



CITY PLANNING COMMISSION

May 26, 2010/Calendar No. 4

N 100217 ZRM

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 3 (Special Hudson Yards District) and Article XII, Chapter 1 (Special Garment Center District), Borough of Manhattan, Community District 4.

This application (N 100217 ZRM) for an amendment of the Zoning Resolution relating to Article IX, Chapter 3 (Special Hudson Yards District) and Article XII, Chapter 1 (Special Garment Center District) was filed by the Department of City Planning on January 14, 2010.

BACKGROUND

The Department of City Planning has proposed to amend the Special Garment Center District (SGCD) and the Special Hudson Yards District (SHYD) in order to provide minimum street wall requirements for portions of the Garment Center area west of 8th Avenue that would ensure that future development respects the existing neighborhood character and enhances the pedestrian experience. In addition, the proposed zoning text amendment would correct and clarify other requirements regarding street walls in the SGCD and SHYD.

The areas affected by the proposed text changes are generally bounded by West 40th Street on the north, Eighth Avenue on the east, West 33rd Street on the south, and Tenth Avenue on the west in SHYD Subdistricts C and E, and SGCD Preservation Area P-2. The area encompassed by these subdistricts between Eighth and Ninth avenues is distinguished by numerous loft buildings on the side streets with street walls along their entire frontage rising to heights of 80 or

more feet. The proposed text amendment is composed of a series changes to the SGCD and SHYD.

Impose mandatory minimum street wall heights in Preservation Area P-2 of the SGCD

The Preservation Area P-2 (P-2) of the SGCD is made up of midblock portions of the blocks between Eighth and Ninth avenues and between West 35th and West 39th streets. The area is zoned C6-4M and permits a 10.0 FAR as-of-right for commercial or community facility uses, a 6.5 FAR as-of-right for residential uses, and bonusable up to a 12.0 FAR for all uses through the District Improvement Fund Bonus and the Inclusionary Housing Bonus. Conversion of larger buildings (over 70,000 sf) is regulated by the SGCD preservation rules that generally require a like amount of converted floor area to be reserved for certain manufacturing uses.

The bulk regulations permit developments to rise up to a maximum height of 250 feet and impose mandatory street walls at the street line for 100 percent of a development's street frontage. Street walls can rise to a maximum height of 90 feet before setback - although they can rise up to 120 feet to match an adjacent building's street wall. In addition, zoning lots with frontages of at least 200 feet may include recesses up to 15 feet deep for up to 20 percent of the street wall width and up to a maximum width of 50 feet. At a height of 90 feet - or up to 120 feet if an adjacent building's street wall is higher than 90 feet - a sky exposure plane that cannot be penetrated by the development rises over the zoning lot at a slope of four feet of vertical distance for each foot of horizontal distance. However, developments built pursuant to the underlying commercial tower regulations may penetrate the sky exposure plane provided no portion rises above the maximum height of 250 feet.

The area affected by the text amendment is distinguished by numerous loft buildings on the side streets with street walls along their entire frontage rising to heights of 80 or more feet. The existing requirements attempt to match this context by requiring developments to provide street walls along their entire street frontage up to a maximum height of 90 feet, or up to 120 feet based on the height of adjacent street walls. However, the existing SGCD zoning text does not include a minimum street wall height, thus allowing developments with one- and two-story street walls and towers that are significantly set back from the street. The Department of City Planning believes such buildings are not in keeping with the existing context and detract from the pedestrian experience of the area.

In order to ensure that future development in the area is in context with the existing Garment Center buildings, the amendment would impose a minimum street wall height of 80 feet for all developments in the P-2 Area. All other existing street wall regulations would remain.

Impose mandatory street wall requirements on narrow street frontages in Subdistrict E of the SHYD

Subdistrict E of the SHYD is the block bounded by Eighth and Ninth avenues, West 40th and West 39th streets, excluding the western 100 foot portion of the block. It is zoned C6-4 and permits a 10.0 FAR as-of-right for commercial uses, a 2.0 FAR as-of-right for community facility uses, and the commercial floor area is bonusable up to a 18.0 FAR through the District Improvement Fund Bonus. Residential development is not permitted unless at least a 14.0 FAR of non-residential development is constructed.

