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July 12, 2017 / Calendar No. 12

N 170317 ZRM

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**IN THE MATTER OF** an application submitted by BOP NW, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article IX, Chapter 3 (Special Hudson Yards District), Borough of Manhattan, Community District 4.

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This application for an amendment of the Zoning Resolution was filed by BOP NW LLC on March 15, 2017. The proposed text amendment to Sections 93-721, 93-73, 93-731 and Appendix B of Article IX, Chapter 3 would clarify and modify certain design and signage regulations applicable to the Public Access Areas required in connection with the Ninth Avenue Rail Yard in Subarea B2, Farley Corridor Subdistrict B, of the Special Hudson Yards District in Manhattan Community District 4.

## **BACKGROUND**

The Special Hudson Yards District, bounded by West 30th Street to the south, West 41st Street to the north, Eighth Avenue to the east and Eleventh and Twelfth Avenues to the west, was adopted by the City Planning Commission in 2005 (N 040500(A) ZRM et al.). In 2009, the western boundary of the Special District was extended to Twelfth Avenue with the addition of the Western Rail Yard (C 090433 ZMM).

The Project Site, known as Manhattan West, includes the Ninth Avenue Rail Yard and is generally bounded by Ninth Avenue, the Dyer Avenue Platform, West 31st Street and West 33rd Streets. The zoning lot includes Block 729, Lots 50, 51, 60 and 61; subterranean lots 8050, 8051, 8060, and 8061 (a.k.a. the Ninth Avenue Rail Yards); and 424 West 33rd Street (former lot 163 and current Lots 1001 and 1002, together with the Ninth Avenue Rail Yard).

Manhattan West was rezoned in 2005 from M1-6 to C6-4 as part of the Special Hudson Yards District to facilitate the development of a transit-oriented, medium- to high-density mixed-use urban center with a robust open space network. The Hudson Yards regulations include special

Public Access Area (PAA) requirements for the Ninth Avenue Rail Yard. This PAA connects the Manhattan West site to 450 West 33rd Street and the rest of Hudson Yards to the west and to Penn Station and the Midtown neighborhood to the east.

In 2014, the applicant applied for a text amendment (N 140191 ZRM) to modify the PAA requirements for the Ninth Avenue Rail Yard, which was adopted on April 29, 2014. The text amendment created a phased development plan for the Ninth Avenue PAAs that included provisions for the design of an Entry Plaza, a Central Plaza, an Art Plaza, the Dyer Avenue Platform and the West 31st Street Connector. According to the applicant, this network of PAAs is intended to provide pedestrians with an attractive, inviting, and engaging environment to move through and linger within while traveling from one destination to another in the vicinity of Manhattan West.

Along with the 2014 text amendment application, the applicant was previously granted multiple certifications related to the provision of PAAs for the first two phases of the development. At the time of filing the 2014 text amendment described above, the applicant applied for two Chair certifications (N 140192 ZCM and N 140194 ZCM) to facilitate the development of Phase I of Manhattan West, which included the Southwest Tower — a 748,279-square-foot building containing 740,348 square feet of residential use at the southwest corner of the Ninth Avenue Rail Yard. On March 27, 2015, the Chairman approved three additional certifications (N 150184 ZCM, N 150185 ZCM and N 150186 ZCM) necessary to facilitate the development of the Southwest Tower. On May 1, 2015, the Chairman approved three additional certifications (N 150345 ZCM, N 150346 ZCM and N 150347 ZCM) to facilitate the development of Phase II of Manhattan West, which included the North Tower — an office tower at the northeast corner of the Ninth Avenue Rail Yard at the intersection of Ninth Avenue and West 33rd Street. Finally, on December 9, 2016, the Chairman approved a certification (N 170056 ZCM) allowing for the West 31st Street Connector that was approved in connection with the development of the Southwest Residential Building included in Phase I, to be located partially on the sidewalk outside of Manhattan West.

This application (N 170317 ZRM) also affects the adjacent zoning lot —comprising Block 729, Lot 1 — which is improved with an existing commercial building at 450 West 33rd Street (Subarea B1). While development at 450 West 33rd Street is not the subject of this application, the proposed text amendment seeks to modify Section 93-721(a)(2) to clarify the signage requirements applicable to 450 West 33rd Street PAAs. Furthermore, while the Dyer Avenue Platform PAA is required in connection with the development of the Ninth Avenue Rail Yard, it is partially located on Lot 1, outside the boundaries of Manhattan West. 450 West 33rd Street is currently owned by an entity related to the applicant, and an owner’s authorization letter has been submitted with this application authorizing the submission of this application on its behalf.

The proposed development, referred to as Phase III of the Manhattan West development, comprises those portions of the development site consisting of the Northwest Building (p/o Lot 61), the Northwest Retail Building (p/o Lots 60 and 61), the Southwest Retail Podium (p/o Lot 50), and those portions occupied by the Central Plaza and Dyer Avenue (p/o Lots 1, 50, 51, 60 and 61). The southwest portion of the site, Lot 50, is currently being constructed with a residential tower. Building permits have been filed for construction of the commercial north tower on Lot 60.

To facilitate the design and construction of the Central Plaza and the Dyer Avenue Platform in accordance with the proposed development, the applicant requests approval of an amendment to Sections 93-721, 93-73 and 93-731 of the Zoning Resolution to revise and clarify the PAA design requirements. The proposed modifications to the text are as follows:

*Public access area signage location requirements: Sections 93-721(a)(2) and 93-731(a)(5).*

Under the existing zoning, entry signs must be provided every 40 feet along the entire border of the public access area. Given the extensive street frontage of the public access area, this would result in a total of approximately 12 signs along Ninth Avenue alone, creating obstruction within the pedestrian realm around the perimeter of the project site. With the proposed modifications, entry signs would be provided at five specified primary access points to the Ninth Avenue Rail Yard public access areas.

