



## CITY PLANNING COMMISSION

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February 24, 2010 / Calendar No. 8

N 100119 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, concerning Article IX, Chapter 3 (Special Hudson Yards District), Community Districts 4 and 5, Borough of Manhattan.

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The application for the zoning text amendment N 100119 ZRM was filed by the NYC Department of City Planning (DCP) on October 13, 2009.

### **BACKGROUND**

DCP has proposed a zoning text amendment to the parking regulations of the Special Hudson Yards District (SHYD) (Subareas A through E), the 42nd Street Perimeter Area of the Special Clinton District and Preservation Area P-2 of the Special Garment Center District (hereinafter, the Hudson Yards Area). The Hudson Yards Area is located within Manhattan Community Districts 4 and 5 and is generally bounded by West 43rd Street to the north; Eighth Avenue to the east; West 30th Street to the south; and Eleventh Avenue to the west.

The proposed amendment responds to changing conditions in the area, including the City's adoption of strategies to reduce congestion, promote more sustainable modes of transportation and that recognize an increase in transit as a mode of travel for workers in Midtown Manhattan. The proposed text amendment further implements a Stipulation and Order of Settlement in the case of *Hell's Kitchen Neighborhood Association v. Bloomberg* and resolves litigation challenging the 2005 enactment of the SHYD off-street parking regulations.

### **CURRENT PARKING REGULATIONS**

Prior to 2005, off-street parking in the Hudson Yards Area was governed by the regulations of Article I, Chapter 3 of the Zoning Resolution, which generally do not require accessory off-street parking to be provided for new developments, with permitted parking limited to 20 percent of new dwelling units and 1 space per 4,000 square feet of new office space (up to 100 spaces). Hotels are permitted one space per 15 percent of rooms; up to 150 spaces. Public parking and additional accessory parking are only allowed by CPC special permit.

In 2005, the Hudson Yards Text Amendment enacted special parking regulations for the Hudson Yards Area, the goal of which was to help ensure that parking capacity displaced through redevelopment of the area would be replaced insofar as possible, and that parking demand generated by new development would be met. These regulations, currently in effect, require off-street parking for zoning lots in excess of 15,000 square feet of lot area. Residential developments are required to provide off-street parking spaces equal to 33 percent of market-rate dwelling units and 25 percent of government-assisted dwelling units, and are permitted to provide off-street parking spaces equal to 40 percent of dwelling units. Commercial and community facility developments are required to provide 0.3 off-street parking spaces per 1,000 square feet of floor area, and are permitted up to 0.325 off-street spaces per 1,000 square feet of floor area. Additional public parking is permitted by CPC special permit.

A site selection for a 950-space public parking garage beneath a portion of the proposed Hudson Park and Boulevard (ULURP No. C 040502 PCM/November 22, 2004) was also approved by the Commission in 2005.

Subsequent to enactment of the Hudson Yards Text Amendment, both the litigation in *Hell's Kitchen Neighborhood Association v. Bloomberg* and changing conditions have led the City to revisit some of the assumptions underlying the required and permitted parking ratios applicable to the project area. In particular, the Hudson Yards FGEIS used 1990 Census data to estimate the auto mode share for Hudson Yards commuters (an assumed peak period share of 10.6 percent).<sup>1</sup> Subsequently available 2000 Census data indicated a reduction in the share of auto commutation in the area, and the October 2009 Western Rail Yard Final Environmental Impact Statement (Western Rail Yard FEIS) used 2000 Census data and assumed a lower peak period auto mode share of 9.9 percent.<sup>2</sup> While data are only available for Manhattan as a whole in the post-2000

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<sup>1</sup> *Hudson Yards FGEIS*, Appendix S-1, Office Modal Splits Technical Memorandum, p. 8.

<sup>2</sup> *Western Rail Yard FGEIS*, Appendix E1, Table 2A.

period, data from the 2007 American Community Survey indicate that the auto mode share for commuters commuting into New York City from the metropolitan area has continued to decline.<sup>3</sup>

Additionally, the Hudson Yards FGEIS assumed an increase of approximately 580,000 square feet of exhibition space at the Convention Center, as well as about 335,000 square feet of meeting room space and 86,000 square feet of ballroom space.<sup>4</sup> The proposed New York Sports and Convention Center at the Western Rail Yard was also to provide an additional 180,000 square feet of exhibition space.<sup>5</sup> The current plans for the Convention Center call for a much smaller expansion of approximately 40,000 square feet of exhibition space<sup>6</sup>, and the Western Rail Yard is now proposed to be developed as a mixed-use residential and commercial development that will provide up to 1,600 accessory off-street parking spaces pursuant to Article I, Chapter 3 special permits (in two parking garages, ULURP Nos. C 090436 ZSM and C 090435 ZSM).

These changes in travel patterns and development program have had the combined effect of reducing the demand for parking as calculated in the Hudson Yards FGEIS. Moreover, City policy initiatives for the Manhattan central business districts have moved in the direction of seeking to reduce congestion and promoting transit use. Simultaneously, prospective developers of sites in the Hudson Yards Area have asked for relief from the Hudson Yards Area parking regulations on the grounds that the parking is unduly costly to provide and unnecessary to support development. In April 2009, the City Council approved the Eastern Rail Yards Text Amendment (ULURP No. N 090211 ZRM), which eliminated required parking for the proposed development over the rail yard and permitted up to 1,000 on-site accessory parking spaces, with a maximum of 350 of the spaces for commercial and community facility uses. Other property

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<sup>3</sup> DCP, Changes in Employment and Commuting Patterns among Workers in New York City and the New York Metropolitan Area, 2000-2007, December 2008, p. 3.

<sup>4</sup> *Hudson Yards FGEIS*, Table 2-7: Existing and Future Convention Center, Facility Components, p. 2-35.

<sup>5</sup> *Hudson Yards FGEIS*, Table 2-8: Proposed Multi-Use Facility Components, p. 2-40.

<sup>6</sup> New York Convention Center Development Corporation, Jacob K. Javits Convention Center Renovation and Expansion Civic Project, General Project Plan, March 19, 2009, p. 6.

owners have approached DCP with requests for additional changes that would reduce their required parking.

## **PROPOSED TEXT AMENDMENT**

DCP proposes a zoning text amendment to various sections of Article IX: Special Purpose Districts, Chapter 3: Special Hudson Yards District, of the Zoning Resolution. The proposed action takes into account changing conditions in the affected area and would continue to meet the parking needs of new development as well as support the parking needs of Midtown Manhattan and the Convention Center area, which were goals identified in the 2005 Hudson Yards Text Amendments.

In summary, the proposed text amendment would amend parking regulations in the project area as follows:

- Off-street parking would no longer be required.
- All off-street parking spaces constructed in the project area would be required to be located on the same zoning lots as the uses to which they are accessory.
- Public use would not be allowed for parking spaces accessory to residential uses.
- Permitted parking ratios would be reduced for new developments.
- The total amount of off-street parking in new developments would be subject to a “hard cap” of 6,084 spaces (defined as the “Hudson Yards Development Parking Supply” (HYDPS)).
- A public parking reservoir of 821 spaces (defined as the “Reservoir Parking Supply”(RPS)) would be maintained to serve the projected need in 2025 (the analysis year in the *Hudson Yards FGEIS*) that would be generated by: workers and residents in buildings that existed in 2005 and are expected to remain; Convention Center workers and visitors; and Midtown commuters.<sup>7</sup>

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<sup>7</sup> The target of 821 off-street public parking spaces was derived as follows. A survey conducted in May 2009, pursuant to the terms of the Stipulation, determined that there were 4,784 off-street public parking spaces in the Hudson Yards Area. As discussed below, in “Components of the Hudson Yards Development Parking Supply,” 301 spaces met the definition of Hudson Yards Development Parking Supply in the Stipulation; the remaining 4,483 spaces met the

- The sum of the number of public parking spaces in the RPS and the HYDPS would not exceed 6,905 spaces.
- To the extent that the RPS remains in surplus, relative to the projected need of 821 spaces in 2025, the sum of such surplus (the “Reservoir Surplus”) and the HYDPS may not exceed 6,084.
- No additional public or accessory parking would be created by CPC authorization or special permit unless the Reservoir Surplus is eliminated and the RPS falls below the 2025 target of 821 spaces, and then only to the extent of such “reservoir deficit.”