The bulk regulations impose a mandatory street wall for developments fronting on Eighth Avenue at the street line for 100 percent of a development's avenue frontage. Such street wall must rise for a minimum of 90 feet and a maximum of 120 feet. For developments fronting on 8th Avenue, the sky exposure plane that cannot be penetrated by the development starts at a height of 120 feet and rises along all street frontages at a slope of four feet of vertical distance for each foot of horizontal distance. However, developments built pursuant to the underlying commercial tower regulations may penetrate the sky exposure plane. Street walls at the street line are not required for narrow street frontages; however street walls may rise to a maximum height of 90 feet before setback. Except for lots with frontage on 8th Avenue as described above, the setback is either a minimum of 15 feet for a residential building or 20 feet for a non-residential building and development above these street walls is pursuant to the SHYD's tower regulations.

This area contains existing loft buildings with street walls along their entire narrow street frontage rising to heights of 80 or more feet, similar to those in the P-2 area. However, the current zoning text does not require street walls for new developments in this subdistrict. Recently, a number of buildings with one-story bases have been constructed there which the Department of City Planning believes are not in keeping with the existing context and detract from the pedestrian experience of the area.

In order to ensure that future development is similar to the existing Garment Center loft buildings, the amendment would impose mandatory street wall requirements on narrow street

frontages in Subdistrict E of the SHYD. Similar to the P-2 Area to the south, mandatory street walls would be required at the street line for 100 percent of a development's narrow street frontage. For lots with frontage on 8th Avenue, a minimum street wall height of 90 feet and a maximum of 120 feet would now be required for all avenue and narrow street frontages. For those lots without frontage on 8th Avenue, a minimum street wall height of 80 feet and a maximum of 90 feet would be required, with provisions for street walls up to 120 feet depending on the height of adjacent street walls.

Impose mandatory street wall requirements on certain narrow street frontages in Subdistrict C of the SHYD

Subdistrict C of the SHYD stretches from 8th Avenue to 10th Avenue and from West 35th Street to West 33rd Street. The area is zoned C6-4 and permits a 10.0 FAR as-of-right for commercial and community facility uses, and a 6.5 FAR as-of-right for residential uses, bonusable up to a 12.0 FAR for residential uses and a 13.0 FAR for non-residential uses through the District Improvement Fund Bonus and the Inclusionary Housing Bonus.

The bulk regulations impose mandatory street walls at the street line for 100 percent of a development's street frontage along both West 34th Street and 10th Avenue. Street frontage along 10th Avenue must rise for a minimum of 90 feet and a maximum of 150 feet, while frontages along West 34th Street must rise for a minimum of 120 feet and a maximum of 150 feet before setback. Street walls at the street line along the West 33rd Street frontages and the West 35th Street frontages between Eighth and Ninth avenues are not required; however, street walls may rise to a maximum height of 90 feet before setback at these locations. The setback on

these frontages is either a minimum of 15 feet for a residential building or 20 feet for a non-residential building. Development above these street walls is pursuant to the SHYD's tower regulations.

This area also contains existing loft buildings with street walls along their entire narrow street frontage rising to heights of 80 or more feet, similar to those in the P-2 area. However, the current zoning text does not require street walls for new developments in this subdistrict. The Department of City Planning believes that buildings with one-story bases, like those recently constructed in P-2, would not be in context with the surrounding loft buildings in Subdistrict C between Eighth and Ninth avenues.

In order to ensure that future development is similar to the existing Garment Center buildings, the amendment would impose mandatory street wall requirements for midblock sites along West 33rd Street and West 35th Street between Eighth and Ninth avenues in Subdistrict C of the SHYD. Similar to the P-2 Area to the north, mandatory street walls would be required at the street line for 100 percent of a development's street frontage and a minimum street wall height of 80 feet and a maximum of 90 feet would be required for these street frontages, with provisions for street walls up to 120 feet depending on the height of adjacent street walls.

Allow recesses for developments on 10th Avenue in Subdistrict C of the SHYD

The bulk regulations in Subdistrict C impose mandatory street walls at the street line for 100 percent of a development's street frontage along both West 34th Street and 10th Avenue. Street frontage along 10th Avenue must rise for a minimum of 90 feet and a maximum of 150 feet,

while frontages along West 34th Street must rise for a minimum of 120 feet and a maximum of 150 feet before setback. In addition, recesses of no more than three feet deep are allowed above a height of 60 feet for developments along West 34th Street.

