of the zoning lot with a minimum area of 50,000 square feet are reserved for future development of not more than two million square feet of commercial floor area on each such portion.

Applicant intends to develop the Development Site in two phases and has submitted a plan describing the proposed phases. Phase 1 consists of the development of a residential building on the southwest portion of the Development that will contain 854,520 SF of residential floor area (4 FAR). Phase 2 consists of the development of four commercial buildings with a total of 3,204,450 square feet (15 FAR) of commercial floor area on four parcels as follows:

- On the northeast corner of the Development Site, a commercial building of approximately 1,619,484 square feet located on a parcel with an area of 58,232 square feet.
- On the southeast corner of the Development Site, a commercial building of approximately 1,516,773 square feet located on a parcel with an area of 74,270 square feet.
- Two buildings containing a total of 68,203 square feet of retail uses located adjacent to the central open space.

7. Conclusion

The proposed text amendments are not required to implement the Applicant's proposed development for the Development Site. They do not change the amount of floor area that can be

developed nor do they modify any height and setback or other bulk requirement applicable to the Development Site. Rather, they only seek to modify the nature of the public access areas to be provided on the Development Site and the parking requirements.

The central elements of the proposed revised public access plan are an expansive Central Plaza, an Entry Plaza at Ninth Avenue and 33rd Street, a new platform over Dyer Avenue, an Art Plaza at Ninth Avenue and 31st Street and a breezeway in the 450 Building running from Dyer Avenue to Tenth Avenue. The Central Plaza will contain a variety of integrated landscaped spaces providing pedestrians with a series of intimate garden, broad passageway, and open urban plaza experiences as they move between the office and transportation centers east of Ninth Avenue and the new residential and commercial community being developed west of Tenth Avenue. The construction of the platform over Dyer Avenue will eliminate a significant physical obstacle and visual eyesore and replace it with an attractive landscaped open area. And the breezeway will provide an important elevated passageway along 31st Street to an elevated roof terrace at Tenth Avenue.

The proposed text amendments allow the open spaces on the Project Area to be designed in an integrated fashion, greatly enhance the pedestrian environment and substantially increase the amount of public open space. The changes to the parking regulations are required to accommodate the size and complexity of the Development Site.

Attachment 11- Applicant's Discussion of Findings

Section 93-122

Certification for residential use in Subdistricts A, B and E

Within the Large-Scale Plan Subdistrict A, Subareas B1 and B2 of the Farley Corridor Subdistrict B, and the South of Port Authority Subdistrict E, residential use shall be permitted only upon certification of the Chairperson of the City Planning Commission that the zoning lot on which such residential use is located contains the minimum amount of commercial floor area required before residential use is allowed, as specified in Section 93-21 or 93-22, as applicable, and that for zoning lots in Subareas A2 through A5 of the Large-Scale Plan Subdistrict A, a certification pursuant to Section 93-34 (Distribution of Floor Area in the Large-Scale Plan Subdistrict A) has been made.

BOP West 31st Street LLC and Brookfield Properties W 33rd Co., L.P. (affiliates of Brookfield Office Properties ("Applicant")) is seeking a certification pursuant to Section 93-122 to permit residential uses on a zoning lot ("Zoning Lot") bounded by 31st Street, 33rd Street, Ninth Avenue and Dyer Avenue. The Zoning Lot consists of tax lots 50 and 60 in Block 729 and has a lot area of 213,630 square feet. It is located in Subarea B2 of the Farley Corridor Subdistrict B.

Pursuant to Section 93-221, residential development is only permitted on the Development Site after 15 FAR of commercial uses have been developed. Section 93-122 provides that residential use on the Development Site requires a certification by the Chairperson of the City Planning Commission that the minimum amount of commercial floor area has been provided.