### RESIDENTIAL PARKING RATIOS

DCP analyzed data from the 2006 American Community Survey, conducted by the U.S. Census Bureau, for Manhattan Community Districts 4 and 5 which indicates that about 31 percent of households in the ‘market-rate’ stratum and about 8 percent of households in the ‘low-income’ category have access to vehicles. Based on the data, the proposed text amendment was crafted to allow accessory residential parking at a rate of up to 30 percent of new market-rate housing units, and up to 8 percent of units qualifying under the Inclusionary Housing Program. Such parking would only be allowed for residents and cannot be public parking.

### NON-RESIDENTIAL PARKING RATIOS

DCP estimated, using the 2005 American Community Survey data and the percentage increase in Manhattan employment from 2005 to 2006 calculated by the U.S. Department of Commerce, that Midtown Manhattan provided approximately one public parking space for every 25 employees (although such spaces are used by both commuters and visitors), which translates into a proposed allowance of 0.16 parking spaces per 1,000 square feet of commercial floor area (based on a

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definition of Reservoir Parking Supply in the Stipulation. As of May 5, 2009 (the effective date of the Stipulation), the Reservoir Parking Supply was acknowledged to be in surplus by 3,600 spaces. At the time of the survey, this surplus was updated to 3,662, pursuant to the updating procedure discussed in “Updating of the Reservoir Surplus” below. Subtracting the updated Surplus from the 4,483 spaces, as specified in the Stipulation, the 2025 Reservoir Parking Supply target was calculated as 821.

typical New York region standard of 250 square feet per office employee). There would be no cap on the number of parking spaces per development, as long as the ratio of parking to floor area is maintained. This is intended to ensure that the parking demand is satisfied for the very large new office buildings that are expected to be developed in the Hudson Yards Area.

For hotels, the proposed text amendment would utilize the permitted parking standard for Article I, Chapter 3 of the Zoning Resolution, which allows accessory parking spaces equal to 15 percent of guest rooms; up to 150 spaces. As an additional control the number of spaces in new hotel uses would not be permitted to exceed 0.16 spaces per 1,000 square feet of floor area.

In the project area, new retail and community facility development is expected to serve local residents and workers and therefore is not expected to generate demand for parking independently. Thus, these uses are not permitted to provide accessory off-street parking under the proposed text amendment.

#### HUDSON YARDS DEVELOPMENT PARKING SUPPLY

In addition to the off-street parking permitted in new buildings subsequent to the enactment of the proposed text amendment, the HYDPS would include the following components:

- Parking facilities in buildings constructed pursuant to the Hudson Yards parking regulations in January 2005 (to the extent of the amended permitted parking ratios);
- All the parking at one recently constructed building, 350 West 42nd Street;
- Public parking garages constructed pursuant to post-2005 special permits (only one facility, which would have a 400-space public parking garage, is under construction at 310-328 West 38th Street);
- Eastern Rail Yard (ULURP No. N 090211 ZRM) parking provided in accordance with the recent text amendment; and
- Any future parking pursuant to variance, to the extent that the spaces satisfy the amended permitted parking ratios.

As of October 2009, operating public parking facilities that would be counted, under the proposed text amendment, either in whole or in part in the HYDPS included 350 West 42nd Street (200 spaces) and 453 W. 37<sup>th</sup> Street (101 spaces). As noted above, if, in the future, the total of the HYDPS and the Reservoir Surplus reach 6,084, no new permits for off-street parking can be issued in the Hudson Yards Area.

#### UPDATING OF THE RESERVOIR SURPLUS

DCP would be required by the proposed text amendment to commence updating the Reservoir Surplus beginning with the Stipulation's effective date of May 5, 2009. In accordance with the proposed text amendment, the Reservoir Surplus may increase to the extent that parking facilities in buildings constructed since the enactment of the Hudson Yards parking regulations (January 19, 2005) provide spaces in excess of the amended permitted parking ratios. Any lawful increase in the capacity of a public parking facility existing as of May 2009, except for any increase by Board of Standards & Appeals (BSA) variance that is counted as part of the HYDPS, will also increase the Reservoir Surplus. The Reservoir Surplus may decrease to the extent that parking facilities counted in the RPS as of May 2009 are discontinued or reduced in capacity. In addition, where new developments are completed after May 2009 without parking, or with less parking than permitted, the demand for parking generated by these developments that is not satisfied on site is deducted from the Reservoir Surplus.

As of October 2009, one new building had been completed in the Hudson Yards Area with more off-street parking than permitted by the proposed parking ratios (constructed in accordance with the SHYD parking regulations prior to this Stipulation at 453 West 37th Street, which adds 62 spaces to the Reservoir Surplus) and two hotel developments, located at 341 and 343 West 39th Streets, were granted certificates of occupancy and did not provide parking. The permitted parking for these two developments of 26 spaces represents a deduction from the Reservoir Surplus. Therefore, the updated Reservoir Surplus is 3,636.

## SPECIAL PROVISIONS FOR ADDITIONAL OFF-STREET PARKING IN THE EVENT THAT THE RESERVOIR SURPLUS BECOMES A DEFICIT

Over time, the Reservoir Surplus is expected to diminish due to the redevelopment of sites that are currently used for public parking and the development of new buildings at these sites that do not provide the full amount of parking that they are permitted. If this results in elimination of the Reservoir Surplus and, thus, a reduction in the RPS below the target of 821 spaces, the following provisions would apply:

- Office development may provide up to 33 percent more parking as-of-right and a greater increase may be allowed by CPC special permit; and
- Hotels may provide the number of spaces permitted without being limited to 0.16 spaces per 1,000 square feet of floor area.
- Any such increased parking is limited to the amount of the deficit, such that the RPS target of 821 spaces is maintained, and cannot result in reestablishment of the Reservoir Surplus.

## ADMINISTRATION OF THE PROPOSED PARKING REGULATIONS

DCP would be required under the proposed text amendment to periodically update, and make available to the public, calculations of the HYDPS, RPS, Reservoir Surplus and Reservoir Deficit. DCP would post this information on its website.

With the exception of parking for the Eastern Rail Yard, which is subject to separate provisions, the Department of Buildings would not be authorized to issue a building permit for a new off-street parking facility in the Hudson Yards Area unless the CPC Chairperson has certified that the parking is permitted pursuant to the special parking provisions for the area.<sup>8</sup> However, a parking facility that has a building permit as of the date of enactment and is legally vested under

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<sup>8</sup> The recently-enacted Western Rail Yard Text Amendment (N 090434 ZRM) added the area bounded by Eleventh and Twelfth Avenues and West 30th and West 33rd Streets to the Special Hudson Yards District as Subdistrict F. This area is not subject to the special off-street parking provisions included in the proposed text amendment described herein. Rather, the Western Rail Yard would remain governed by the provisions of Article I, Chapter 3 of the *Zoning Resolution*.



the vesting provisions of the Zoning Resolution may continue to be developed in accordance with the prior regulations.

### **OTHER DISCRETIONARY APPROVALS**

The proposed text amendment would also provide the following:

- Authorization to permit accessory off-street parking in existing buildings pursuant to Section 13-551 of the *Zoning Resolution* would not apply to the Hudson Yards Area.
- Section 74-52 of the *Zoning Resolution* would apply only to renewals of special permits granted prior to the effective date of the proposed zoning text amendment, provided there is no increase in capacity.
- As set forth in the Stipulation, the City will not proceed with the construction of the 950-space below-grade public parking garage. (ULURP No. C 040502 PCM/November 22, 2004)

### **ENVIRONMENTAL REVIEW**

This application N 100119 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 10DCP008M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on Oct 19, 2009.