*Protective bollards within the public access area: Section 93-731(a)(8).*

Protective bollards are required due to the active train yard underneath the platform. As a result of sub-surface conditions, it is not possible to locate all bollards outside of the public access areas.

*Cantilevers within the public plaza: Section 93-73(b)(1).*

The Southeast Tower cantilevers approximately 10 feet over the widened portion of the Central Plaza, which is not permitted under the current regulations that state the entire Central Plaza must be open to the sky. The proposed text would allow for a cantilever no greater than 10 feet at this location to facilitate the design of the building and maintain the required minimum distance between circulation paths and facades of the buildings.

*Expansion of the Central Plaza and modify text relating to dimensions and locations of certain required circulation paths: Section 93-731(b)(2)(iv)(aa) and (ee).*

The text currently requires the buildings facing the Central Plaza to be separated by 80 to 100 feet. The proposed design allows the building to be separated from one another by 122 feet on the eastern end and 116 feet on the western end. The Applicant believes the wider width will provide a more spacious and inviting open area while maintaining the 12-foot circulation paths within 20 feet of the facades.

*Relocate provisions regarding private events in the Event Space: Section 93-731(b)(4).*

Make a minor structural modification to relocate the provision from Section 93-73(b)(4) to Section 93-73(b)(2)(iii).

*Types of events permitted within the Event Space and extend the boundaries of the Event Space under certain event conditions: Section 93-73(b)(2)(iii).*

Under the current text, the “Event Space” is a 4,500–square-foot designated area that can be used for programming throughout the year. When an event is not being held within the Event Space, tables, chairs, and moveable food kiosks will be provided. General public events are open and accessible to the general public free of admission charge, such as concerts, performances, and festivals. and would be able to be held at all times of the year.

The proposed text amendment would authorize Summer Events to occur on up to 75 days between April 1st and November 15th for free performances, permitting temporary stages, structures, and seating, which may extend up to 2,000 square feet beyond the Event Space. In the winter, the Event Space may contain an ice skating rink from November 15 to April 1, which would be open to the general public. A fee may be charged, provided that the total admission and equipment rental fees do not exceed the highest combined fees charged at a skating rink operating in a public park. The Winter Event plan may also extend up to 2,000 square feet beyond the Event Space. The applicant believes that these events will draw users and spectators into the Central Plaza to enliven the Ninth Avenue Rail Yard, which might otherwise remain unpopulated during the colder season. As permitted under the existing text, the Event Space would be allowed 12 private events per year in accordance with the terms set forth in a restrictive declaration acceptable to the Chair.

The text amendment will be followed by three Chair certifications to facilitate Phase III of the Manhattan West development:

1. A certification pursuant to Section 93-732 (Certification for Public Access Areas on the Ninth Avenue Rail Yard) certifying that a plan has been submitted that provides the overall completion of the public access areas required for the Ninth Avenue Rail Yard in accordance with the requirements of Section 93-73 and the provisions of Section 93-732.
2. A certification pursuant to Section 93-122(b) (Certification for Residential use in Subdistricts A, B and E) to allow a building containing residences prior to the minimum 15.0 FAR of commercial floor area required before residential use is allowed.
3. A certification pursuant to Section 93-31 (District Improvement Fund Bonus) to allow the basic maximum floor area ratio to be increased up to the maximum amount specified in Section 93-22 for an increase in residential floor area in the Northwest Building.

## **ENVIRONMENTAL REVIEW**

The subject application (N 170317 ZRM) was reviewed pursuant the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations (NYCRR), Section 617.00 et seq. and the New York City Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 17DCP127M. The lead agency is the City Planning Commission (CPC or Commission).

On November 8, 2004, a Final Generic Environmental Impact Statement (FGEIS) was completed by the CPC and the Metropolitan Transportation Authority (MTA), as co-lead agencies for the No. 7 Subway Extension-Hudson Yards Rezoning and Development Program. On November 22, 2004, the CPC approved Application N 040500(A) ZRM and related actions, which together established the Special Hudson Yards District on the Far West Side of Midtown Manhattan. A 2014 Text Amendment to the FGEIS included modifications to the PAA requirements originally applicable to the Ninth Avenue Rail Yard.

On March 31, 2017, an Environmental Assessment Statement (EAS) in connection with the ULURP application (N 170317 ZRM) and related Chair Certifications was prepared and submitted by the applicant. The EAS describes and analyzes the proposed action being requested: the text amendments that would facilitate the development of the PAA in connection with Phase III of the Manhattan West development. DCP, acting on behalf of the lead agency, reviewed the EAS and has determined that the proposed action will have no significant effect on the quality of the environment.

The Proposed Action would modify permitted uses allowed in the publicly accessible open space area, but it would not reduce the amount of open space available or limit the access to the open space areas. Therefore, the action would not negatively affect the open space areas that would be provided on the Project Site.

The Proposed Action includes modifications to the types of events that would be permitted in the Event Space, including concerts and ice skating, which could generate increased noise levels at the Manhattan West PAA. Noise and vibration impacts were analyzed in the 2005 FGEIS, which concluded that window/wall attenuation of 40 dBA was needed for residential buildings and these attenuation requirements were incorporated into an (E) designation (E-137) applicable to the Manhattan West development site. As detailed in the EAS, the existing attenuation requirements would ensure that the proposed action would not result in significant adverse impacts.

No other significant effects on the environment that would require an Environmental Impact Statement are foreseeable.

## **PUBLIC REVIEW**

On April 3, 2017, this application (N 170317 ZRM) was referred for information and review to Community Board 4 and the Borough President in accordance with the procedures for referring non-ULURP matters.

