



TECHNICAL MEMORANDUM

No. 7 Subway Extension – Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement (FGEIS)

Text Amendment to Sections 93-14(a) and 93-62

CEQR No. 03DCP031M
December 13, 2018

1 Introduction

This Technical Memorandum assesses a proposed zoning text amendment (see **Appendix, “Proposed Modifications to the Zoning Text”**) requested by Tishman Speyer pursuant to Sections 93-14(a) and 93-62 of the New York City Zoning Resolution (the “Zoning Resolution” or “ZR”) to expand the dimensions of the Tenth Avenue and Hudson Boulevard East lobby entries from 40 feet to 70 feet each and clarify street tree planting requirements for the building frontages along West 35th Street, Tenth Avenue, and Hudson Boulevard East.

This Text Amendment is being requested in connection with Tishman Speyer’s Spiral Building, a 1,031-foot-tall, 2.6 million gross square-foot office tower being constructed on the full block bounded by West 34th Street to the south, Hudson Boulevard East to the west, West 35th Street to the north, and Tenth Avenue to the east. This site was identified and analyzed as Projected Development Site 5 in the Final Generic Environmental Impact Statement (“FGEIS”) completed by the City of New York Planning Commission (“CPC”) and the Metropolitan Transportation Authority (“MTA”), as co-lead agencies for the No. 7 Subway Extension-Hudson Yards Rezoning and Development Program (CEQR No. 03DCP031M).

The proposed action is subject to environmental review under the State Environmental Quality Review Act (“SEQRA”) and the City Environmental Quality Review (CEQR). This Technical Memorandum addresses whether the proposed action would result in any new or different significant adverse impacts not already identified in the FGEIS.

This technical memorandum addresses the proposed action, which is a Zoning Text Amendment that would clarify certain provisions of the existing Hudson Yards Special District and allow an expansion of the Spiral Building’s Tenth Avenue and Hudson Boulevard East lobbies from 40 feet to 70 feet. The proposed action would

not affect the reasonable worst-case development scenario ("RWCDs") analyzed in the FGEIS, and no additional development would result from the proposed action.