### **PUBLIC REVIEW**

On October 19, 2009, the application (N 100119 ZRM) was duly referred to Manhattan Community Boards 4 and 5 and the Manhattan Borough President's Office in accordance with the Commission's policy for non-ULURP items.

### **Community Board Review**

Community Board 4 (CB4) held a public hearing on the application on December 2, 2009 and issued a letter dated December 9, 2009 approving the applications, with conditions:

- CB4 wanted to ensure that parking spaces that were added since the date of referral are properly counted towards the HYDPS or Reservoir Surplus and that the City take appropriate action to ensure that developments with parking spaces for which permits were issued under the 2005 regulations, that are not vested as of the effective date of the amendments, are made subject to the new regulations.
- CB4 also wanted to ensure that “any parking spaces added as a result of a determination of the BSA be included in the overall calculation and count towards the hard cap.”
- CB4 requested that the final language be “clear and sufficient to ensure that” the method of calculating the Reservoir Surplus not allow for exceedance of the hard cap.
- Similarly, CB4 wanted to ensure that the parking provided on the Eastern Rail Yard (ERY), which is not subject to a Chair certification, count towards the hard cap. Specifically, CB4 was concerned that if the ERY is developed well after the rest of Hudson Yards, then the spaces permitted on the ERY may result in an exceedance of the hard cap.
- Lastly, CB4 requested that the section of the new text that requires the publication of data (Sec. 93-824) be modified so that the data is available in a format agreed to by CB4 and reported on-line.

Community Board 5 did not submit a recommendation on this application.

### **Borough President Review**

The Manhattan Borough President did not submit a recommendation on this application.

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

On December 16, 2009 (Calendar No. 4), the City Planning Commission scheduled January 6, 2010, for a public hearing on the application. The hearing was duly held January 6, 2010 (Calendar No. 26). There were 3 speakers in favor and none in opposition.

The District Manager of Community Board 4 noted the Board's support for the amendment and reiterated the Board's recommendations.

A member of the Hell's Kitchen Neighborhood Association (HKNA), requested that the Commission add language to Section 93-00 of the Zoning Resolution ("General Purposes") for the SHYD that would provide guidance to the BSA in the event it is presented in the future with a variance application that seeks parking in excess of the permitted ratios under the text amendment or that would result in exceeding the proposed "hard cap". More specifically, the member of HKNA suggested that language be added to Section 93-00 that would guide the BSA with respect to finding (c) required for a variance (Section 72-21(c) of the Zoning Resolution) relating to consistency with the essential character of the neighborhood.

Another member of HKNA noted her support for this request and stated that the implementation of the text will require clarity and coordination between agencies.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application for an amendment to the Zoning Resolution (N 100119 ZRM) as modified herein is appropriate.

The amendments will fulfill the terms of the stipulation entered into in connection with the above-noted litigation as well as respond to changed conditions on the far West Side, including a modal shift away from commuting by automobile, a reduction in the size of the Convention Center, the elimination of the New York Sports and Convention Center on the Western Rail Yards, and shift in City policy encouraging transit use in the Manhattan Central Business Districts.

Hell's Kitchen Neighborhood Association (HKNA), in correspondence with DCP staff, raised two additional concerns, which were similar to those raised by Community Board 4:

- The proposed off-street parking “hard cap” could be exceeded if many developments were constructed without parking, reducing the “reservoir surplus” under the tracking formula but not the actual inventory of parking spaces. Additional development could then occur under the permitted parking ratios, with parking exceeding the cap.
- If the 1,000 permitted parking spaces are not constructed at the Eastern Rail Yards until other development has occurred, all of which provides permitted parking, the ERY spaces, which are not subject to the Chair’s certification, could also bring the count of parking spaces in the area over the “hard cap”.

In response to above-noted issues raised by CB4 and HKNA during the public review concerning parking on the Eastern Rail Yards, the number of spaces possibly exceeding the “hard cap”, the provision of language that could guide the BSA and the need for a clarification of the text generally, the Commission modifies the proposed text in several respects.

Section 93-00 will be amended to highlight the importance of the special parking regulations to the City’s goals for the Hudson Yards Area. A new subparagraph (n) will be added to the list of the general goals for the District, which will inform readers as to the goal of limiting the amount of street parking with the objective of creating an area with a transit and pedestrian-oriented character.

The Commission also modifies the text herein to provide for a two-part calculation in the Chairperson’s certification of any proposed parking in the Hudson Yards Area (except on the Eastern Rail Yard) under Section 93-821(e), with the first calculation (Section 93-821(e)(1)) unchanged from the original proposed zoning text (and consistent with the Stipulation), and the second (Section 93-821(e)(2)) relating to the actual physical count of parking spaces. This will provide assurance that the actual physical count of spaces will not exceed the “hard cap” of the zoning.

To address concerns relating to the counting of parking provided at the Eastern Rail Yard towards the HYDPS “hard cap”, the Commission is also modifying Section 93-821(e) whereby the cap will be limited to 5,084 (the original proposed “hard cap” of 6,084 minus the 1,000 spaces permitted at the Eastern Rail Yard) until the development at the Eastern Rail Yard is

completed. At that point, if fewer than 1,000 spaces have been provided, the difference between that the number of spaces provided and 1,000 will be added to the “hard cap” calculations. This will provide further assurance that the total amount of parking provided for the Eastern Rail Yard, when combined with the Hudson Yards Development Parking Supply and Reservoir Parking Supply, will not exceed 6,905 spaces.

The Commission also modifies the text to include a number of technical clarifications that will make this text amendment easier for the public to understand and for public agencies to administer.

The Commission acknowledges the Community Board’s concerns regarding the publication of data pertinent to this text amendment and notes that DCP staff has stated that such data will be available on the DCP website. Staff has also agreed to work closely with the Department of Buildings to ensure that off-street parking spaces are correctly counted under this text amendment.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the actions 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, and 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 within # # is defined in Section 12-10;

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

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

## Article IX - Special Purpose Districts

### Chapter 3

#### Special Hudson Yards District

#### 93-00

#### GENERAL PURPOSES

The “Special Hudson Yards District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

\* \* \*

- (n) to limit the amount of off-street parking based on regulations which address the anticipated needs of residents, workers and visitors to the Hudson Yards Area, consistent with the objective of creating an area with a transit and pedestrian-oriented neighborhood character.

\* \* \*

#### 93-03

#### District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Hudson Yards District Plan#.

The District Plan includes the following ~~nine~~ten maps:

- Map 1 - Special Hudson Yards District, Subdistricts and Subareas
- Map 2 - Mandatory Ground Floor Retail
- Map 3 - Mandatory Street Wall Requirements
- Map 4 - Mandatory Sidewalk Widening
- Map 5 - Transit Easements and Subway Entrances
- Map 6 - Sites for which Special Parking Regulations Apply
- Map ~~6~~7 - Subdistrict F Site Plan
- Map ~~7~~8 - Subdistrict F Public Access Area Plan

Map 8 9 - Subdistrict F Mandatory Ground Floor Requirements

Map 9 10 - Subdistrict F Mandatory Street Wall Requirements

### 93-052

#### Applicability of Article I, Chapter 3

#Public parking lots# authorized pursuant to Section 13-552 (~~Public parking lots~~) prior to January 19, 2005, and #accessory# off-street parking facilities for which a special permit has been granted pursuant to Section 13-561 prior to January 19, 2005, may be renewed subject to the terms of such authorization or special permit.

The provisions of Article I, Chapter 3, in their entirety shall be applied to Subdistrict F. Additional provisions of Article I, Chapter 3, shall be applicable as specified in Section 93-80 (inclusive).