### **Community Board Review**

Community Board 4 held a public hearing on this application (N 170317 ZRM) on May 22, 2017, and on that date, by a vote of 43 in favor, none opposed, none abstaining and none present but not eligible, adopted a resolution recommending approval of the proposed action.

### **Borough President Recommendation**

This application (N 170317 ZRM) was considered by the Manhattan Borough President. On May 30, 2017, the Borough President issued a recommendation approving the proposed action.

### **City Planning Commission Public Hearing**

On May 24, 2017, (Calendar No. 7), the CPC scheduled June 7, 2017, for a public hearing on this application (N 170317 ZRM). The hearing was duly held on June 7, 2017 (Calendar No. 27). There were three speakers in favor of the application and none in opposition.

Three representatives of the applicant testified in favor of the application, describing the action, the background of the proposed text amendment and the intended development at Manhattan West.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the proposed zoning text amendment (N 170317 ZRM) is appropriate.

This text amendment clarifies and modifies the existing PAA requirements for the Ninth Avenue Rail Yard, which were approved in the 2014 text amendment (N 140191 ZRM) to facilitate an optimal design for the various public spaces. The approval of this text amendment will enable the developer to seek the previously described certifications necessary to build out Phase III of Manhattan West.

The Commission recognizes that the text amendment is needed to reflect the updated PAA site plan and notes that the overall use and density regulations for the project site remain unchanged.

The Commission believes that the various modifications to the PAA requirements are appropriate and will provide a larger, higher quality public space to be enjoyed throughout the year. The minor modifications to signage requirements will limit physical obstructions in the space while still adequately notifying the public of the PAA amenities. The site-specific allowance of a ten-foot overhang on the Southwest Building allows for a wider public access area at this location while not setting precedent for other defined public plaza requirements. The modifications to the event space to allow for Summer and Winter Events will ensure that the PAA is activated during all seasons, particularly in colder months when public spaces are often not utilized. The remaining modifications to the text are minor edits and clarifications that do not change the quality of the PAA.



The Commission is pleased with the applicant’s commitment to public outreach throughout the construction process. This commitment was made evident in the Community Board’s letter of approval, in which they thanked the applicant for their openness and flexibility with the community.

**RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;  
Matter ~~struck out~~ is 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**

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**93-70  
PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES**

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**93-72  
Public Access Areas at 450 West 33rd Street**

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## 93-721

### Design and maintenance requirements for public access areas at 450 West 33rd Street

Public access areas at 450 West 33rd Street provided pursuant to the requirements of Section 93-72 shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

The public access areas required by paragraphs (c) and (d) of Section 93-72 (Public Access Areas at 450 West 33rd Street) shall comply with the following applicable design standards:

- (1) at least two litter receptacles in such public access areas shall be provided;
- (2) ~~all open spaces within the public access areas at 450 West 33rd Street shall provide open space signage pursuant to the standards set forth in Section 37-751 (Public space signage systems).~~ the following public signage system: In addition, a minimum of two wayfinding #signs# shall be provided;
  - (i) One entry plaque shall be provided in each of the following locations:
    - (aa) the Dyer Avenue access point to the West 31st Street Passageway;
    - (bb) the Tenth Avenue Podium access point to the West 31st Street Passageway; and
    - (cc) the #street# level entrance to the Tenth Avenue Podium.
  - (ii) Each entry plaque is subject to the signage standards as set forth in paragraphs (a)(1) through (a)(4) of Section 37-751 (Public space signage systems).
  - (iii) Each entry plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. Each entry plaque shall be in a position that clearly identifies the entry into the portion of the public

access areas at 450 West 33rd Street that such plaque is provided in connection with, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to that portion of the public access areas at 450 West 33rd Street.

(iv) A minimum of two information plaques, constructed from the same permanent materials as the entry plaque, or combined with one or more of the required entry plaques, shall be provided within the public access areas. Information plaques shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches.

(v) The information plaque is subject to the signage standards as set forth in paragraphs (b)(1) through (b)(6) of Section 37-751, except that paragraph (b)(3) shall be modified to read: ‘in lettering three-eighths of an inch in height, the words “This public access area contains:”’ followed by the total linear feet of seating, the type and quantity of trees and the number of additional required amenities, such as moveable seating, that are provided in the portion of the public access area in which the entry plaque or information plaque is provided.

- (3) the minimum level of illumination shall be 1.5 horizontal foot candles (lumens per foot);
- (4) no gates, fences or other barriers shall be permitted within such public access areas; and
- (5) for the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner(s) shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

\* \* \*

## Public Access Areas on the Ninth Avenue Rail Yard

For the purposes of this Section 93-73, inclusive, the Ninth Avenue Rail Yard shall be considered the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line located 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 50 and 60, existing on April 29, 2014. Any #development# in such area shall provide public access areas in accordance with the provisions of this Section 93-73, inclusive.

Public access areas on the Ninth Avenue Rail Yard shall be comprised of the types of public access areas listed in this Section. Public access areas shall also include the area of the sidewalk widenings along Ninth Avenue and West 33rd Street required pursuant to Section 93-61 (Pedestrian Circulation Space). The entry plaza and the art plaza, as set forth in paragraphs (a) and (c) of this Section, respectively, shall be subject to the hours of access provisions set forth in Section 37-727. All other public access areas listed in this Section shall be accessible to the public between the hours of 6:00 a.m. and 1:00 a.m.

(a) Entry Plaza

(1) Location and minimum dimensions

A publicly accessible space, open to the sky (hereinafter referred to as the “entry plaza”), shall be located within the area bounded by the western #street line# of Ninth Avenue, the southern #street line# of West 33rd Street, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street and a line 60 feet west of and parallel to the western #street line# of Ninth Avenue, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter. The entry plaza shall have a minimum area of 10,080 square feet, shall have a minimum frontage along Ninth Avenue of 168 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section. No more than 50 percent of the entry plaza area shall be covered by the permitted obstructions described in paragraph (a) of Section 37-726.