The zoning text in the SHYD was amended in 2008 (N 080184(A) ZRM, approved by the City Planning Commission on July 2, 2008) to permit greater flexibility in design by allowing recesses of no more than three feet in building walls along West 34th Street above a height of 60 feet in Subdistrict C, and along 10th Avenue above a height of 50 feet in Subdistrict D. However, the 2008 amendment did not address frontages along 10th Avenue in Subdistrict C, which runs between West 33rd and West 35th streets.

The amendment would correct this omission by allowing recesses of no more than three feet deep above a height of 50 feet for developments along 10th Avenue in Subdistrict C, thereby matching the street wall regulations for the portions of the avenue running north of the subdistrict.

Clarify other aspects of the SHYD and SGCD street wall requirements

Clarify the requirements for street wall recesses in the P-2 Area of the SGCD

The zoning text in the SGCD was amended in 2008 (N 070462 ZRM, approved by the City Planning Commission on June 4, 2008) in order to allow planted recesses for developments with frontages over 200 feet long so as to improve the pedestrian experience of the street.

The amendment would clarify the conditions where developments can provide recesses in the

mandatory required street wall by stating the minimum 200 foot frontage must be measured along a street and that the recess may only be provided on the street upon which the 200 feet or more of frontage faces. This will ensure that through lots with only complying lot dimensions measured on their side lot lines (which are perpendicular to the street) are not able to mistakenly take advantage of this provision and that the recesses only occur on the complying long street frontages, not all frontages of the zoning lot.

Include an additional reference to the SHYD's Mandatory Street Wall Requirements Map

Appendix A of the SHYD zoning text includes a series of maps which describe the requirements for the district. The maps are referenced as necessary in the zoning text. Map 3, which describes the Mandatory Street Wall Requirements for the district, is only referenced in Section 93-50 (b) (Sidewalk Widening) which describes the location of street walls in relation to sidewalk requirements.

The amendment would create another reference to Map 3 in the opening text of Section 93-50 (Special Height and Setback Regulations) in order to make the street wall requirements clearer to the reader.

ENVIRONMENTAL REVIEW

The application (N 100217 ZRM) 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91

of 1977. The designated CEQR number is 10DCP022M. The lead agency is the City Planning Commission.

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

PUBLIC REVIEW

On January 25, 2010, this application (N 100217 ZRM) was duly referred to Community Board 4 and the Borough President for information and review in accordance with the procedures for non-ULURP matters.

Community Board Review

Community Board 4 held a public hearing on the application on March 3, 2010, and on that date, unanimously voted to adopt a resolution to approve the application, subject to the condition that the text amendment: “add an additional map depicting the impacts of the Amendments within the Preservation Area P-2 of the SGCD.”

Borough President Review

This application was considered by the Borough President, who issued a recommendation in support of the application on March 25, 2010.

City Planning Commission Public Hearing

On April 14, 2010 (Calendar No. 10), the City Planning Commission scheduled April 28, 2010 for a public hearing on this application (N 100217 ZRM). The hearing was duly held on April 28, 2010 (Calendar No. 25). There were two speakers in favor of the application and none in opposition.

A representative of the property owner at 330 West 39th Street asked that the Commission consider lowering the required minimum street wall height to 60 feet for lots with frontages of 25 feet or less in order to allow new buildings on such lots to have a more efficient layout and to be more in scale with their immediate neighbors.

A representative from the Manhattan Borough President's office spoke in favor of the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the zoning text amendment (N 100217 ZRM), as modified herein, is appropriate.

The Commission believes that by requiring street walls in SHYD subdistricts C and E, and by adding a minimum height to the street wall requirements in the SGCD P-2 Area, the text amendment will ensure that new development in the Garment Center area west of 8th Avenue will be in character with the existing loft buildings, which are distinguished by their high street

walls. The Commission also believes the additional corrections and clarifications to the street wall requirements of the SHYD and SGCD will make the text clearer to the reader and ensure development occurs in a manner that matches the original intent of zoning text.