\* \* \*

### 93-054

#### Applicability of ~~Chapter 4 of Article VII~~, Chapter 4

\* \* \*

- (b) The following provisions regarding special permits by the City Planning Commission shall be applicable as modified:

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall be applicable to the renewal of City Planning Commission special permits for #public parking lots# of any capacity and to #public parking garages#, granted prior to (date of enactment) or portions thereof, located above grade, subject to the findings of Section 93-821 (Authorization for above-grade parking). However, the findings of Section 93-821 shall not apply to any public parking facility in existence prior to January 19, 2005, that is the subject of a renewal or new special permit.

\* \* \*

### 93-14

#### Ground Floor Level Requirements

\* \* \*

- (b) Retail continuity along designated streets in Subdistrict F

Map 8 9 (Subdistrict F Mandatory Ground Floor Requirements) in Appendix A specifies locations where the special ground floor #use# and transparency requirements of this Section

apply. Such regulations shall apply along either 100 percent or 70 percent of the building's #street# frontage, as indicated for each location on Map 8 9.

(1) Along Eleventh Avenue

The ground floor retail provisions established in paragraph (a) of this Section shall apply to the ground floor #street# frontage of #buildings# along Eleventh Avenue. In addition, if a #street# frontage is occupied by a bank, as listed in Use Group 6, such a #street# frontage shall not exceed a #street wall# width, in total, of 25 feet.

(2) Along designated streets other than Eleventh Avenue

In addition to the #uses# listed in paragraph (a) of this Section, the following #community facility uses# from Use Groups 3 and 4 as well as the following #commercial use# from Use Group 6B shall be permitted on the ground floor level of a #building# or within five feet of #curb level# for frontages along designated #streets#, as shown on Map 8 9, other than Eleventh Avenue.

**93-16**

**Public Parking Facilities**

In C2-5, C2-8 and C6 Districts, the provisions of Sections 32-17 (Use Group 8) and 32-21 (Use Group 12) with respect to #public parking garages# and #public parking lots# are modified to require a special permit pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) for #public parking lots# of any capacity, and in C2-8 and C6 Districts, to allow, as of right, #public parking garages#, provided such garages are entirely below grade and contain not more than 0.30 parking spaces for each 1,000 square feet of #floor area# on the #zoning lot#. However, no #public parking garages# shall be permitted within the #Phase 2 Hudson Boulevard and Park#, as shown on Map 1 in Appendix A of this Chapter inapplicable and are superseded by the provisions of Section 93-80 (OFF-STREET PARKING REGULATIONS).

\* \* \*

**93-17**

**Modification of Sign Regulations**

(a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Furthermore, #flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required in the Eastern Rail Yard Subarea A1, pursuant to Section 93-71.



(b) Subdistrict F

For the purposes of calculating the permitted #surface area# of a #sign#, each site set forth on Map 6 7 (Subdistrict F Site Plan) in Appendix A shall be considered a separate #zoning lot#.

\* \* \*

**93-56**

**Special Height and Setback Regulations in Subdistrict F**

The height and setback regulations set forth in this Section, inclusive, shall apply to specific sites identified as Sites 1 through 6 on Map 6 7 (Subdistrict F Site Plan) in Appendix A. All #developments# or #enlargements# of a #building or other structure# within Subdistrict F, with the exception of those approved as part of a public access area pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), shall occur within these designated site locations. However, portions of a #building# located entirely below grade, and exempt from the definition of #floor area#, shall be permitted to extend beyond such designated site locations. Furthermore, the boundary of Site 6 may be extended in a westerly direction, by up to 40 feet, to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section 93-568 (Site 6).

Map 4 (Mandatory Sidewalk Widening) in Appendix A identifies the location of a sidewalk widening required along Eleventh Avenue that is referenced in this Section, inclusive. Regulations governing the design of this sidewalk widening are set forth in Section 93-61.

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways. Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A, identifies the location of publicly accessible open spaces, private streets, and pedestrian ways that are referenced in this Section.

Publicly accessible open spaces are comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection and the #High Line#. General rules governing such publicly accessible open spaces are set forth in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

Publicly accessible private streets are comprised of the West 32nd Street Extension (including the Allee, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 7 8) and the West 31st Street Extension. Publicly accessible pedestrian ways are comprised of the West 30th Street Corridor, and the Connector. General rules governing such private streets and pedestrian ways are set forth in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

**93-561**

**General rules for Subdistrict F**

The following regulations shall apply to all #buildings or other structures# within Sites 1 through 6:

(a) #Street wall# location

For the purposes of applying the height and setback regulations of this Section, inclusive, wherever a #building# fronts upon any publicly accessible open space, private street or pedestrian way, as shown on Map 7 8 (Subdistrict F Public Access Area Plan), the boundary of such publicly accessible open spaces, private streets or pedestrian ways shall be considered to be a #street line#. Furthermore, for the purposes of applying such height and setback regulations, the sidewalk widening line required along Eleventh Avenue shall be considered the Eleventh Avenue #street line#.

Wherever a #building# on Sites 1, 5 or 6 faces the #High Line#, the #street wall# shall not be located closer than five feet to the edge of the #High Line#, as shown on Map 7 8. Such five foot separation shall remain unobstructed, from the level of finished grade adjacent a #building#, to the sky, except as permitted:

\* \* \*

**93-562**

**Street wall regulations for certain streets**

The locations of all #street walls# identified in this Section are shown on Map 9 10 (Subdistrict F Mandatory Street Wall Requirements) in Appendix A.

\* \* \*

**93-565**

**Site 3**

\* \* \*

(c) Maximum length and height

The maximum horizontal dimension of a tower, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower’s maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 3 rectangle in plan, as shown on Map 6 7 (Subdistrict F Site Plan) in Appendix A, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

\* \* \*

**93-566**

**Site 4**

\* \* \*

(c) Towers

\* \* \*

(2) Maximum length and height

For any portion of a tower above 120 feet, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 4 rectangle, in plan, as shown on Map 6 7 (Subdistrict F Site Plan) in Appendix A, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

\* \* \*

**93-567**

**Site 5**

All #stories# of a #development# or #enlargement# located wholly or partially above finished grade on Site 5 shall be considered a tower and shall comply with the provisions of this Section.

On Site 5, a #building or other structure# may be located adjacent to and above the #High Line#, provided no portion of such #building# or an associated structural column is located within five feet of the edge of the #High Line# from the level of finished grade to a level of 50 feet above the level of the #High Line bed#, as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A.

\* \* \*

(b) Maximum length and height

At or below a height of 50 feet above the #High Line bed#, if a #building or other structure# is #developed# with portions on both sides of the #High Line#, the minimum horizontal dimension, measured in any direction between such portions shall be 60 feet.

For that portion of a tower located above a height of 50 feet above the #High Line bed#, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 5 rectangle, in plan, as shown on Map 6 7 (Subdistrict F Site Plan) in Appendix A, then such maximum horizontal dimension measured in this direction maybe increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet. Furthermore, the maximum horizontal dimension for that portion of a tower that spans the #High Line#, measured in any direction, shall not exceed 120 feet.

\* \* \*

**93-568**  
**Site 6**

\* \* \*

(b) Certification to expand Site 6

The area of Site 6, as shown on Map 6 7 (Subdistrict F Site Plan), may be extended westward by up to 40 feet in order to accommodate a public #school# upon certification of the Chairperson of the City Planning Commission, that:

\* \* \*

**93-75**  
**Publicly Accessible Open Spaces in Subdistrict F**

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible open spaces are listed in this Section, inclusive. Such publicly accessible open spaces shall be comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection, and the #High Line# as described within this Section, inclusive. Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A identifies the location of publicly accessible open spaces.

\* \* \*

**93-751**  
**General requirements for the Western Open Space**

\* \* \*

(b) Location and minimum dimensions

The Western Open Space shall be located east of the #High Line#, and encompass the area between Sites 1 and 5 as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A. The Western Open Space shall have a minimum easterly boundary of 225 feet, as measured from the easterly #street line# of Twelfth Avenue.