(2) Required amenities

The entry plaza shall have the following amenities:

- (i) a minimum of eight trees (or other amounts equivalent to a minimum of 32 caliper inches);
- (ii) at least 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables. At least 50 percent of the seating, including movable seats, shall have backs and no more than 50 percent of the seating

with backs shall be movable seating;

- (iii) two or more planting beds which, in the aggregate, occupy an area of at least 800 square feet. No more than 35 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;
- (iv) ground floor transparency, in accordance with the provisions of paragraph (c) of Section 93-14 (Ground Floor Level Requirements), shall apply to at least 70 percent of the length of all #building# walls facing the entry plaza; and
- (v) one clear pedestrian circulation path with a minimum width of 12 feet shall be provided adjacent to the #building# facing the entry plaza and shall extend for the full length of the #building# frontage.

(b) Central Plaza

(1) Location and minimum dimensions

A publicly accessible space (hereinafter referred to as the “central plaza”), shall be located within an area bounded by the western #street line# of Ninth Avenue, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street, a line 478 feet west of and parallel to the western #street line# of Ninth Avenue, a line ~~187~~ 167 feet north of and parallel to the northern #street line# of West 31st Street beyond 40 feet of the western street line of Ninth Avenue, ~~and~~ a line 478 40 feet west of and parallel to the western #street line# of Ninth Avenue; and a line 187 feet north of and parallel to the northern #street line# of West 31st Street within 40 feet of the western street line of Ninth Avenue, as shown on Map 1 in Appendix B of this Chapter. Except as provided in paragraph (b)(3) of this Section, the central plaza shall have a minimum area of 47,800 square feet, and shall have a minimum north-south dimension as measured from the #building# walls of the #buildings# facing onto the central plaza of 100 feet. The central plaza shall be open to the sky, except:

- (i) for the area occupied by the pavilion permitted by paragraph (b)(2)(vii) of this Section; and
- (ii) within a line 115 feet west of and parallel to the western #street line# of Ninth Avenue, a #building# may cantilever over the central plaza and required circulation paths located therein, provided such cantilever extends no greater than 10 feet over such central plaza.

(2) Required amenities

The central plaza shall contain the following features and amenities:

(i) Landscaped area

A landscaped area shall be provided and shall contain a minimum of 44 trees (or other amounts equivalent to a minimum of 176 caliper inches), and planting beds which, in the aggregate, occupy an area of at least 7,500 square feet.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 1,000 square feet of such total requirement shall be occupied by planting beds.

(ii) Seating

A minimum of 725 linear feet of seating shall be provided, with 120 moveable chairs and 30 moveable tables. At least 50 percent of the required seating shall have backs.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 50 linear feet of seating of such total requirement shall be provided of which 50 percent shall have backs.

(iii) Event space

The portion of the central plaza located beyond a line drawn 295 feet west and parallel to the western #street line# of Ninth Avenue may be used for events (hereinafter referred to as the “event space”). Such event space ~~shall have~~ may be used for events not exceeding a maximum area of 4,500 square feet, except as set forth below for summer public events and winter public events, and may contain a temporary stage or platform and temporary seating associated with events. When such the event space is not being used for an event (general public events, summer public events, winter public events and private events), it shall contain a minimum of 192 linear feet of seating, with 96 moveable chairs and 24 moveable tables, and, during the period April 1 to November 15, a minimum of two moveable food carts within the event space or on the periphery thereof. Such tables and chairs shall be in addition to the amount required for the landscaped area in paragraph (b)(2)(ii) of this Section. When the event space is being used for an event (general public events, summer public events, winter public events and private events),

the additional tables, chairs and moveable food carts may be removed.

(aa) General Public Events

At all times of the year, the event space may be used to host general public events which are open and accessible to the general public and free of admission. During such public events, the event space may contain associated temporary structures and seating.

(bb) Summer Public Events

For not more than 75 days between April 1 and November 15, the event space may be used for summer public events which are open and accessible to the general public and free of admission charge where the temporary structures and seating associated with such summer public events may extend beyond 4,500 square feet, provided that the total area used for such summer public events does not exceed an additional 2,000 square feet and is located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue.

(cc) Winter Public Events

Between November 15 and April 1, an ice skating rink, together with associated temporary structures, may extend beyond 4,500 square feet, provided that the total area used for the ice skating rink together with associated temporary structures does not exceed an additional 2,000 square feet and is located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue. The ice skating rink shall be open and accessible to the general public, but a fee for use of the ice skating rink may be charged, provided the combined total admission and equipment rental fees do not exceed the highest of such combined fees charged at any one rink operating in a #public park#.

(dd) Private Events

The City Planning Commission may allow the closing of the event space for up to 12 private events per year pursuant to a restrictive declaration acceptable to the City and recorded in the office of the City Register for New York County and indexed against the property.

For all events specified in this Section, temporary structures or seating associated with such an event (general public events, summer public events, winter public events and private events) permitted by this paragraph may be installed in the event space, provided the circulation paths required in paragraph (b)(2)(iv) of this Section remain unobstructed at all times.