2 Background

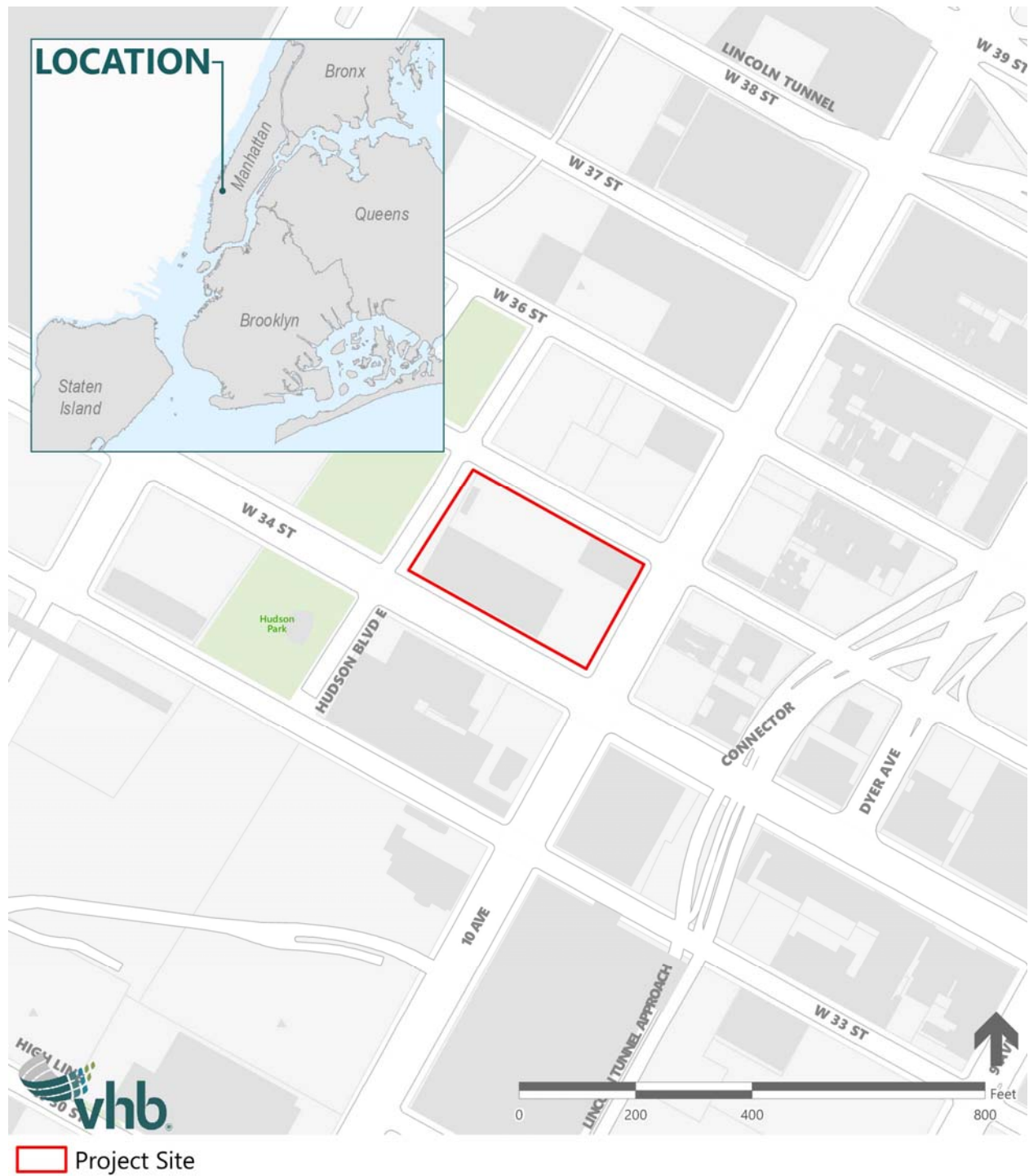
The FGEIS was completed on November 8, 2004. On November 22, 2004, the CPC approved Application No. N040500(A) ZMM and related actions, which together established the Special Hudson Yards District on the far west side of Manhattan. The approved actions consist of Alternative S, which was analyzed in Chapter 26, "Alternatives," of the FGEIS, together with modifications to Alternative S made by the CPC and New York City Council ("City Council") and assessed in Technical Memoranda, dated November 17, 2004, January 14, 2005, August 4, 2005, and September 14, 2005. During the ULURP process, text changes were identified that required subsequent actions and these were assessed in a Technical Memorandum dated December 2, 2005. Since that time, additional text changes were also identified and adopted to clarify the text, eliminate inaccurate references in the text and add new provisions, and these were assessed in a Technical Memorandum dated February 8, 2008.

The Hudson Yards Rezoning component of the project included zoning and related land use actions that would allow approximately 28 million square feet of commercial development, 12,600 residential units, a new Midblock Park and Boulevard System between Tenth and Eleventh Avenues, and significant new open spaces. Provisions in the Special District were established to improve the pedestrian experience through open space and urban design considerations, including provisions regulating the length of street wall frontage a lobby entrance may occupy (ZR 93-24(a)), and street tree planning requirements along key corridors (ZR 93-62). Within the special district, six sub districts were established and within certain sub districts, subareas were established.

3 Description of the Project Site

The Project Site – consisting of Block 706, Lots 17, 20, 29, 35, and 36 – is located on the block bounded by West 34th Street to the south, Tenth Avenue to the east, West 35th Street to the north, and Hudson Boulevard East to the west, within the Hudson Yards neighborhood of Manhattan (see **Figure 1**). The Project Site is located within a C6-4 zoning district, and within Four Corners Subarea A2 of the Large-Scale Subdistrict A in the Special Hudson Yards District. The project site is subject to regulations governing entryway and lobby space dimensions as well as regulations regarding pedestrian circulation space in C6-4 districts within the Special Hudson Yards District. Sidewalk widening is required in accordance with ZR 93-61 along West 34th Street, West 35th Street, and Hudson Boulevard East. The site is also subject to regulations governing street tree planting in the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A.

Figure 1 Project Site Location



4 Description of the Proposed Action

As noted above, the proposed action is being sought to:

- › Expand the maximum width dimensions of the Tenth Avenue and Hudson Boulevard East lobby entries from 40 feet to 70 feet each; and
- › Clarify additional street tree planting requirements along the street edge of the mandatory sidewalk widening requirement on West 35th Street, Tenth Avenue, and Hudson Boulevard East.