(c) Core elements

\* \* \*

(3) Supplemental area

Any space provided in the Western Open Space which does not meet the criteria for lawn area set forth in paragraph (c)(1) of this Section or the criteria for the #High Line# connection set forth in paragraph (c)(2) shall be designated as supplemental area and shall comply with the requirements set forth in this paragraph, (c)(3).

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for

every 2,000 square feet of supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. One such pedestrian access shall link the West 32nd Street Extension's Allee, as defined in paragraph (c)(2) of Section 93- 761 and shown on Map 7 8, to the #High Line#, and the second such pedestrian access shall link the West 31<sup>st</sup> Street Extension to the #High Line#.

\* \* \*

### **93-752**

#### **General requirements for the Central Open Space**

\* \* \*

##### **(b) Location and dimensions**

The Central Open Space shall be located within the area bounded by the West 32nd Street Extension, the West 31<sup>st</sup> Street Extension, the Connector and Eleventh Avenue, and shall also be comprised of any portion of Sites 3 and 4 that are not covered by #buildings# at the ground level as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A.

\* \* \*

### **93-753**

#### **General requirements for the Southwest Open Space**

\* \* \*

##### **(b) Location and minimum dimensions**

The Southwest Open Space shall be located within the area bounded by Twelfth Avenue, the Western Open Space, the West 31st Street Extension, Site 6 and West 30th Street, and shall also be comprised of any portion of Site 5 which is not covered by a #building or other structure# at the ground level as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A.

\* \* \*

### **93-754**

#### **General requirements for the Northeast Plaza**

A publicly accessible open space, (henceforth referred to as the "Northeast Plaza"), shall be provided at the intersection of West 33rd Street and Eleventh Avenue, as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A. The area of such space shall be at least 2,600 square feet, and shall have a minimum #street# frontage of 40 feet along each #street#. The Northeast Plaza shall be #developed# in accordance with the standards of a #public plaza#.

as set forth in Section 37-70 (PUBLIC PLAZAS), exclusive of the area dimensions set forth in Section 37-712.

### **93-755**

#### **General requirements for the Midblock Connection**

A pedestrian way, (henceforth referred to as the “Midblock Connection”), shall be provided between West 33rd Street and the West 32nd Street Extension, as shown on Map 7 8 (Subdistrict F Public Access Area Plan), in Appendix A.

\* \* \*

### **93-76**

#### **Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F**

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible private streets and pedestrian ways shall be provided in Subdistrict F in addition to the publicly accessible open spaces required in Section 93-75. Such private streets and pedestrian ways shall be comprised of the West 31st and West 32nd Street Extensions, the West 30th Street Corridor and the Connector. Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A of this Chapter identifies the location of these publicly accessible private streets and pedestrian ways.

\* \* \*

### **93-761**

#### **General requirements for the West 32nd Street Extension**

\* \* \*

##### **(a) General purpose**

The West 32nd Street Extension is intended to serve the following purposes:

- (1) to serve as the primary publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;
- (2) to provide an experience substantially similar to active public #streets# in other high-density, mixed-use districts;
- (3) to provide a unique urban park-like experience for an active public #street# by connecting the Western Open Space and the Eastern Rail Yard plaza with a pedestrian Allee, as defined in paragraph (c)(2) of this Section and shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A; and

(4) to provide a private street with core elements that are substantially similar to the surrounding public #streets#.

(b) Location and Dimensions

The West 32nd Street Extension shall have its northerly edge located a minimum of 180 feet and a maximum of 200 feet south of the West 33rd Street #street line#, as shown on Map 7-8, except that a terminus to the West 32nd Street Extension, located west of the Connector shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a building entrance drive along Site 1, and complies with the provisions set forth in paragraph (e) of Section 93-751 (General requirements for the Western Open Space).

(c) Core Elements

The West 32nd Street Extension shall provide the following core elements:

\* \* \*

(2) Planting and seating requirements for the southern sidewalk and the Allee

Two trees shall be planted for every 20 feet of southern curb length of the West 32nd Street Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of the West 32nd Street Extension.

Along the southern sidewalk, trees shall be planted within five feet of the curb and the southern edge of the sidewalk. One row of trees shall be planted within five feet of the curb and a second row of trees shall be planted within five feet of the southern edge of the sidewalk. This double row of tree planting along the southern sidewalk of the West 32nd Street Extension between Eleventh Avenue and the Connector shall henceforth be referred to as the Allee, as shown on Map 7-8. No #development# shall be permitted within 15 feet of the southern edge of the Allee.

The Allee shall provide a minimum of one linear foot of seating for every 75 square feet of the Allee. A minimum of 50 percent of the required seating shall provide seatbacks.

\* \* \*

**93-762  
General requirements for the West 31st Street Extension**

\* \* \*

(b) Location and dimensions

The West 31st Street Extension shall have its southerly edge located a minimum of 180 feet and a maximum of 200 feet north of the West 30th Street #street line#, as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A, except that a terminus to the West 31st Street Extension, located west of the Connector, shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a building entrance drive along Site 5, and complies with the provisions set forth in paragraph (d) of Section 93-753 (General requirements for the Southwest Open Space), and/or paragraph (f) of Section 93-7542 (General requirements for the ~~Northeast Plaza~~ Central Open Space), as applicable.

\* \* \*

**93-763**  
**General requirements for the West 30th Street Corridor**

\* \* \*

(b) Location and dimensions

The West 30th Street Corridor shall be located in the area bounded by the #High Line#, Eleventh Avenue, West 30<sup>th</sup> Street and the eastern edge of the Southwest Open Space, as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A.

\* \* \*

**93-764**  
**General requirements for the Connector**

\* \* \*

(b) Location and dimensions

The western #street line# of the Connector shall be located a minimum of 225 feet east of the easterly #street line# of Twelfth Avenue, as shown on Map 7 8 (Subdistrict F Public Access Area Plan) in Appendix A.

\* \* \*

**93-78**  
**Site and Landscape Plans for Public Access Areas in Subdistrict F**

\* \* \*

(e) Where a phase of #development# results in all building sites in Subdistrict F, as shown on Map 6 7 (Subdistrict F Site Plan) in Appendix A, having been #developed# in whole or in part pursuant to the provisions of Section 93-56 (Special Height and Setback Regulations in Subdistrict F), the Department of Buildings shall not issue a certificate of occupancy for the last #building# of such phase unless and until the Chairperson certifies to the Commissioner of Buildings that all public access areas within Subdistrict F are substantially



complete, and are open to and useable by the public. However, in the event that the site and landscape plans for the #High Line# open space have not been approved pursuant to paragraph (c) of this Section at the time such last #building# is eligible for a certificate of occupancy, the Department of Buildings shall issue such certificate of occupancy upon certification of the Chairperson that all public access areas other than the #High Line# open space are substantially complete.

\* \* \*

### **93-80 OFF-STREET PARKING REGULATIONS**

In Subdistricts A, B, C, D and E, the regulations governing permitted and required #accessory# off-street parking spaces of Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens) and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall not apply except as set forth in this Section. In lieu thereof, the provisions of this Section, inclusive, shall apply.

In Subdistrict F, the regulations of Article 1, Chapter 3 shall apply.

### **93-81 Definitions**

#### Hudson Yards parking regulations applicability area

The “Hudson Yards parking regulations applicability area” is comprised of Subdistricts A, B, C, D and E of the #Special Hudson Yards District#, the 42<sup>nd</sup> Street Perimeter Area of the #Special Clinton District# and Area P2 of the #Special Garment Center District#.

#### Hudson Yards development parking supply

The “Hudson Yards development parking supply” shall be the aggregate number of off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking lots# and #public parking garages# in the #Hudson Yards parking regulations applicability area#:

- (a) that have been constructed, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before (date of enactment), to the extent that such spaces satisfy the ratios of Section 93-821;
- (b) that have been constructed, pursuant to a City Planning Commission special permit approved subsequent to January 19, 2005, and before (date of enactment);

- (c) for which the Chairperson has issued a certification, pursuant to Section 93-821, paragraph (e); and
- (d) that have been approved by Board of Standards and Appeals variance, pursuant to Section 72-21 , to the extent that such spaces satisfy the ratios of Section 93-821.