(iv) Circulation paths

Circulation paths in the central plaza shall meet the following minimum requirements:

- (aa) pedestrian circulation paths ~~extending the full length of the central plaza~~ with an aggregate width of not less than 30 feet shall be provided;
- (bb) at least two of the required circulation paths with a minimum clear width of twelve feet shall be located within 20 feet of the facade of each #building# facing the central plaza;
- (cc) in addition to the circulation paths required by paragraph (b)(2)(iv)(aa) of this Section, at least two circulation paths shall be provided through the landscaped area required by paragraph (b)(2)(i) of this Section, which connect with the circulation paths required by paragraph (b)(2)(iv)(bb) of this Section;
- (dd) all circulation paths shall be unobstructed during events held in the event space permitted by paragraph (b)(2)(iii) of this Section; and
- (ee) ~~a clear paths~~, with a total minimum aggregate width of ~~at least~~ 20 feet shall be ~~maintained~~ located at the boundary between where the entry plaza, required pursuant to paragraph (a) of this Section, and the central plaza, required by paragraph (b) of this Section, intersect and at where the boundary between the art plaza, required pursuant to paragraph (c) of this Section, and the central plaza, required by paragraph (a) of this Section intersect, provided that up to eight feet of such required clear path may be located within the entry plaza and within the art plaza, respectively, and that all clear paths counted toward the aggregate minimum width required by this paragraph shall be a minimum of 7 feet, 6 inches in clear width, and be located no further than 12 feet apart from one another.

(v) Transparency

The transparency requirements of paragraph (c) of Section 93-14 (Ground Floor Level Requirements) shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing each side of the central plaza.

(vi) Retail continuity



At least 40 percent of the frontage of any #building# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14 (Ground Floor Level Requirements) and at least 50 percent of the aggregate frontage of all #buildings# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14 (Ground Floor Level Requirements). Such retail space shall have a minimum depth of 30 feet measured perpendicular to the wall adjoining the central plaza.

(vii) Pavilion

A #building# (hereinafter referred to as a "pavilion") containing #uses# listed in Use Groups 6A and 6C may be located within the central plaza, provided that such pavilion, and any seating associated with a use in the pavilion, shall be located at least ten feet west of the prolongation of the east face of the #building# fronting on the north side of the central plaza. The pavilion shall have a minimum #lot coverage# of 1,000 square feet and a maximum #lot coverage# of 3,000 square feet, with a maximum width of 40 feet parallel to Ninth Avenue. Such pavilion shall be no more than one #story# in height, except such one #story# limitation may be exceeded by portions of the pavilion allocated to mechanical equipment as well as restrooms and a food preparation kitchen occupying, in the aggregate, no more than 200 square feet area. Such pavilion shall not exceed a height limit of 25 feet, except that the permitted obstructions set forth in Section 33-42, as well as restrooms and a food preparation kitchen located above the level of the first #story# may be permitted to exceed such height limit provided that the height of such restroom and food preparation kitchen do not exceed ten feet. Seating may be provided for the #uses# in the pavilion provided that the total area occupied by the pavilion and such associated seating does not exceed a maximum #lot coverage# of 3,600 square feet and that such seating shall not count towards meeting the seating requirements set forth in paragraphs (b)(2)(ii) and (iii) of this Section. Floor space within the pavilion shall not be considered #floor area#. At least 60 percent of the exterior walls of the pavilion shall be transparent except for structural supports, provided that 100 percent of the east facing wall of the pavilion shall be transparent except for structural supports.

(3) Alternative design option

Notwithstanding the provisions of paragraph (b)(1) of this Section, the minimum north-south width of the central plaza may be reduced to no less than 80 feet for at least 50 percent of the aggregate frontage of the #buildings# fronting on the central plaza, provided that such narrowed portion begins no further than 150 feet from the

western #street line# of Ninth Avenue, and further provided that the minimum size of the central plaza is not less than 41,382 square feet. The minimum height of a #building# wall fronting upon such narrowed portion shall be 45 feet, and the maximum height of such #building# wall shall not exceed 85 feet. Above a height of 85 feet, the minimum setback distance shall be 10 feet and the minimum distance between #buildings# fronting on the central plaza shall be 100 feet.

~~(4) Closing of event space~~

~~The City Planning Commission may allow the closing of the event space for up to 12 events per year pursuant to a restrictive declaration acceptable to the City and recorded in the office of the City Register for New York County and indexed against the property.~~

\* \* \*

**93-731**

**Design and maintenance requirements for public access areas on the Ninth Avenue Rail Yard**

Public access areas on the Ninth Avenue Rail Yard provided pursuant to the requirements of Section 93-73, shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

- (1) seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating), inclusive;
- (2) where planting areas are provided, they shall meet the soil depth, continuous area, permeable surface and irrigation requirements of Section 37-742 (Planting and trees). Where trees are provided, they shall meet the planting standards, soil requirements and irrigation standards set forth in Section 37-742;
- (3) steps shall meet the minimum dimensional standards set forth in Section 37-725 (Steps);
- (4) kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes) and shall not occupy in the aggregate more than 20 percent of the public access areas required by Section 93-73. Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section 93-73;
- (5) ~~all open spaces within~~ the public access areas on the Ninth Avenue Rail Yard shall

~~provide open space signage pursuant to the standards set forth in Section 37-751 (Public space signage system). In addition, a minimum of two wayfinding #signs# shall be provided; the following public signage system:~~