Lobby

Under ZR Section 93-14(a) (Ground Floor Level Requirements), retail continuity is defined by Map 2 in ZR 93-A2 along designated streets in Subdistricts A, B, C, D, and E. The length of street frontage occupied by lobby space or entryways is subject to provisions for Type 2 lobbies under ZR Section 37-33 (Maximum Width of Certain Uses). According to ZR Section 37-33, the width of such lobbies shall not exceed 25 percent of the street wall width of a building or more than 40 linear feet of street wall, whichever is less. For the Project Site, this would result in a maximum allowable lobby width of 40 feet, except along 35th Street, which is not subject to the requirement (see **Figure 2**). As indicated in the Appendix, "Proposed Modifications to the Zoning Text," the applicant is seeking to expand the dimensions of the Tenth Avenue and Hudson Boulevard East lobby entrances from 40 feet to 70 feet each as the 40-foot lobby entrances are inadequate for a building of this size and would become congested (see **Figure 3**). Creating larger lobby entrances at these locations will better serve the general public, tenants and visitors to the site, as well as provide signature building features in scale with the overall design.

Figure 2 Proposed Project with 40-Foot Lobby

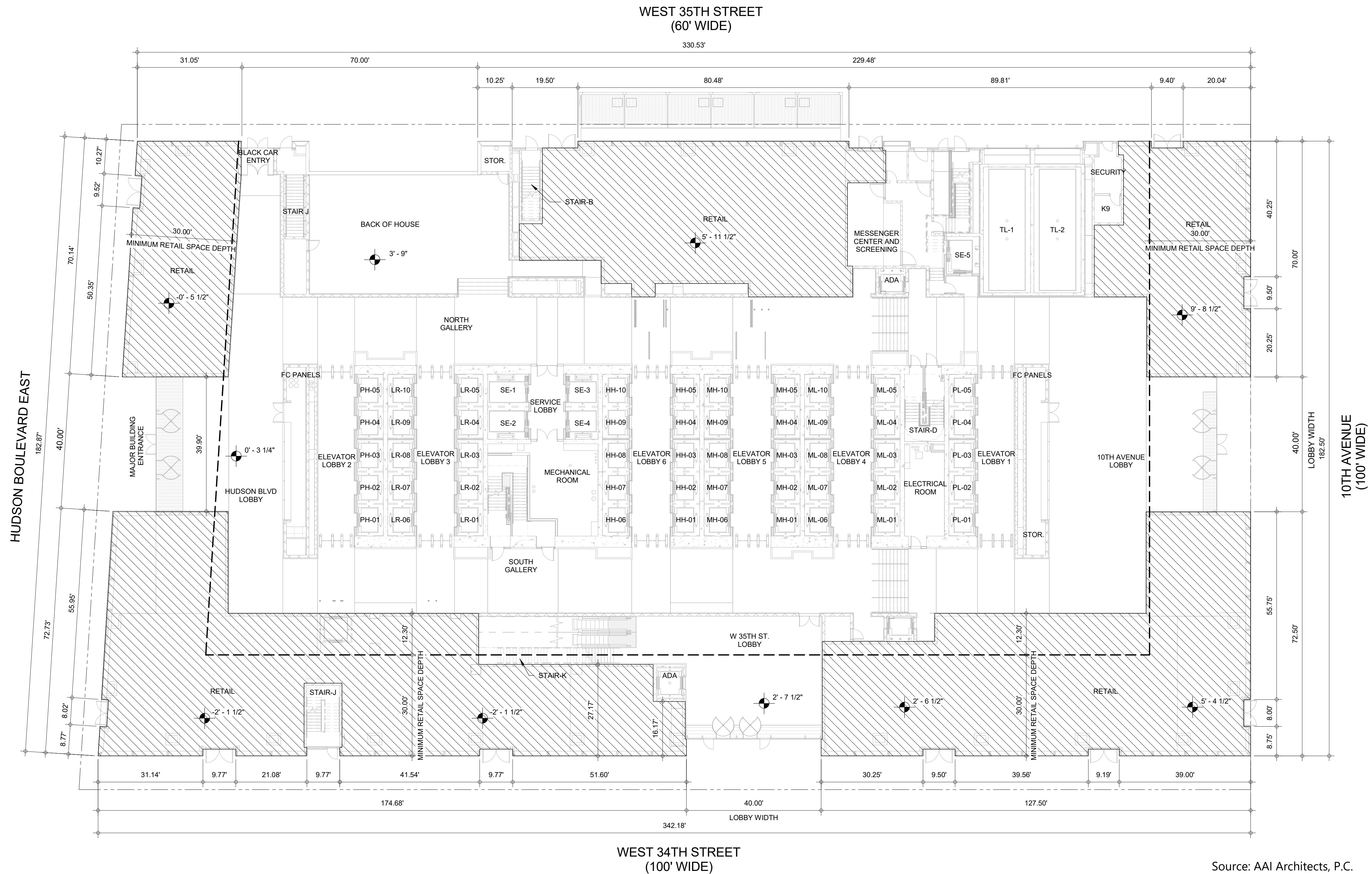
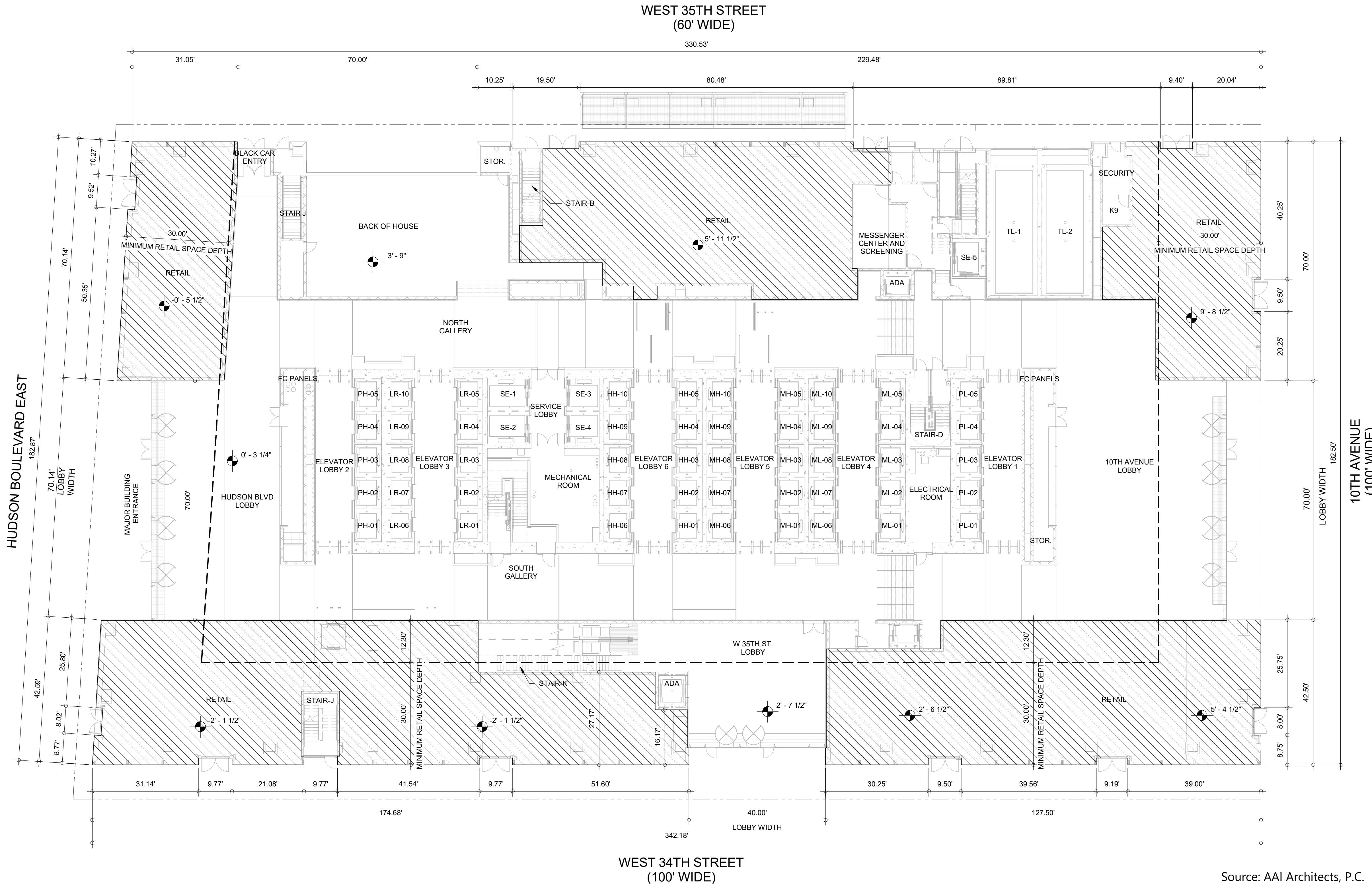