However, the Commission acknowledges the testimony by a representative of the property owner at 330 West 39th Street regarding the street wall requirements for narrow lots in the P-2 Area. The Commission understands there are a small number of lots with street frontages of 25 feet or less in the area and that they predominantly are adjacent to 4- and 5-story residential tenement buildings that predate the larger loft buildings. The Commission believes it is appropriate to allow new buildings on these narrow lots to have lower street walls which would then be in keeping with the scale of the neighboring tenement buildings. Therefore, the Commission modifies the text to allow lots with frontages of 25 feet or less at the date of enactment to have street walls lower than 80 feet in order to match the height of adjacent street walls - down to a minimum height of 60 feet. The Commission notes this is similar to the existing matching provision in the text which allow street walls above the maximum height of 90 feet in order to match the height of adjacent street walls – up to a maximum height of 120 feet.

The Commission also acknowledges Community Board 4's recommendation that the street wall regulations in the P-2 area be shown graphically on a map in the SGCD text in a manner similar to how the street wall requirements are shown in the SHYD. In response to this request, The Commission is also modifying the text to add additional information to the existing District Plan map in Appendix A of the SGCD showing where the street wall requirements apply.

Taken together, the Commission believes the text amendment will ensure that future development respects the existing area's character, enhances the pedestrian experience and occurs in a manner that matches the original intent of the zoning text, while also making the text clearer to the reader.

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, 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 in underline is new, to be added;

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

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

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

Article IX - Special Purpose Districts

Chapter 3

Special Hudson Yards District

* * *

93-50

SPECIAL HEIGHT AND SETBACK REGULATIONS

In Subdistricts A, B and C, and Subareas D1, D2 and D3 of the Hell's Kitchen Subdistrict D, and Subdistrict E, the height and setback regulations set forth in paragraphs (a) through (d) of Section

93-42 (Height and Setback in Subdistricts A, B, C, D, E and F) shall apply, except that such regulations are modified in certain locations as set forth in this Section. Such modifications include the establishment of #street wall# location regulations; and minimum and maximum base heights, as shown on Map 3 (Mandatory Street Wall Requirements) of Appendix A. Such modifications also include depths of required setbacks, maximum length of building walls for towers, and tower #lot coverage#. Special provisions for recesses and sidewalk widenings are as follows:

(a) Recesses

Where #street walls# are required to be located on #street lines# or sidewalk widening lines, ground floor recesses up to three feet deep shall be permitted for access to building entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 93-63. Above a height of 60 feet for #buildings# fronting upon 34th Street in Subdistrict C or above a height of 50 feet for #buildings# fronting upon Tenth Avenue in Subdistrict C and Subdistrict D, and up to any specified minimum base height, recesses are permitted provided that the aggregate length of such recesses does not exceed 30 percent of the length of the required #street wall# at any level, and the depth of such recesses does not exceed five feet. No limitations on recesses shall apply above any specified minimum base height or to any portion of a #zoning lot# where #street walls# are not required.

Where #street walls# are required to extend along the entire #street# frontage of a #zoning lot#, no recesses shall be permitted within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except where corner articulation rules apply.

* * *

93-53

Special Height and Setback Regulations in the 34th Street Corridor Subdistrict C

(a) 34th Street

For #zoning lots# with frontage on 34th Street, the #street wall# of any #development# or #enlargement# shall be located on and extend along the entire West 34th Street #street line#, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#. Such #street walls# shall rise without setback to a minimum base height of 120 feet and a maximum base height of 150 feet. For #corner lots#, these provisions shall also apply along any intersecting #street line# for a minimum distance of 50 feet and a maximum distance of 100 feet from its intersection with West 34th Street. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

(b) Tenth Avenue

For #zoning lots# with frontage on Tenth Avenue, the provisions of paragraph (a) of Section 93-541 shall apply.

(c) Midblocks between Eighth Avenue and Ninth Avenue

For #zoning lots# with frontage on West 33rd Street or West 35th Street beyond 100 feet of Eighth Avenue and Ninth Avenue, the #street wall# of any #development# or #enlargement# shall be located on and extend along the entire West 33rd Street or West 35th Street frontage of the #zoning lot# not occupied by existing buildings to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. The #street wall# of any #development# or #enlargement# may rise to a height less than 80 feet provided that no #building# on the #zoning lot# exceeds such height.