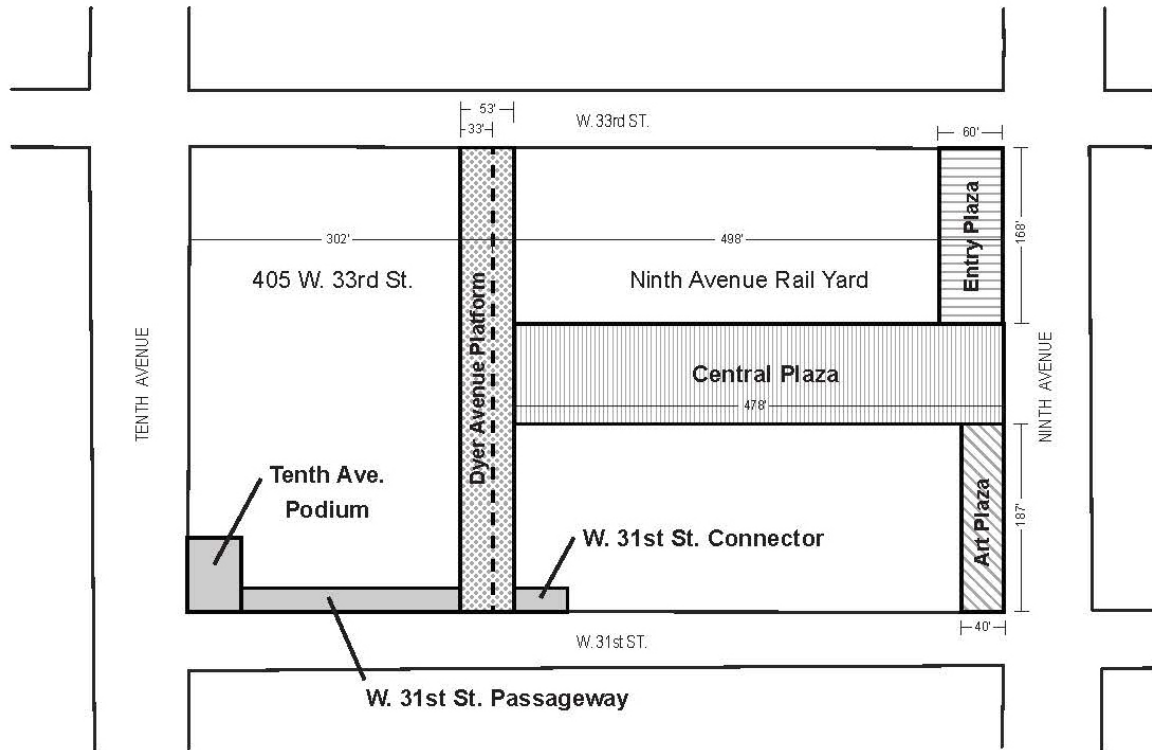
- (i) One entry plaque in each of the following locations:
  - (aa) the entry to the Entry Plaza from West 33rd Street;
  - (bb) the entry to the Central Plaza from Ninth Avenue;
  - (cc) the entry to the Art Plaza from West 31st Street;
  - (dd) the sidewalk level entry to the West 31st Street Connector; and
  - (ee) the entry to the Dyer Avenue Platform from West 33rd Street.
- (ii) Each entry plaque is subject to the signage standards as set forth in paragraph (a)(1) through (a)(4) of Section 37-751 (Public space signage systems).
- (iii) Each entry plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. Each entry plaque shall be in a position that clearly identifies the entry into the portion of the public access areas on the Ninth Avenue Rail Yard that such plaque is provided in connection with, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to that portion of the public access areas on the Ninth Avenue Rail Yard.
- (iv) A minimum of one information plaque, constructed from the same permanent materials as the entry plaques, or combined with one or more of the required entry plaques, shall be provided within the Art Plaza, Entry Plaza, Central Plaza and Dyer Avenue. The information plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches.

- (v) Each information plaque is subject to the signage requirements as set forth in paragraph (b)(1) through (b)(6) of Section 37-751 except that paragraph (b)(3) shall be modified to read: ‘in lettering three-eighths of an inch in height, the words “This public access area contains:” followed by the total linear feet of seating, the type and quantity of trees and the number of additional required amenities, such as moveable seating, that are provided in the portion of the public access area in which the entry plaque or information plaque is provided.
- (6) where #buildings# front on to public access areas, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions);
- (7) the aggregate number of litter receptacles in such public access areas shall be 21;
- (8) no gates, fences or other barriers shall be permitted within such public access areas except that protective bollards provided in connection with the development of the Ninth Avenue Rail Yard may be located within the required public access areas; and
- (9) for the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.
- (b) Maintenance

The owner or owners shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

**Appendix B  
Special Hudson Yards Subdistricts Maps**

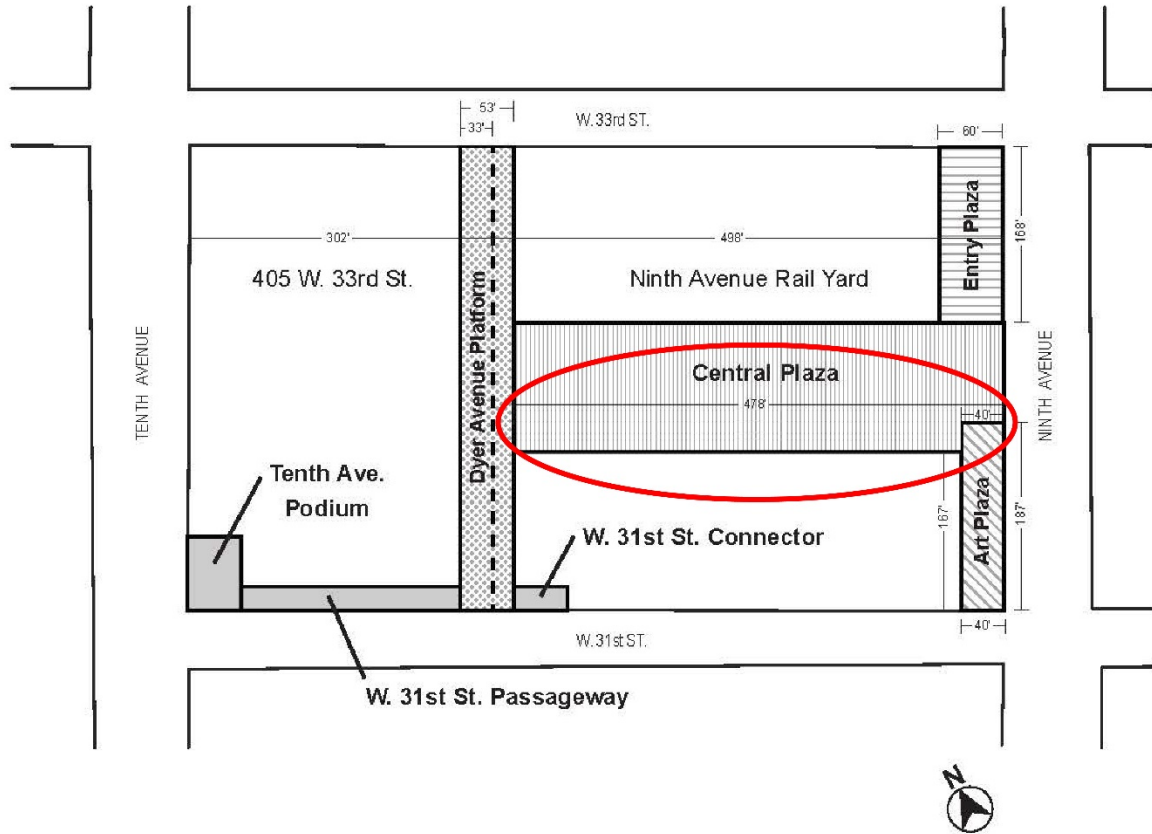
Map 1 – Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access area



