



CITY PLANNING COMMISSION

June 9, 2010/Calendar No. 6

C 100180 PCM

IN THE MATTER OF an application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of the High Line rail structure and easements (Blocks 676, 679, and 702), generally bounded by West 30th Street, Tenth and Twelfth avenues, and West 34th Street in Community District 4, Borough of Manhattan, for use as public open space.

This application (C 100180 PCM) for the site selection and acquisition of the High Line rail structure and associated easements (Blocks 676, 679 and 702) generally located between West 30th Street, Tenth and Twelfth avenues, and West 34th Street in Community District 4, Borough of Manhattan, was filed by the New York City Department of Parks and Recreation (DPR) and the Department of Citywide Administrative Services (DCAS) on December 16, 2009, for use as a public open space.

BACKGROUND

DPR and DCAS propose the site selection and acquisition of the High Line rail structure and associated easements between West 30th and West 34th streets, located in Manhattan Community District 4 (Blocks 676, 679 and 702) in order to facilitate a transfer of ownership of the High Line to the City for purposes of a future expansion of the existing High Line public open space located south of West 30th Street. This site selection and acquisition application would facilitate the future acquisition of the High Line north of 30th street from CSX Corporation, for purposes of future development of an extension of the High Line open space north of West 30th Street. It is generally anticipated that the High Line north of 30th Street

would be redeveloped in a manner similar to that of Section 1, south of 20th Street, and that the overall High Line design of each of the sections would be integrated with each other to provide a continuous and seamless open space experience.

The proposed site is occupied by a portion of the elevated structure known as the High Line. The High Line is located between Gansevoort Street and West 34th Street in the north-south direction, and Washington Street and Twelfth Avenue in the east-west direction. The portion of the High Line south of West 30th Street was acquired as part of an earlier site selection and acquisition action (C 050163 PCM), approved by the Commission on May 25, 2005, and is currently under development as a public open space. The site selection and acquisition of the High Line north of West 30th Street would be facilitated by this application in order to expand the High Line open space north of West 30th Street. The portion of the rail line that is the subject of the proposed selection and acquisition traverses three blocks between West 30th Street, West 34th Street, Tenth and Twelfth avenues and is currently owned by CSX Corporation.

The portion of the High Line which is the subject of this application begins at West 30th Street and curves westward as it crosses West 30th Street approximately 240 feet west of Tenth Avenue and then runs parallel to West 30th Street west toward Twelfth Avenue. Approximately 300 feet east of Twelfth Avenue, it begins to curve north and then runs parallel to Twelfth Avenue until crossing West 33rd Street. At this point the structure curves eastward until it terminates along West 34th Street between Eleventh and Twelfth avenues. A “spur” off of this main High Line section branches eastward off the structure along West 30th Street and terminates above the intersection of Tenth Avenue and West 30th Street. Except for the portion that is directly above

this street intersection and already owned by the City – the High Line spur is also the subject of this site selection and acquisition.

The easements associated with the portion of the High Line structure which is the subject of this application are box easements that extend generally from the underside of the subject portion of the structure to a point approximately 20 feet above the existing track surface. The width of the box easements generally follows that of the rail structure and thus varies in width from approximately 20 feet to 45 feet.

With the exception of the portion of the structure north of West 33rd Street, the High Line is constructed of steel columns set on wood piles that support a concrete ‘bathtub’ above. The concrete bathtub is filled with an aggregate gravel material, into which the ties and rails are set. The portion of the structure north of West 33rd Street was rebuilt in the 1980s when the Javits Convention Center was developed north of West 34th Street using the High Line’s original right-of-way. After rail service was discontinued in the 1980s, the upper surface of the structure was colonized over time by grasses, shrubs, vines and trees and is now covered by vegetation on most portions.

The portion of the High Line structure north of West 30th Street is located above property currently owned by several public entities. Blocks 702 and 676 make up the Metropolitan Transportation Authority’s West Side Rail Yards, while Block 679 is owned by the Convention Center Development Corporation. The City of New York owns the public streets over which the High Line crosses.

Block 702 was rezoned from M2-3 to C6-4 as part of the Hudson Yards rezoning (N 040500A ZRM) approved by the Commission on November 22, 2004 and makes up the entirety of Eastern Rail Yard Subdistrict A1 in the Special Hudson Yards District. Block 676 was rezoned in 2009 from M2-3 to C6-4 as part of the Western Rail Yard Project (C 090433 ZMM) approved by the Commission on October 19, 2009 and makes up the entirety of Western Rail Yard Subdistrict F in the Special Hudson Yards District. Finally, Block 679 is zoned M2-3. Current land uses beneath the High Line structure are primarily transportation-related. Train storage and railroad related uses are located on Blocks 702 and 676. In addition, Block 676 contains vehicle parking areas for a private bus operator and the New York City Department of Sanitation. Block 679 is used as a truck marshalling area for the Javits Convention Center.