Figure 3 Proposed Project with 70-Foot Lobby



Street Trees

Pursuant to ZR Section 93-62, trees are to be provided along the street edge of the mandatory sidewalk widenings in the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A. All such street trees are to be provided for the entire length of the street frontage of the zoning lot, at maximum intervals of 25 feet. As currently written, the zoning text would require street trees to be planted along the edge of the West 34th Street, West 35th Street, and Hudson Boulevard East sidewalk widenings. This is in addition to underlying basic street tree planting requirements of Hudson Yards. The proposed text amendment (see **Appendix**) would clarify that this additional street tree planting requirement would apply only to the mandatory sidewalk widening along the West 34th Street frontage, consistent with the Hudson Yards Redevelopment Plan. The 2004 CPC Report for Hudson Yards states in this regard that a double row of trees would be provided only along West 34th Street to ensure a generous and welcoming pedestrian route from Midtown to the Hudson River.

5 Description of the Proposed Project

The Spiral Building will be an as-of-right, approximately 1,031-foot-tall, 2.6 million gross square-foot office building.

With the proposed action, the applicant would expand the allowable width of the Tenth Avenue and Hudson Boulevard East lobby entries of the building from 40 feet to 70 feet each.

6 Purpose and Need of the Proposed Action

The Proposed Project is located in the Four Corners Subarea A2 of the Large-Scale Subdistrict A within the Hudson Yards neighborhood of Manhattan and is subject to regulations governing entryway and lobby space dimensions in C6-4 districts within the Special Hudson Yards District. Per ZR Section 93-14, the length of street frontage in all subdistricts in the Special Hudson Yards District (except along the northern street frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue) that is occupied by lobby space or entryways are subject to provisions for Type 2 lobbies under ZR Section 37-33. According to ZR Section 37-33, the width of such lobbies shall not exceed 25 percent of the street wall width of a building or more than 40 linear feet of street wall, whichever is less. For the Proposed Project, this would result in a maximum allowable lobby width of 40 feet, except at 35th Street, which is not subject to the requirement. The 40-foot lobby entrances are inadequate for a building of this size as the entrances would become congested, particularly during peak commuting times. The proposed action would allow for the expansion of the Proposed Project's entryways on Tenth Avenue and Hudson Boulevard East lobby entries from 40 feet to 70 feet each.

Because the site is located in the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, regulations governing street tree planting would also apply to the site.