* * *

93-55

Special Height and Setback Regulations in the South of Port Authority Subdistrict E

(a) Zoning lots with Eighth Avenue frontage

~~In the South of Port Authority Subdistrict E, for any #development# or #enlargement# on a #zoning lot# fronting on Eighth Avenue, the #street wall# of such #development# or #enlargement# shall be located on the Eighth Avenue sidewalk widening line and extend along the entire #street# frontage of the #zoning lot#. Such #street wall# shall rise without setback to a minimum height of 90 feet or the height of the #building#, whichever is less, and a maximum height of 120 feet. Above a height of 90 feet, no portion of the #development# or #enlargement# shall penetrate a #sky exposure plane# that begins at a height of 120 feet above the Eighth Avenue sidewalk widening line and #street lines# of West 39th Street and West 40th Street, as applicable, and rises over the #zoning lot# at a slope of four feet of vertical distance, for each foot of horizontal distance, except as provided below:~~

For #zoning lots# with frontage on Eighth Avenue, the #street wall# of a #development# or #enlargement# shall be located on the Eighth Avenue sidewalk widening line and, where applicable, on the West 39th Street and West 40th Street #street lines#, and extend along the entire #street# frontage of the #zoning lot#. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. The

#street wall# of any #development# or #enlargement# may rise to a height less than 90 feet provided that no #building# on the #zoning lot# exceeds such height.

Above a height of 120 feet, no portion of the #development# or #enlargement# shall penetrate a #sky exposure plane# that begins at a height of 120 feet above the Eighth Avenue sidewalk widening line and #street lines# of West 39th Street and West 40th Street, as applicable, and rises over the #zoning lot# at a slope of four feet of vertical distance, for each foot of horizontal distance, except as provided below:

(a)(1) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-63, as applicable, may penetrate the #sky exposure plane#;

(b)(2) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane#. In addition, a dormer, as listed in paragraph (c) of Section 23-62, may penetrate the #sky exposure plane#.

(b) Zoning lots without Eighth Avenue frontage

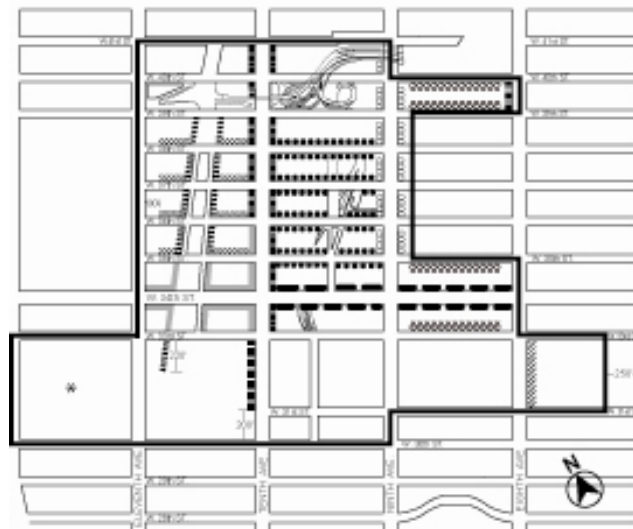
For #zoning lots# without frontage on Eighth Avenue, the #street wall# of a #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street walls# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. The #street wall# of any #development# or #enlargement# may rise to a height less than 80 feet provided that no #building# on the #zoning lot# exceeds such height.

* * *

Appendix A

* * *

Map 3: Mandatory Street Wall Requirements



— Special Hudson Yards District

	Minimum Base Height	Maximum Base Height	Percentage of zoning lot street frontage that must be occupied by a street wall
.....	60'	85'	100%
.....	60'	85'	None
.....	60'	120'	50%
.....	80'	90'	100%
.....	90'	120'	70%
.....	60'	150'	70%
.....	90'	120'	100%
.....	90'	150'	100%
.....	90'	150'	70%
.....	90'	150'	35%
.....	120'	150'	100%