Extension of the High Line open space north of West 30th Street will require agreements and understandings among the City and affected stakeholders including, among others, the designated developer for the Western and Eastern Rail Yards, the MTA, and the New York State Convention Center Development Corporation, to address a variety of matters which have not yet been defined, including open space design, location of entrance and exit locations, construction sequencing in relation to other development, funding of improvements, and allocation of maintenance and operation responsibilities. In particular, the details of the High Line design, including the exact entrance and exit locations, treatment of the High Line's various historic design elements such as its railing, landscaping design of the raised railroad bed, among other site plan specifics, would be developed in the future pursuant to a detailed design process.

The existing train storage and railroad facilities are intended to remain on Block 702 with a

platform over the Eastern Rail Yard to support the approximately 6.3 million zoning square feet of mixed-use development, including approximately 7 acres of publicly accessible open space as envisioned in the 2005 Hudson Yards rezoning. The site selection and acquisition would facilitate the incorporation of the High Line into the site's open space network. Site selection and acquisition of the High Line on this block would also ensure that any future decisions concerning the "spur" portion of the rail structure on this block are made by a public entity.

The recent rezoning of Block 676 as part of the Western Rail Yard project envisions approximately 5.7 million zoning square feet of mixed-use development, including approximately 5.5 acres of publicly-accessible open space, built on a platform above the existing railroad storage and facilities and the vehicle parking areas removed. The zoning text adopted in conjunction with the rezoning of Block 676 defines a High Line open space as one of the site's six required open spaces. The text envisions the portion of the High Line on Block 676 as serving as a continuation of the High Line open space to the south of West 30th Street, and offering a similar pedestrian and passive open space experience through planting, materials and amenities, while taking into account the nature and character of the Western Rail Yard. Like all other open spaces on the Western Rail Yard site, development of the High Line open space will be the subject of a future public review process set forth in the zoning text that will consider a detailed landscape design for the open space as well as the provision of access points.

Pedestrian connections to the High Line open space would be required under the zoning regulations governing both Block 702 and Block 676.

The need for this public open space was not included in the Citywide Statement of Needs. As

such, pursuant to Section 204g of the City Charter, a letter was sent to the Manhattan Borough President on December 16, 2009, advising the Borough President of the proposed siting.

ENVIRONMENTAL REVIEW

The application (C 100180 PCM) was reviewed pursuant to 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, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 10DPR002M. The lead agency is the Department of Parks and Recreation.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on January 25, 2010.

UNIFORM LAND USE REVIEW

This application (C 100180 PCM) was certified as complete by the Department of City Planning on January 25, 2010, and was duly referred to Community Board 4 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

Community Board Public Hearing

Community Board 4 held a public hearing on this application (C 100180 PCM) on March 12, 2010, and on that date, voted to adopt a resolution recommending approval of the application.

Borough President Recommendation

This application (C 100180 PCM) was considered by the Borough President, who issued a recommendation approving the application on April 13, 2010.

City Planning Commission Public Hearing

On April 28, 2010 (Calendar No. 2), the City Planning Commission scheduled May 12, 2010 for a public hearing on this application (C 100180 PCM). The hearing was duly held on May 12, 2010 (Calendar No. 17).

There were six speakers who spoke in favor of the application and none opposed. The speakers included representatives from DPR, Community Board 4, Friends of the High Line, as well as the Director of Land Use for the Manhattan Borough President. Testimony included descriptions of the successful open space on the first section of the High Line, the importance of the portion of the structure north of 30th Street in completing the High Line open space network, as well as recognition of the planning and design work that will be necessary before open space can be constructed on the structure.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 100180 PCM) was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, and approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront

Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is WRP#10-003.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the application by the Department of Parks and Recreation and the Department of Citywide Administrative Services for the site selection and acquisition of the High Line rail structure and easements located in the area generally bounded by West 30th Street, Tenth and Twelfth avenues, and West 34th Street (Blocks 676, 679, and 702), for use as public open space, is appropriate.

The Commission notes that the application will facilitate a transfer of ownership of the High Line to the City for purposes of a future expansion of the existing High Line public open space located south of West 30th Street. The Commission further notes that the existing High Line public open space has been an extremely successful new space in the City, bringing pedestrians and new development to the surrounding area.

The Commission believes that the development of open space on the section of the structure north of 30th Street is integral to completing the public open space network along the entirety of the High Line. The Commission further believes that this expansion would also help to transform

its adjacent areas, which include the Eastern and Western rail yards both slated for major long-term redevelopment.

RESOLUTION

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

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the New York City Department of Parks and Recreation and the Department of Citywide Administrative Services for site selection and acquisition of the High Line rail structure and associated easements generally located between West 30th Street, Tenth and Twelfth avenues, and West 34th Street (Blocks 676, 679 and 702), for use as a public open space, is approved.