However, all off-street parking on Site 1, as shown on the map of the Special 42<sup>nd</sup> Street Perimeter Area in Appendix A of the #Special Clinton District# (Article IX, Chapter VI) shall be counted towards the #Hudson Yards development parking supply#.

For purposes of this definition, “constructed” shall include any off-#street# parking spaces in #accessory# or #group parking facilities#, #public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were completed on (date of enactment); under construction on such date with the right to continue construction pursuant to Section 11-331; or granted a City Planning Commission special permit after January 19, 2005, where such permit had not lapsed as of (date of enactment).

#### Public parking

“Public parking” shall be off-street parking that is open to the public during the business day for hourly, daily or other time-defined rental of parking spaces, for which a fee is charged;

#### Reservoir deficit

The “reservoir deficit” shall be the amount by which the #reservoir surplus# is less than zero;

#### Reservoir parking supply

The “reservoir parking supply” shall be the sum of:

- (a) all off-street parking spaces lawfully operating as of May 27, 2009, in the #Hudson Yards parking regulations applicability area# as #public parking#; and
- (b) any off-street parking spaces for which a valid building permit had been issued, as of May 27, 2009, and which have been constructed before (date of enactment).

However, any off-street parking space that satisfies the definition of the #Hudson Yards development parking supply# in this Section shall not be counted as part of the #reservoir parking supply#.

For purposes of this definition, “constructed” shall include any off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were either completed on (date of enactment) or under construction on such date with the right to continue construction pursuant to Section 11-331.

## Reservoir surplus

The initial #reservoir surplus# shall be 3,600 off-street parking spaces. The “reservoir surplus” shall be increased by:

- (a) the aggregate number of off-street parking spaces in the #reservoir parking supply# for which a building permit has been issued, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before the (date of enactment);
- (b) the number of off-street parking spaces in the #Hudson Yards parking regulations applicability area# above the ratios permitted in Section 93-821, either certified by the Chairperson pursuant to Sections 93-822, paragraph (c), or by City Planning Commission special permit, pursuant to Section 93-823; and
- (c) the number of off-street parking spaces lawfully added in the #Hudson Yards parking regulations applicability area#, other than those permitted pursuant to this Section 93-80 et. seq., except for any increase by Board of Standards and Appeals variance that is counted as part of the #Hudson Yards development parking supply#;

The #reservoir surplus# shall be decreased by:

- (a) the aggregate number of parking spaces counted at any time in the #reservoir parking supply#, that subsequently are:
  - (1) reduced through modification or discontinuance of the applicable Department of Consumer Affairs license or certificate of occupancy or otherwise cease operation permanently; or
  - (2) not constructed in accordance with the applicable building permit, as reflected in a modification of such building permit or the issuance of a certificate of occupancy for a reduced number of spaces; or
- (b) the issuance of a certificate of occupancy for a #development# or #enlargement# providing a smaller number of spaces than allowed, pursuant to Section 93-821, to the extent of the difference between the number of #accessory# off-street parking spaces allowed, and the number provided. However, this paragraph shall not apply to Sites 2, 3, 4 and 5, as shown on Map 6 of Appendix A, and shall apply to no more than 200 #accessory# off-street parking spaces on Site 6 as shown on Map 6.

## Substantial construction

“Substantial construction” shall mean the substantial enclosing and glazing of a new #building# or of the #enlarged# portion of an existing #building#.

~~93-81~~

**93-82**

**Required and Permitted Parking**

All ~~Developments~~ or ~~enlargements~~ on ~~zoning lots~~ greater than 15,000 square feet in the Hudson Yards parking regulations applicability area may ~~shall~~ provide ~~accessory~~ parking spaces in accordance with the provisions of this Section. ~~For zoning lots of 15,000 square feet or less, accessory parking spaces are permitted up to the maximum number allowed for required spaces as set forth in this Section.~~ The provisions of Sections 36-52 (Size and Location of Spaces) and 36-53 (Location of Access to the Street) shall apply to all permitted accessory off-street parking spaces.

**93-821**

**Permitted parking when the reservoir surplus is greater than or equal to zero**

When the reservoir surplus is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

- (a) ~~Except in the Eastern Rail Yards Subarea A1, for residences, accessory off-street parking spaces shall~~ may be provided for at least not more than 33 30 percent of the total number of dwelling units, except that where such dwelling units are comprised of low income floor area, moderate income floor area or middle income floor area, as defined in Section 23-911 of this Resolution government-assisted, pursuant to paragraph (e) of Section 25-25, accessory off-street parking spaces shall may be provided for at least 25 not more than eight percent of the total number of such dwelling units. In all areas, the total number of off-street parking spaces accessory to residences shall not exceed 40 percent of the total number of dwelling units. However, if the total number of accessory off-street parking spaces required for such use on the zoning lot is less than 15, no such spaces shall be required.
- (b) ~~Except in the Eastern Rail Yards Subarea A1, for commercial and community facility uses, a minimum of 0.30 accessory off-street parking spaces shall be provided for each 1,000 square feet of floor area, and not more than 0.325 off-street parking spaces shall be provided for every 1,000 square feet of floor area. However, if the total number of accessory off-street parking spaces required for such uses on the zoning lot is less than 40, no such spaces shall be required. No parking shall be required for houses of worship or schools.~~
- ~~(c) Except in the Eastern Rail Yards Subarea A1, the required and permitted amounts of accessory off-street parking spaces shall be determined separately for residential, commercial and community facility uses.~~
- (b) For Use Group 5 transient hotels, the provisions of Section 13-131 shall apply with respect to the number of permitted accessory off-street parking spaces, provided that

the number of such spaces does not exceed 0.16 for every 1,000 square feet of #floor area#.

(c) For Use Group 6B offices not more than 0.16 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#.

(d) In the Eastern Rail Yard Subarea A1, ~~no #accessory# off-street parking shall be required~~ paragraphs (a) through (c) of this Section shall not apply, and any #accessory# off-street parking shall comply with the provisions of this paragraph, (d).

(1) For #residences#, #accessory# off-street parking spaces may be provided for not more than 40 percent of the total number of #dwelling units#.

(2) For #commercial# and #community facility uses#, not more than 0.325 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#, provided that in no event shall the number of off-street parking spaces #accessory# to #commercial# or #community facility uses# exceed 350 spaces.

(3) In no event shall the total number of #accessory# off-street parking spaces for all #uses# exceed 1,000.

(e) The provisions of Sections 36-52 (Size and Location of Spaces) and 36-53 (Location of Access to the Street) shall apply to all permitted or required #accessory# off-street parking spaces.

The Department of Buildings shall not issue a building permit for any #accessory# off-street parking pursuant to paragraphs (a) through (c) of this Section unless the Chairperson has certified that:

(1) The sum of the following is less than or equal to 5,084 spaces:

(i) the #reservoir surplus# or zero;

(ii) the #Hudson Yards development parking supply#; and

(iii) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought; and

(2) The sum of the following is less than or equal to 5,905 spaces:

(i) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized, in accordance with the definition in Section 93-81, as part of the #reservoir parking supply#, less any such off-street parking spaces that have been categorized as decreasing the #reservoir surplus# in accordance with paragraph (a) of the second part of the definition of #reservoir surplus# in Section 93-81 ;

- (ii) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized as increasing the #reservoir surplus# in accordance with paragraphs (b) and (c) of the first part of the definition of #reservoir surplus# in Section 93-81;
  - (iii) the #Hudson Yards Development Parking Supply#; and
  - (iv) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought.
- (3) Notwithstanding paragraphs (e) (1) and (2) of this Section, if the Chairperson determines that final certificates of occupancy have been issued by the Department of Buildings for all #buildings# shown in the site plan for the Eastern Rail Yards Subarea A1 as required by the provisions of Section 93-70, and that upon the completion of all such #buildings#, fewer than 1,000 #accessory# off-street parking spaces have been provided in such subarea, any difference between the number of #accessory# off-street parking spaces provided in the Eastern Rail Yards Subarea A1, and 1,000, may be added to the limits of 5,084 and 5,905 spaces set forth in paragraphs (e) (1) and (2), respectively.
- (4) Any certification granted by the Chairperson pursuant to this Section shall lapse after two years if #substantial construction# of the new #building# or of the #enlarged# portion of an existing #building# which includes the subject #accessory# off-street parking spaces has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution.