Applicant intends to develop the Zoning Lot with a total of 3,204,450 square feet of commercial floor area, which is equal to an FAR of 15. This floor area is expected to be located in four commercial buildings on the zoning lot. Applicant is also proposing to develop a residential building on the southwest portion of the Zoning Lot that will contain 854,520 SF of residential floor area (4 FAR). Since the Zoning Lot will contain the minimum amount of commercial floor area (15 FAR) required by Section 93-221, the condition for the certification under Section 93-122 has been satisfied.

Attachment 11- Applicant's Discussion of Findings

Section 93-122(b)

Certification for residential use in Subdistricts A, B and E

* * * * *

However, special regulations shall apply to #zoning lots# with phased development, as follows:

* * * * *

(b) For #zoning lots# with at least 69,000 square feet of #lot area#, the Chairperson shall allow for one or more #buildings# containing #residences# to be #developed# or #enlarged# without the minimum amount of #commercial floor area# required before #residential use# is allowed, as specified in Section 93-21 or 93-22, as applicable, upon certification that a plan has been submitted whereby one or more regularly-shaped portions of the #zoning lot# with a minimum area of 50,000 square feet are reserved for future development of not more than two million square feet of #commercial floor area# on each such portion, and that, upon full development of such #zoning lot#, the ratio of #commercial floor area# to #residential floor area# shall be no smaller than the ratio of the minimum amount of #commercial floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential floor area# permitted on the #zoning lot#, as specified in Section 93-21 or 93-22, as applicable

BOP West 31st Street LLC and Brookfield Properties W 33rd Co., L.P. (affiliates of Brookfield Office Properties ("Applicant")) is seeking a certification pursuant to Section 93-122 to permit residential uses on a zoning lot ("Zoning Lot") bounded by 31st Street, 33rd Street, Ninth Avenue and Dyer Avenue. The Zoning Lot consists of tax lots 50 and 60 in Block 729 and has a lot area of 213,630 square feet. It is located in Subarea B2 of the Farley Corridor Subdistrict B.

Applicant intends to develop the Zoning Lot in two phases and has submitted a plan describing the proposed phases. Phase 1 consists of the development of a residential building on the southwest portion of the Zoning Lot that will contain 854,520 SF of residential floor area (4 FAR). Phase 2 consists of the development of four commercial buildings with a total of 3,204,450 square feet (15 FAR) of commercial floor area on four parcels as follows:

- On the northeast corner of the Development Site, a commercial building of approximately 1,619,484 square feet located on a parcel with an area of 58,232 square feet.
- On the southeast corner of the Development Site, a commercial building of approximately 1,516,773 square feet located on a parcel with an area of 74,270 square feet.
- Two buildings containing a total of 68,203 square feet of retail uses located adjacent to the central open space.

As shown on the site plan submitted with this application, two regularly shaped portions of the zoning lot with a minimum area of 50,000 square feet have been reserved for future development of not more than two million square feet of commercial floor area on each portion. The following table demonstrates that the ratio of commercial floor area to residential floor area is no smaller than the ratio of the minimum amount of commercial floor area required on the zoning lot before residential use is allowed, to the maximum residential floor area permitted on the zoning lot pursuant to Section 93-22.

1.	Lot Area	213,630 sq.ft.
2.	Required Minimum Amount Commercial Floor Area (15 FAR)	3,204,450 sq. ft.
3.	Maximum Permitted Residential Floor Area (4 FAR)	854,520 sq. ft.
4.	Ratio of Line 2 to Line 3	3.75 to 1
5.	Commercial Floor Area at Ninth Avenue & 33 rd Street	1,619,484 sq. ft.
6.	Commercial Floor Area at Ninth Avenue & 31 st Street	1,516,773 sq. ft.
7.	Additional Commercial Floor Area	68,203 sq. ft.
8.	Total Proposed Commercial Floor Area	3,204,450 sq. ft.
9.	Total Proposed Residential Floor Area	854,520 sq. ft.
10.	Ratio of Line 8 to Line 9	3.75 to 1