The above resolution (C 100180 PCM), duly adopted by the City Planning Commission on June 9, 2010 (Calendar No. 6), 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.

AMANDA M. BURDEN, FAICP Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN,
MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,
ANNA HAYES LEVIN, SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

CITY PLANNING COMMISSION
2010 APR 13 AM 11:34
DEPT. OF CITY PLANNING

SCOTT M. STRINGER
BOROUGH PRESIDENT

April 13, 2010

**Recommendation on
ULURP Application No. C 100180 PCM
High Line Structure and Easements Site Selection and Acquisition
by New York City Department of Parks and Recreation and
Department of Citywide Administrative Services**

PROPOSED ACTIONS

The New York City Department of Parks and Recreation and the Department of Citywide Administrative Services propose site selection and acquisition of portions of an elevated structure, known as the High Line, located between West 30th and West 34th streets, between Tenth and Twelfth avenues, and associated easements in order to facilitate the expansion of the existing High Line public open space. The proposed action area is within Manhattan Community District 4 ("CD4").

Section 197-c of the New York City Charter mandates that acquisition by the City of real property be subject to the Uniform Land Use Review Procedure ("ULURP"). There are no findings that need to be met to make a property eligible for acquisition under Section 197-c.

The City Planning Commission ("Commission") has adopted criteria, pursuant to Section 203 of the New York City Charter, to guide its review of City facility site selection with the aim to create a more equitable distribution of City facilities (also referred to as "fair share" analysis). These criteria are outlined in Appendix A of Title 62 of the Rules of the City of New York. The Commission and the sponsoring agencies consider such factors as the compatibility of the proposed facility with existing facilities; affect on neighborhood character; cost-effectiveness of service delivery; consistency with locational needs; and consistency with existing 197-a plans. These guidelines also differentiate between local/neighborhood and citywide/regional facilities. In regard to citywide/regional facilities, consideration is given to, among other things, the need for the facility; the distribution of similar facilities citywide; the size; and the adequacy of streets and transit to handle the volume and frequency of traffic generated by the facility.

PROJECTION DESCRIPTION

The High Line is an elevated steel and concrete rail structure which extends from West 34th Street (between Tenth and Twelfth avenues) to Gansevoort Street (between Washington Street

and Eleventh Avenue). The High Line was built in the 1930s, but no trains have run on the High Line since the early 1980s. While the majority of the structure has been preserved, the section north of West 33rd Street was rebuilt when the Javits Convention Center was redeveloped in 1980. It is made of concrete fabrication and descends below grade at West 34th Street.

In 2005, the City acquired the portion of the High Line from Gansevoort Street to West 30th Street to repurpose the structure as a public open space. The High Line public open space will be phased in three sections. Section 1, from Gansevoort Street to West 20th Street, has been built out and is open to the public. Section 2, which runs from West 20th Street to West 30th Street, is currently under design and construction. Section 3, from West 30th Street to West 34th Street, is the subject of this application. Also included in Section 3 is the “spur,” which branches eastwards from the structure at West 30th Street and terminates above the intersection of Tenth Avenue and West 30th Street.

The proposed actions will facilitate the acquisition of the High Line structure and box easements approximately 20 feet above the structure. The approval of site selection will permit the future development of the High Line open space north of West 30th Street, known as Section 3. The 2009 Western Rail Yards (“WRY”) rezoning recognizes Section 3 of the High Line as one of the site’s required six open spaces. The High Line public open space would serve as a citywide/regional facility.

Section 3 of the High Line structure and its associated easements are owned by CSX Corporation, Inc. They are also located above property currently owned by the Metropolitan Transit Authority (“MTA”), including the MTA’s Western Rail Yards, and by the Javits Center Development Corporation. The Related Companies is currently in the process of negotiating the purchase of the Western Rail Yards property from the MTA. The City owns all portions of the High Line that cross over public streets, including the portion of the spur that extends over Tenth Avenue. Underlying property owners will be included in design and development consultations as this project moves forward.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on March 3, 2010, Community Board 4 voted unanimously to approve the proposed action.

BOROUGH PRESIDENT’S COMMENTS

The impetus for the Fair Share Law was to correct existing inequities in service delivery. It has influenced the criteria that the Commission uses to consider siting of local and regional City facilities. While the Fair Share Law is often evoked to analyze negative impacts of new city facilities, it also serves a purpose in ensuring that beneficial facilities are equitably distributed. The siting of a public open space is an example of a beneficial city facility that must undergo Fair Share analysis.