- Open Space Boundaries
- ▨ Central Plaza
- ▨ Entry Plaza
- ▨ Art Plaza
- ▨ Dyer Avenue Platform
- Tenth Ave. Podium, W. 31st St. Connector, W. 31st St. Passageway

**EXISTING MAP**

Map 1 – Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access area )



- Open Space Boundaries
- ▨ Central Plaza
- ▨ Entry Plaza
- ▨ Art Plaza
- ▨ Dyer Avenue Platform
- ▨ Tenth Ave. Podium, W. 31st St. Connector, W. 31st St. Passageway

**PROPOSED MAP**

\* \* \*

The above resolution (N 170317 ZRM), duly adopted by the City Planning Commission on July 12, 2017 (Calendar No. 12), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*

**RAYANN BESSER, IRWIN G. CANTOR, P.E., MICHELLE R. DE LA UZ,  
RICHARD W. EADDY, CHERYL COHEN EFFRON, ANNA HAYES LEVIN,  
ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*

**ALFRED C. CERULLO, III**, *Commissioner*, Recused



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512

**DELORES RUBIN**  
Chair

**JESSE R. BODINE**  
District Manager

May 30, 2017

Hon. Marisa Lago  
Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

**Re: Manhattan West Phase III Text Amendment  
N 170317 ZRM**

Dear Chair Lago:

Manhattan Community Board 4, at its May 22<sup>nd</sup> Executive Committee meeting, voted in favor of application N 170317 ZRM, by BOP West 31st Street LLC and Brookfield Properties W. 33rd Co., L.P. ("Applicant"), for a zoning text amendment to Manhattan West and 450 West 33<sup>rd</sup> Street ("Development Site")<sup>i</sup>. The proposed text amendment seeks to modify certain design and signage requirements applicable to the required public access areas, a chairperson certification to the design of the Central Plaza and the Dyer Avenue Plaza, and a chairperson certification to update the commercial floor area plan to reflect the amount of commercial floor are in each phase of development.

**Background**

The Development Site is bounded by Ninth Avenue, West 31<sup>st</sup> Street, Tenth Avenue, and West 33<sup>rd</sup> Street, but it does not include the lot containing 424 West 33rd Street. In 2005 this area and much of the immediate surroundings to the west were designated the Special Hudson Yards District. The purpose of the special district is to facilitate and guide development of a transit oriented, medium to high density mixed use urban center providing an open space network that improves pedestrian circulation, preserves the pedestrian orientation of the ground floor use, and controls the impact of buildings on access of light and air to surrounding streets. As a result, the special district included specific public access requirements that affect this Development Site along with other requirements.

The Applicant is developing the Development Site into a new commercial center, residential hub and extensive green space that links the midtown business district and



Moynihan Station to the Eastern and Western Rail Yards and beyond to Hudson Boulevard Park, the northern terminus of the High Line, and the new 7 Line extension. Upon completion, the Development Site will contain approximately four million square 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.

In 2014, the applicant applied for a text amendment and two chair certifications that this board recommended approval that modified the nature of the public access areas to be provided on the Development Site and the parking requirements; along with some changes to the parking regulations. The central elements of the proposed revised public access plan were:

- ❖ A Central Plaza;
- ❖ An Entry Plaza at Ninth Avenue and West 33rd Street;
- ❖ A new Platform over Dyer Avenue;
- ❖ An Art Plaza at Ninth Avenue and West 31st Street; and,
- ❖ A Breezeway in the 450 Building running from Dyer Avenue to Tenth Avenue.

These actions today are in the same vein and are required to implement the proposed project in Phase III of its construction.

### **Zoning Text Amendments**

Text Amendment to Sections 93-73 and 93-731 of the Zoning Resolution to revise and clarify certain design requirements applicable to the public access areas on the Ninth Avenue Rail Yard and certain signage requirements.

a). The proposed text amendment would clarify and expand the types of events that can be held in the Event Space as well as to permit structures and seating to be located outside of Event Space under certain circumstances. It would specifically authorize the Event Space to be used for up to 75 days between April 1<sup>st</sup> and November 15<sup>th</sup> for performances which are open and accessible to the general public free of admission charge and would permit the temporary stages, structures and seating associated with such performances to extend beyond the boundary of the Event Space into the Central Plaza, provided that the total area beyond the Event Space occupied by such temporary stages, structures and seating does not exceed 2,000 square feet, is located beyond 295 feet west of Ninth Avenue, and does not obstruct the required circulation paths.

b). The proposed text amendment would allow the Event Space to contain an ice skating rink during the winter; from November 15<sup>th</sup> to April 1<sup>st</sup>. The ice skating rink and associated structures could extend beyond the boundaries of the Event Space into the Central Plaza, provided that the area of the ice skating rink together with the associated structures outside the Event Space does not exceed 2,000 square feet, are located beyond 295 feet from Ninth Avenue, and do not obstruct the required circulation paths. The ice skating rink would be open to the general public but a fee may be charged,

provided that the total admission and equipment rental fees do not exceed the highest combined fees charged at a skating rink operating in a public park.