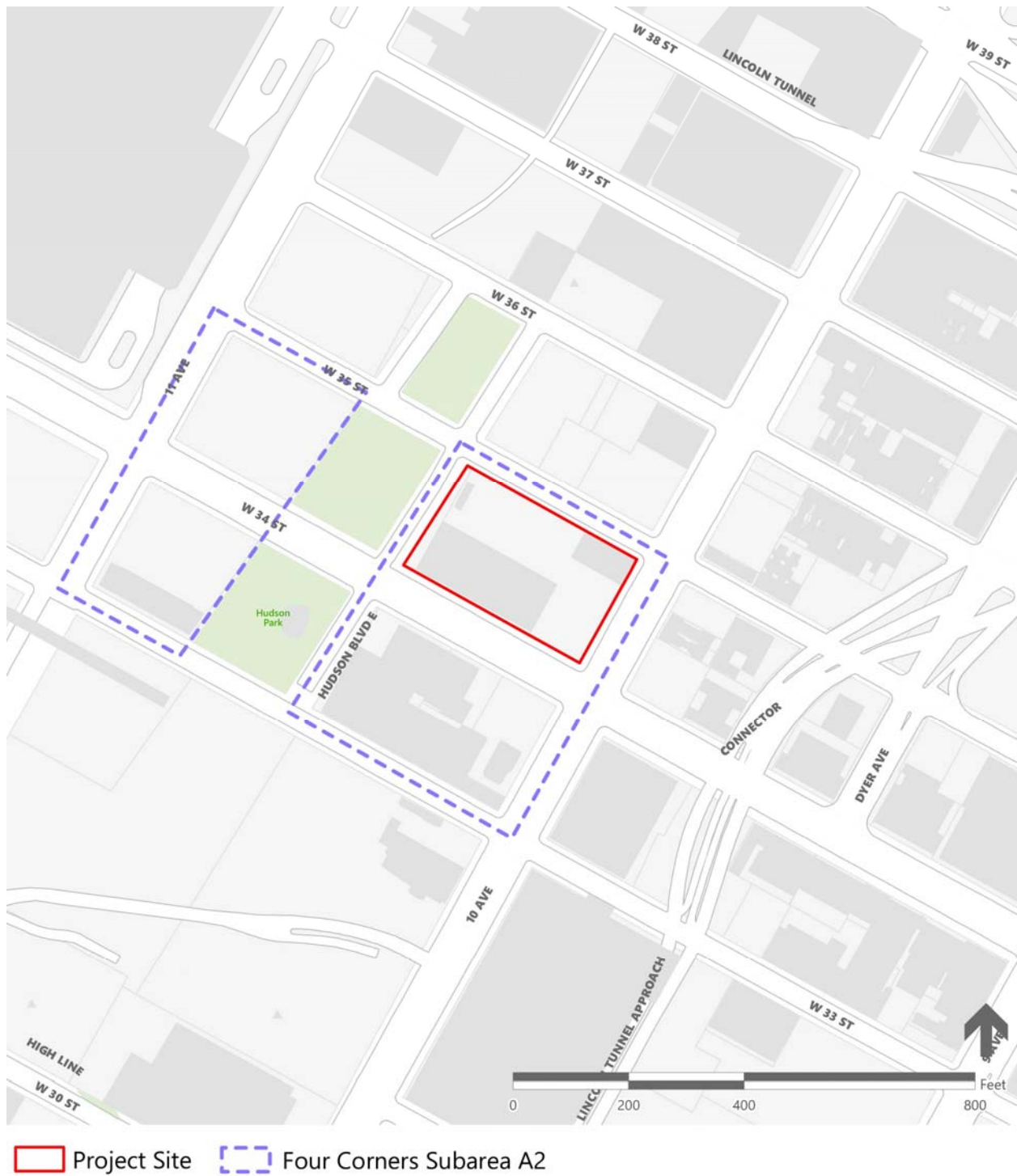
Per ZR Section 93-62, additional trees are required along the street edge of the mandatory sidewalk widenings on West 34th Street, West 35th Street, and Hudson Boulevard East. In addition to these regulations, the underlying basic street tree planting requirements of Hudson Yards also apply. With these requirements, a double tree allée would be required on the West 34th Street, West 35th Street, and Hudson Boulevard East frontages. The proposed action would clarify that the requirement for street tree planting along the street edge of the mandatory sidewalk widenings applies only along the West 34th Street frontage, which is consistent with the Hudson Yards Development Plan.

7 Area of Applicability

The proposed text amending ZR Section 93-14(a) would apply to developments with 2 million square feet of floor area or more, in Subarea A2, with full block frontages on Hudson Boulevard East and Tenth Avenue. Based on these criteria, the change to the permitted lobby width would apply to two development sites: the Spiral Building site and the development site bounded by West 34th Street, Tenth Avenue, West 33rd Street, and Hudson Boulevard East (50 Hudson Yards). It is the applicant's understanding that development of an office building is proceeding at 50 Hudson Yards without reliance on the proposed action.

The proposed text amending ZR Section 93-62 would apply to developments in Subarea A2 (see **Figure 4**).

Figure 4 Four Corners Subarea A2



8 Analysis

The 2004 FGEIS examined in detail the potential for significant adverse impacts consistent with CEQR. Areas of concern included: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space and recreational facilities; shadows; architectural historic resources; archaeological resources; urban design and visual resources; neighborhood character; natural resources; hazardous materials; waterfront revitalization program; infrastructure; solid waste and sanitation services; energy; traffic and parking; transit and pedestrians; air quality; noise and vibration; construction; and public health.