The proposed actions meet the criteria pursuant to Section 203 of the New York City Charter and do not present any concerns related to inequitable distribution of environmental burdens included in the Fair Share Law. Further, the proposed facility will enhance the neighborhood character

and improve existing conditions. CD4 is currently underserved by public open space with only 1.01 acres of open space per 1,000 residents¹. This number is well below the City's recommended ratio of 2.5 acres per 1,000 residents. This remaining portion of the High Line structure presents a rare opportunity to develop a unique and much needed public open space for the West Chelsea, South Hell's Kitchen neighborhoods and the Hudson Yards development area.

The High Line is one of six publicly accessible open spaces described in Section 93-75 of the Special Hudson Yards District in the Zoning Resolution. This new space will offset the anticipated impact of the WRY development on existing open spaces in the area. Furthermore, the proposed actions follow through with commitments made by the Administration during the 2009 WRY rezoning. The 2009 WRY Restrictive Declaration also included provisions towards the development of Section 3 of the High Line prior to development of adjacent WRY sites. The proposed actions, therefore, meet the criteria of the Fair Share Law by improving neighborhood conditions and providing a needed public facility without introducing new negative environmental conditions.

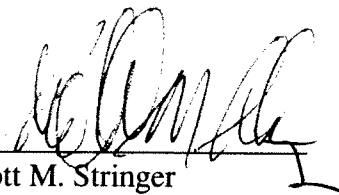
The proposed actions potentially preserve all remaining portions of the High Line structure for open space, maximizing use of the structure. This is responsive to the longstanding concerns of Community Board 4 and community advocacy organizations, including Friends of the High Line, who have advocated for the timely development of this public open space. In addition, site selection and acquisition of the spur creates the potential for the entirety of the High Line structure to be repurposed as public open space.

The proposed actions are the first step, of many, towards the development of Section 3 of the High Line. The City should be commended for its commitment to the development of this innovative public open space. The City should continue to consult closely with local elected officials and community organizations as the planning and design of this important public open space move forward.

BOROUGH PRESIDENT'S RECOMMENDATION

This application meets the criteria for site selection and acquisition; it does not present any Fair Share analysis issues and would offer additional community benefits. It will bring new public open space into CD4 and will provide a scenic connection between West Chelsea and the planned Hudson Yards development while fulfilling commitments made in the 2009 WRY rezoning.

Therefore, the Manhattan Borough President recommends approval of C 100180 PCM to site and acquire the proposed section of the High Line.



Scott M. Stringer
Manhattan Borough President

¹ Need for this open space was established in the FEIS of the 2005 Western Rail Yards Rezoning.



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JOHN WEIS
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

March 12, 2010

Hon. Amanda M. Burden, Director
New York City Department of City Planning
22 Reade Street
New York, NY 10007-1216

Re: Application No. 100180PCM – Application for Site Selection and Acquisition of the High Line Rail Structure and Easements (Blocks 676, 679 and 702)

Dear Chair Burden:

On the recommendation of the Chelsea Preservation and Planning Committee, and after a duly noticed public hearing, Manhattan Community Board 4 voted to recommend the approval of the application for site selection and acquisition of the High Line rail structure and easements (Blocks 676, 679 and 702) - commonly known as Section 3 and bounded by West 30th Street, Tenth and Twelfth Avenues, and West 34th Street, and including a “spur” off the eastern end of the West 30th Street portion – for use as public open space.

Community Board 4 has supported the preservation of the High Line and its conversion into a park for the community from the beginning of the process. The city has acquired Sections 1 and 2, running from Gansevoort Street to West 20th Street and from West 20th Street to West 30th Street, as well as the portion over the intersection of Tenth Avenue and West 30th Street. Section 1 has been open as a public park since June of 2009 and has proved to be immensely popular. Section 2 is undergoing renovation and is expected to open to the public in 2011. The current application seeks approval for the city to acquire Section 3, which is located above the Metropolitan Transportation Authority’s West Side Rail Yards and above Block 679, owned by the Convention Center Development Corporation.

The recent rezoning of the Western Rail Yards clearly indicates that the city's plans for developing the West Side Rail Yards include the preservation and conversion of the High Line, incorporating it into an open space network to be built over the rail yards. The site selection and acquisition that is the subject of this application is the first formal step in this process. CB4 enthusiastically recommends approval and looks forward to working with the city and the designated developer to ensure that Section 3 of the High Line park fulfills the early promise of Section 1.

Sincerely,



John Weis, Chair
Manhattan Community Board 4



J. Lee Compton, Co-Chair
Chelsea Preservation and Planning

[signed 3/12/10]

Corey Johnson, Co-Chair
Chelsea Preservation and Planning

cc: NYC Council Speaker Christine Quinn
NYC Council Land Use Division – Danielle DeCerbo
NYS Senator Thomas K. Duane
NYS Assemblyman Richard Gottfried
MBP Scott Stringer
MBPO – Anthony Borelli, Deborah Morris