*For Street Wall requirements of Subdistrict F See Map 9

Article XII - Special Purpose Districts

Chapter 1
Special Garment Center District

* * *

121-30
SPECIAL BULK REGULATIONS WITHIN PRESERVATION AREA P-2

* * *

121-32
Height of Street Walls and Maximum Building Height

~~The #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. On a #zoning lot# with frontage of at least 200 feet, up to 20 percent of the #aggregate width of the street wall#, for a maximum width of 50 feet, may be recessed to a maximum depth of 15 feet from the #street line#, provided the recessed area is located a minimum of 20 feet from an adjacent #building# and that a minimum of 60 percent of such area be planted with any combination of grass, ground cover, shrubs, trees or other living plant material. Such #street wall# shall rise without setback to a maximum height of 90 feet or the height of the #building#, whichever is less. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of the #development# or #enlargement# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line# or the height of the adjacent #street wall# if higher than 90 feet and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:~~

- ~~(a) — any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-63, as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and~~
- ~~(b) — permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c) of Section 23-62, may penetrate the #sky exposure plane#.~~

(a) Height of #street walls#

The #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet.

For #zoning lots# or portions thereof, with #street# frontage of 25 feet or less existing on (the date of amendment), a minimum base height lower than 80 feet shall be permitted along such #street# frontage in accordance with the following provisions:

- (1) where the height of an adjacent #street wall# fronting on the same #street line# is at least 60 feet and less than 80 feet, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#; or
- (2) where the height of an adjacent #street wall# fronting on the same #street line# is less than 60 feet, the #street wall# of the new or #enlarged building# may rise without setback to a minimum #street wall# height of 60 feet.

The #street wall# of any #development# or #enlargement# may rise to a height less than the minimum base height required pursuant to this paragraph, (a), provided that no #building# on the #zoning lot# exceeds such height.

(b) Maximum #building# height

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of the #development# or #enlargement# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

- (1) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-63, as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and
- (2) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c) of Section 23-62, may penetrate the #sky exposure plane#.

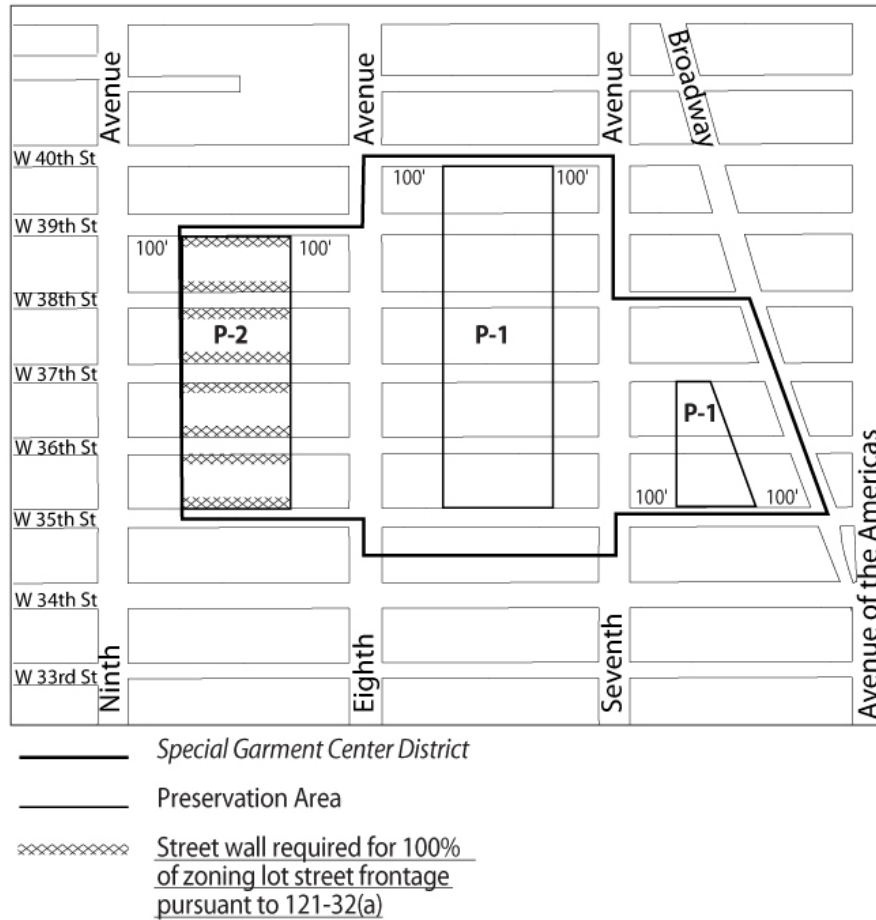
On a #zoning lot# with frontage of at least 200 feet along at least one #street#, up to 20 percent of the #aggregate width of the street wall# facing such #street#, for a maximum width of 50 feet, may be recessed to a maximum depth of 15 feet from the #street line#,