The Proposed Project is fully consistent with the floor area, height and setback analyzed in the 2004 FGEIS and would not affect building use, density, or form. In addition, the Proposed Project would not result in any changes in sidewalk dimension or amount of pedestrian circulation space on adjacent sidewalks than assumed in the 2004 FGEIS. The western portion of the proposed building would continue to face Hudson Park, which is located across Hudson Boulevard East to the west. Although the Proposed Project would result in changes to the lobby entrance dimensions in the western section of the building, it would not affect the context of the proposed building to Hudson Park as a lobby at this location was always anticipated (see **Figure 5**). As such, no additional analysis of the Text Amendment's potential effects would be warranted for the proposed change to the permitted lobby width.

In addition, no analysis relating to street tree planting requirements is warranted, as the purpose of this component is only to clarify the zoning text.

Overall, the proposed action would be consistent with other provisions of the Special Hudson Yards District regulations and the goals of those regulations to promote a mix of uses, including residential, commercial and open space, in a formerly primarily manufacturing area, and the proposed action would not affect conclusions of the analyses presented in the 2004 FGEIS.

Figure 5 Perspective of Proposed Project from Hudson Boulevard East



9 Conclusion

The proposed action would not affect conclusions of the analyses presented in the 2004 FGEIS. While the proposed action would allow different entryway dimensions than provided under current ZR Sections 93-14(a) and 93-84, the Proposed Project is fully consistent with floor area, height and setback and would not affect building use, density, form, sidewalk dimensions, or amount of pedestrian circulation space on adjacent sidewalks.

Appendix: Proposed Modifications to the Zoning Text

The following sections include the text as proposed. New text is shown in underline.

ZR Section 93-14(a)

93-14

Ground Floor Level Requirements

The following provisions relating to retail continuity and transparency requirements shall apply to all subdistricts in the #Special Hudson Yards District#, except that the provisions of this Section shall not apply along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.

- (a) Retail continuity along designated streets in Subdistricts A, B, C, D and E

Map 2 in Appendix A of this Chapter specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 50 percent of the #building's street# frontage, as indicated on Map 2.

#Uses# within #stories# that have a floor level within five feet of #curb level# shall be limited to #commercial uses# permitted by the underlying district, not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D. Such #uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

A #building's street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways, entrances to subway stations, other subway-related #uses# as described in Section 93-65 (Transit Facilities), or within the Eastern Rail Yard Subarea A1 where such retail continuity requirements are applicable to #building# walls facing certain public access areas, pursuant to Section 93-71, as follows:

- (1) for #building# walls facing the outdoor plaza described in Section 93-71, paragraph (b); the through block connection described in Section 93-71, paragraph (d), and the connection to the public plaza described in Section 93-71, paragraph (e);

- (2) for #building# walls facing the through block connection described in Section 93-71, paragraph (d): the outdoor plaza described in Section 93-71, paragraph (b);
- (3) for #building# walls facing the connection to the #public plaza# described in Section 93-71, paragraph (e): the outdoor plaza described in Section 93-71, paragraph (b) and the public plaza described in Section 93-71, paragraph (c); or
- (4) a combination of retail #uses# and public access areas so as to satisfy such depth requirement for retail continuity.

The length of #street# frontage (exclusive of any portion of such #street# frontage allocated to entrances to subway stations and other subway-related #uses#) occupied by lobby space or entryways shall comply with the applicable provisions for Type 2 lobbies in Section 37-33 (Maximum Width of Certain Uses), except as follows:

- (1) Within the Eastern Rail Yard Subarea A1, the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less;
- (2) Within the Large-Scale Plan Subdistrict A, Subarea A2, for a #development# occupying a full #block# with frontage on Hudson Boulevard East and Tenth Avenue and having two million square feet of #floor area# or more, the width of a lobby located on the Tenth Avenue #street# frontage or the Hudson Boulevard East #street# frontage may occupy up to 70 feet of the #street wall# width of the #building# located on such frontage.

ZR Section 93-62

93-62

Street Tree Planting

In addition to the applicable underlying #street# tree planting requirements, in the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, trees shall also be planted along the #street edge of the mandatory sidewalk widenings along West 34th Street. All such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#, at maximum intervals of 25 feet. Trees shall be planted in gratings flush to grade in at least 200 cubic feet of soil per tree with a depth of soil at least three feet, six inches. Species shall be selected and installed in accordance with specifications established by the Department of Parks and Recreation. The provisions of this Section shall not apply where the Department of Parks and Recreation determines that such tree planting would be infeasible.