### **93-822**

#### **Permitted parking when a reservoir deficit exists**

When a #reservoir deficit# exists, additional off-street parking spaces may be provided in accordance with the provisions of this Section. However, this Section shall not apply in the Eastern Rail Yard Subarea A1:

- (a) The number of permitted #accessory# off-street parking spaces for Use Group 5 hotels may exceed 0.16 for every 1,000 square feet of #floor area#, up to the number permitted by Section 13-131;
- (b) The number of permitted #accessory# off-street parking spaces for Use Group 6B offices may be increased by up to 33 percent of the number permitted pursuant to Section 93-821, paragraph (b);

(c) The Department of Buildings shall not issue a building permit for any additional #accessory# off-street parking spaces permitted pursuant to this Section unless the Chairperson has certified that

(1) a #reservoir deficit# exists;

(2) the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821 proposed to be added by the #development# or #enlargement# for which certification is sought, does not exceed such #reservoir deficit#; and

(3) such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in subparagraphs (i), (ii) and (iii) of paragraph (e)(2) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e) (2) has been adjusted pursuant to the provisions of paragraph (e) (3) of Section 93-821.

(d) Any certification granted by the Chairperson pursuant to this Section shall lapse after two years if #substantial construction# of the new #building# or of the #enlarged# portion of an existing #building# which includes the subject #accessory# off-street parking spaces has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution.

### **93-823**

#### **Parking permitted by special permit**

When a #reservoir deficit# exists, the City Planning Commission may allow, by special permit, Use Group 6B offices to exceed the number of #accessory# off-street parking spaces permitted by Section 93-822, in accordance with the provisions of Section 13-561, except that finding (a) of Section 13-561 shall not apply. In addition, the Commission shall find that the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# that is the subject of the application under review, does not exceed the #reservoir deficit#; and that such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in subparagraphs (i), (ii) and (iii) of paragraph (e)(2) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e) (2) has been adjusted pursuant to the provisions of paragraph (e) (3) of Section 93-821. In making such finding, the Commission shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution.

### **93-824**

#### **Publication of data**

The Department of City Planning shall make available, in a form easily accessed by the public, regularly updated calculations of the current #Hudson Yards development parking supply#, #reservoir parking supply#, and #reservoir surplus# or #reservoir deficit#, as applicable.

93-82

**93-83**

**Use and Location of Parking Facilities**

The provisions of this Section shall apply to all off-street parking spaces within the #Special Hudson Yards District#.

- (a) All off-street parking spaces #accessory# to #residences# shall be used exclusively by the occupants of such #residences#. Except in the Eastern Rail Yard Subarea A1, aAll #accessory# off-street parking spaces #accessory# to Use Group 5 #transient hotels# and Use Group 6B offices may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# and public parking spaces are provided on the same #zoning lot#, all such spaces shall be located within the same parking facility. However, such regulations are modified in the following areas:
- (1) ~~in C1-7A Districts and in C2-5 Districts mapped within R8A Districts, all #accessory# off-street parking spaces shall be used exclusively by the occupants of the #residential development#, #enlargement# or conversion. Where a parking facility is located partially within a C2-5 District mapped within an R8A District and partially within another district, all such #accessory# off-street parking spaces may be made available for public use provided more than half of the floor space of the parking facility is located outside the C2-5 District mapped within an R8A District; or~~
  - (2) ~~in the Eastern Rail Yards Subarea A1, any #accessory# parking spaces shall be exclusively for #uses# located in the Subarea.~~
- (b) All #accessory# off-street parking spaces may be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #uses# to which they are #accessory#, provided:
- (1) ~~such parking facilities are located within a C2-8 or C6-4 District within the #Special Hudson Yards District#, or within the 42nd Street Perimeter Area of the #Special Clinton District# or within Area P-2 of the #Special Garment Center District#;~~
  - (2) ~~the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#; and~~



- (3) ~~the number of parking spaces within such facility shall not exceed the combined maximum number of spaces permitted on each #zoning lot# using such facility, less the number of any spaces provided on such #zoning lots#. The provisions of Section 13-141 (Location of accessory off-street parking spaces), inclusive, shall apply.~~
- (c) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:
- (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
  - (2) located, at every level above-grade, behind commercial, community facility or #residential floor area# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas.

### **93-8231**

#### **Authorization for above-grade parking**

The City Planning Commission may authorize parking facilities that do not comply with the provisions of paragraph (c) of Section 93-823 (Use and Location of Parking Facilities) and may authorize floor space used for parking and located above a height of 23 feet to be exempt from the definition of #floor area#, provided that:

- (a) below-grade parking has been provided to the fullest extent feasible, and such above-grade facility is necessary due to subsurface conditions such as the presence of bedrock, railroad rights-of-way or other conditions that impose practical difficulties for the construction of below-grade parking facilities;
- (b) the scale of the parking facility is compatible with the scale of #buildings# in the surrounding area;
- (c) the materials and articulation of the #street wall# of the parking facility is compatible with #buildings# in the surrounding area;
- (d) the ground floor level of such parking facilities that front upon #streets# is occupied by #commercial#, #community facility# or #residential uses# that activate all such adjoining #streets#, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from adjoining #streets# or public access areas with a densely planted buffer strip at least 10 feet deep. Where such screening is not desirable, such ground floor wall of the parking facility shall be articulated in a manner that provides visual interest;
- (e) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential floor area# so

as to minimize the visibility of the parking facility from adjoining #streets# or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

- (f) for portions of parking facilities that are visible from #streets#, publicly accessible open areas or nearby properties, interior lighting and vehicular headlights are shielded to minimize glare on such #streets#, public access areas or properties; and
- (g) the location of vehicular entrances and exits will not unduly inhibit surface traffic and pedestrian flow.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**93-83 93-84**

**Curb Cut Restrictions**

\* \* \*

**93-831 93-841**

**Curb cut restrictions in the Large-Scale Plan Subdistrict A**

\* \* \*

**93-832 93-842**

**Curb cut restrictions in the Farley Corridor Subdistrict B**

\* \* \*

**93-84 93-85**

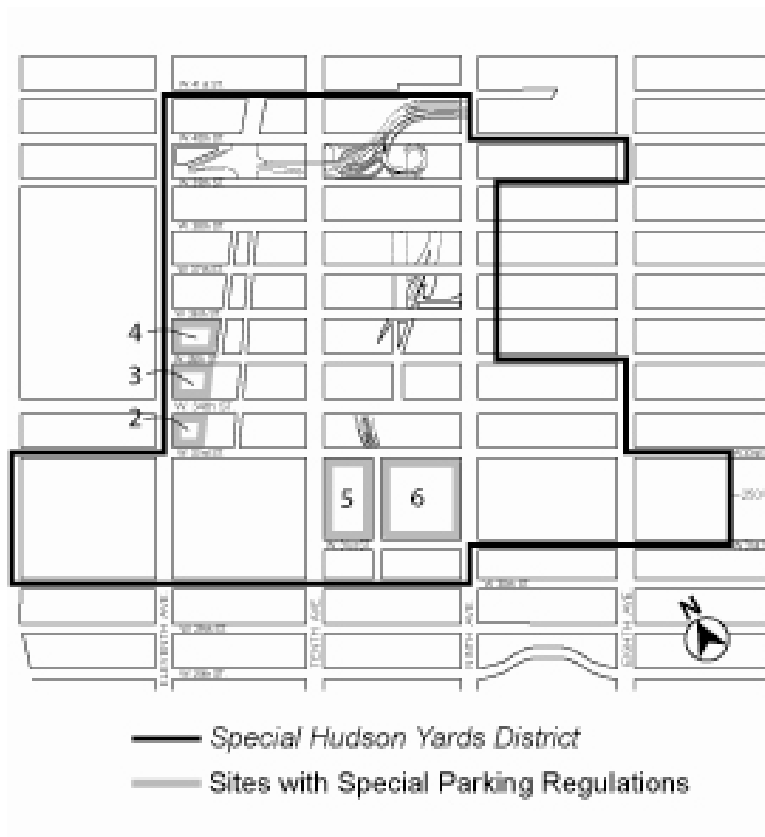
**Authorization for Additional Curb Cuts**