provided the recessed area is located a minimum of 20 feet from an adjacent #building# and that a minimum of 60 percent of such area be planted with any combination of grass, ground cover, shrubs, trees or other living plant material.

* * *

**APPENDIX A
Special Garment Center District Plan**

Appendix A
Special Garment Center District Plan



* * *

The above resolution (N 100217 ZRM), duly adopted by the City Planning Commission on May 26, 2010 (Calendar No. 4), 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.,
BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN
LEVENTHAL, ANNA HAYES LEVIN, SHIRLEY A. MCRAE, Commissioners



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

SCOTT M. STRINGER
BOROUGH PRESIDENT

March 25, 2010

Amanda M. Burden, FAICP
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: Hudson Yards-Garment Center Street Wall Text Amendment (N 100217 ZRM)

Dear Chair Burden:

Thank you for providing the opportunity to comment on the application submitted by the Department of City Planning (“the Department”) for a text amendment intended to correct and clarify street wall requirements in the Special Hudson Yards District (“SHYD”) and Special Garment Center District (“SGCD”).

The Department’s proposed text amendment responds to community concerns that recently constructed buildings in the Garment Center neighborhood are inconsistent with the surrounding built context. This area is characterized by industrial loft and apartment buildings with continuous high street walls that rise from the street¹. Currently zoning allows new developments with low or no street wall, and street wall regulations are not consistent across the two special districts which apply to this neighborhood. This amendment will reinforce the original intent of the urban design provisions of the 2005 Hudson Yards rezoning. Street wall requirements were included among these bulk and urban design controls to encourage growth that provides a transition between existing residential neighborhoods to the west and the Garment Center to the east.

In order to ensure development that is consistent with the loft-style buildings typical of the area, the proposed text amendment will impose mandatory minimum street wall heights in the P-2 Preservation Area of the SGCD (the midblock areas between Eighth and Ninth avenues from West 35th Street to West 39th Street) and Subdistrict E of the SHYD (the midblock and Eighth Avenue properties on the north side of 39th Street and the south side of 40th Street). By requiring a continuous minimum street wall from the street level, the Department’s proposal ensures that

¹ A street wall, for the purpose of this discussion, is the portion of a wall of a building which faces onto a street and rises from the street level.

Amanda M. Burden, FAICP

March 25, 2010

Page 2 of 2

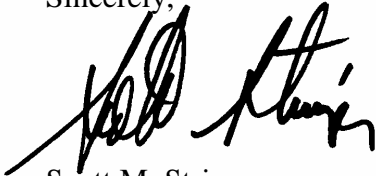
future developments will have street walls consistent with neighboring buildings, before setting back. Continuous street walls of uniform height provide a consistent and stimulating pedestrian environment while preventing the exposure of unsightly sidewalls.

Similarly, in Subdistrict C of the SHYD (the blocks between West 33rd Street to West 35th Street and Eighth and Tenth avenues), the Department's proposal will introduce street wall requirements where none currently exist and also allow recesses for developments fronting on Tenth Avenue. The new street wall requirements ensure that new developments will have high street walls consistent with the commercial and apartment buildings on these blocks and surrounding ones, while permitting recesses², which will allow future development along Tenth Avenue to be consistent with design regulations in SHYD's Subdistrict D, which is directly to the north.

To clarify the street wall minimum heights across the SHYD and the SGCD, the text amendment will include an additional reference to the map in Appendix A of the SHYD referencing to Section 93-50 of the Zoning Resolution.