As permitted under the existing text, the Event Space would be allowed to be closed to the public for up to 12 private events per year in accordance with the terms set forth in a restrictive declaration acceptable to the CPC Chairperson.

c). The proposed text amendment would also reduce the amount of public access area signage required for the Ninth Avenue Rail Yards. Under the existing zoning, entry signs must be provided every 40 feet along the entire border of the public access area. Given the extensive street frontage of the public access area, this would result in a total of approximately 12 signs along Ninth Avenue alone, creating numerous obstructions within the pedestrian realm around the perimeter of the project site. With the proposed modifications, entry signs would be provided at specified primary access points to the Ninth Avenue Rail Yard public access areas: one entry sign would be provided at the entrances to the Entry Plaza and the Dyer Avenue Platform from West 33<sup>rd</sup> Street, the entrances to the Art Plaza and the West 31st Street Connector from West 31st Street, and the entrance to the Central Plaza from Ninth Avenue.

d). The proposed text amendments also expand the boundary within which the Central Plaza is located, and allow a building cantilever extending no greater than 10 feet to be located over the Central Plaza within 115 feet of Ninth Avenue and in order to facilitate the design of the Southeast Tower and maintain the required minimum distance between circulation paths and facades of buildings facing the Central Plaza.

The Board recommends approval of these modifications. These are minor changes to the design requirements currently applicable to the development and clarifies the nature of events that may be held in the Event Space. Permitting the ice skating rink in the winter months activates the space at a time when its public access areas would otherwise be largely underutilized. Similarly, permitted temporary stages, structures, and associated seating beyond the boundary of the Event Space will provide a sufficiently sized performance area critical to attracting first class performances during the warmer seasons.

The Board appreciates the hard work that Brookfield Properties has put in to working with the neighboring community during the construction period of this project. Their openness and flexibility in listening and meeting community concerns is greatly appreciated. We look forward to continuing this relationship in future years after the construction is over the Manhattan West is fully developed. We look forward to discussing the planting of trees, traffic safety, and outreach to local groups that represent the different demographics of the local area.

In addition, the applicant has applied for two Chair certifications:

A certification, pursuant to Section 93-I 22(b) to allow a building containing residences prior to the minimum 15.0 FAR of commercial floor area required before residential use is allowed; and

A certification pursuant to Section 93-732 that a plan has been submitted that provides for Phase 3 and the overall completion of the public access areas required for the Ninth Avenue Rail Yard in accordance with the requirements of Section 93-73 and the provisions of Section 93-732.

These applications were presented and discussed but the Board takes no position on them.

**Conclusion**

For the reasons stated herein, Manhattan Community Board 4 recommends approval of the proposed amendments to the Zoning Resolution.

Sincerely,



Delores Rubin  
MCB4 Chair



Jean Daniel Noland, Chair  
Clinton Hell's Kitchen Land Use  
and Zoning Committee

cc: NYC Council Member Corey Johnson  
Manhattan Borough President Gale Brewer

---

<sup>i</sup> Subject to ratification at the June 6<sup>th</sup>, 2017 Full Board meeting.



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**Gale A. Brewer, Borough President**

May 30, 2017

Marissa Lago, Chair  
City Planning Commission  
120 Broadway  
New York, NY 10271

Dear Chair Lago:

I write in regard to the application by BOP NW LLC, BOP SE LLC, BOP NE LLC and BOP MW Residential Market LLC (collectively, the “applicant”), affiliates of Brookfield Office Properties, to facilitate the third phase of the Manhattan West development (Block 729, Lots 50, 51, 60 and 61, and subterranean lots 8050, 8051, 8060, 8061, and former lot 163) generally bound by Ninth Avenue, West 33<sup>rd</sup> Street, West 31<sup>st</sup> Street, and Dyer Avenue within a C6-4 district in the Special Hudson Yards District of Manhattan Community District 4.

The applicant is requesting approval of three actions: an amendment to Sections 93-73, 93-731, and 93-721(a) of the Zoning Resolution of the City of New York (“ZR”) to clarify design and signage requirements applicable to the public access areas required in connection with the development of the project; a Chairperson’s Certification, pursuant to ZR 93-732, that the design of the Central Plaza and the Dyer Avenue Platform are in accordance with the requirements of ZR 93-73; and a Chairperson’s Certification, pursuant to ZR 93-122(b), to update the commercial floor area phasing plan to reflect the amount of commercial floor area that may be included in each phase of development.

I agree with the recommendation from Manhattan Community Board 4, and I find the proposed text amendment to be appropriate. It provides for minor changes to design requirements that would reduce obstructions due to signage, permit protective bollards within the public access areas, clarify in more detail the types of events permitted in the Event Space, and allow greater flexibility for the use of an ice skating rink in the winter months and a performance stage in the summer months. I believe these changes to be sensible and beneficial for the Manhattan West development.

I also find the two requested Chairperson Certifications to be appropriate, as they pertain to the proper submission of a plan for the public access areas and a commercial floor area phasing plan. Therefore, I recommend approval of ULURP Nos. N 170317 ZRM, N 170318 ZCM, and N 170319 ZCM.

Sincerely,

Gale A. Brewer