I thank the Department for developing the provisions in this text amendment. Taken together, these changes reinforce the original intent of the design regulations in these special districts and respond directly to community concerns. This proposal is an important step toward preserving the character of Manhattan's neighborhoods while permitting contextual development and growth.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott M. Stringer", written in a cursive style.

Scott M. Stringer

Manhattan Borough President

² Recesses permit building form articulation and flexibility in building form. The proposed amendment would allow recesses of a depth no more than three feet, above the minimum street wall height of 50 feet, for developments along Tenth Avenue.



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

JOHN WEIS
Chair

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

March 12, 2010

Amanda M. Burden, AICP
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

**Re: Hudson Yards Garment Center Street Wall Text Amendment
ULURP No. N 100217 ZRM**

Dear Chair Burden:

Manhattan Community Board 4 (CB4) has reviewed the proposed Hudson Yards Garment Center Street Wall Text Amendment to New York City Zoning Resolutions §§93-50, 93-53, 93-55, and 121-32. At its full Board meeting on March 3, 2010, CB4 voted unanimously in favor of the proposed text amendment subject to the conditions listed below.

The proposed text amendments submitted by the Department of City Planning ("Applicant") are composed of five text changes ("Amendments") seeking to ensure that future development within the Special Garment Center district ("SGCD") and the Special Hudson Yards District ("SHYD") respects the neighborhood character and maintains streetwall continuity in SGCD and the SHYD. Additionally, the Amendments seek to clarify certain requirements regarding street walls within both Districts. The area affected is generally bounded to the north by 40th Street, to the east by Eighth Avenue, to the south by West 33rd Street, and to the west by Tenth Avenue.

The Amendments arise out of community concerns raised by this Board regarding the lack of specificity regulating street walls and certain other omissions in the current zoning text that now permit development that is not inherently contextual within the both the SGCD and the SHYD. Specifically, the proposed Amendments would:

1. Impose a mandatory minimum street wall height of 80 feet in the Preservation Area P-2 of the SGCD;
2. Impose mandatory street wall requirements on narrow street frontages in Subdistrict E of the SHYD similar to the P-2 area. Lots with frontage on 8th Avenue, a

minimum street wall height of 90 feet and a maximum of 120 feet would now be required for all avenue and narrow street frontages. For lots without frontage on 8th Avenue, a minimum street wall height of 80 feet and a maximum of 90 feet would be required, with provisions for street walls up to 120 feet depending on the height of adjacent street walls. The goal is to ensure future development that is contextual to the existing neighborhood;

3. Impose mandatory street wall requirements on certain narrow street frontages in Subdistrict C of the SHYD located just north of the P-2 area. Specifically, the Amendment would require street walls at the street line for 100 percent of a developer's street frontage for midblock sites in the SHYD Subdistrict C along West 33rd Street and West 35th Street between 8th and 9th Avenues. Additionally, a minimum street wall height of 80 feet and a maximum of 90 feet would be required for these street frontages, with provisions for street walls up to 120 feet depending on the height of adjacent street walls;

4. Allow recesses for developments on 10th Avenue in Subdistrict C of the SHYD not greater than three feet deep above a height of 50 feet for developments along 10th Avenue thereby correcting an area omitted in the zoning text amendments made to the SHYD in 2008; and

5. Add an additional map to Appendix A of the SHYD referencing Section 93-50 of the text (Special Height and Setback Regulations) in order to clarify other aspects of the SHYD and SGCD street wall requirements for the reader.

Now, therefore, be it resolved that Manhattan Community Board No. 4 recommends approval of ULURP Application No. N 100217 ZRM subject to the following condition:

1. Add an additional map depicting the impacts of the Amendments within the Preservation Area P-2 of the SGCD.

Sincerely,



John Weis, Chair
Manhattan Community Board 4



Elisa Gerontianos, Co-Chair
Clinton/Hell's Kitchen Land Use Committee



Sarah Desmond, Co-Chair
Clinton/Hell's Kitchen Land Use Committee

cc: NYC Council Speaker Christine Quinn
NYC Council Speaker Quinn's Office – Amanda Younger, Melanie Larocca
NYC Council Land Use Division – Danielle DeCerbo
NYS Senator Thomas K. Duane
NYS Assemblyman Richard Gottfried
MBPO – Anthony Borelli, Deborah Morris