\* \* \*

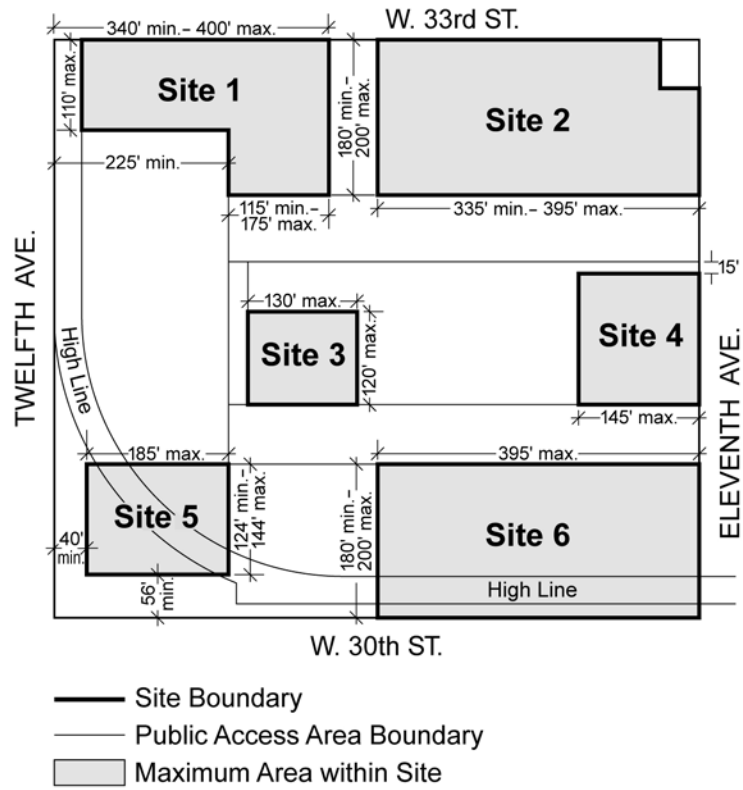
**Appendix A**  
**Special Hudson Yards District**

\* \* \*

Map 6 – Sites for which Special Parking Regulations Apply

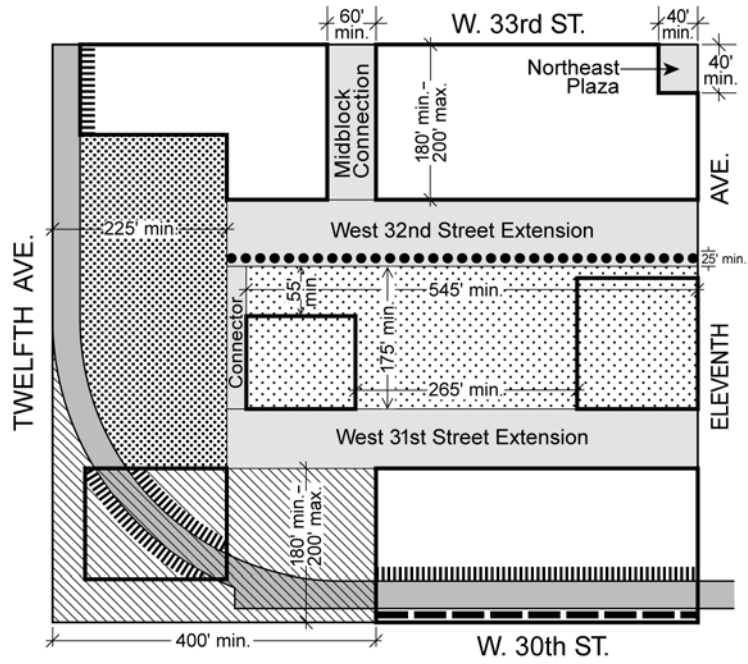


### Map 67 – Subdistrict F Site Plan



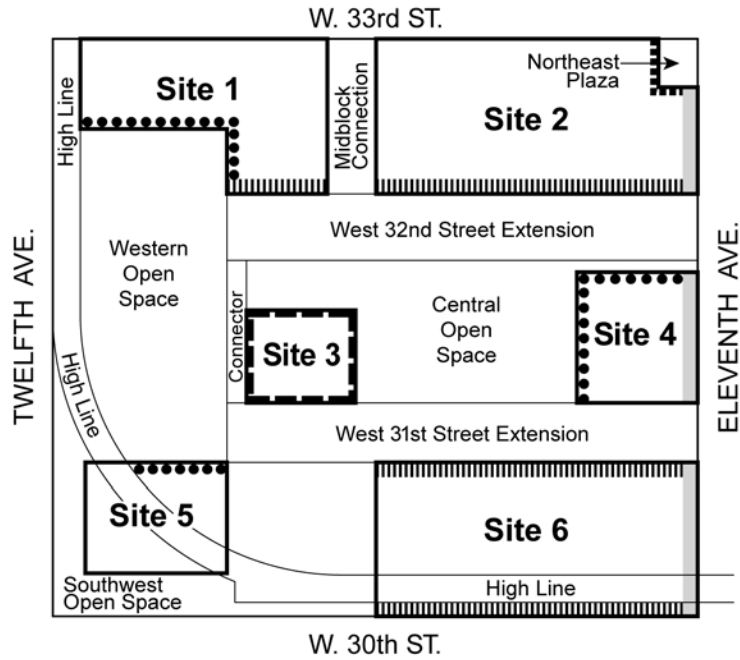


Map 7 8 – Subdistrict F Public Access Area Plan



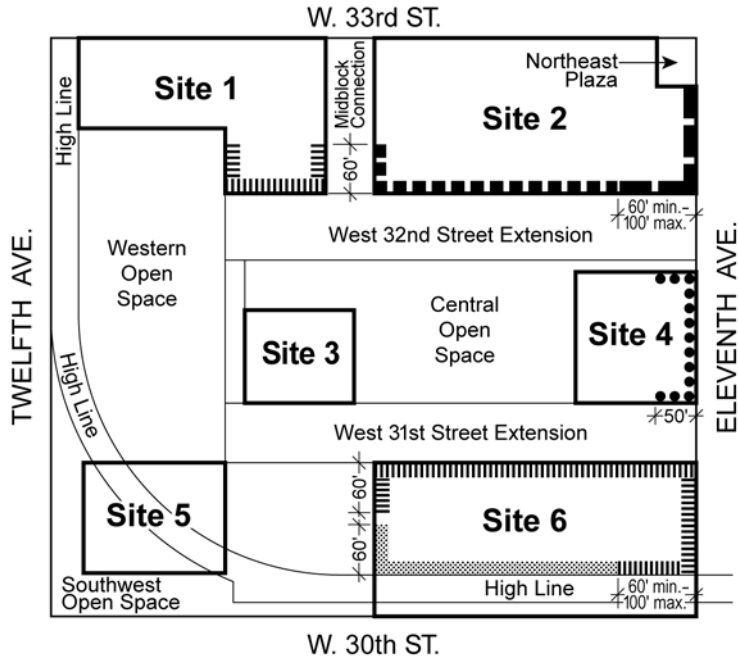
- Site Boundary
- Public Access Area Boundary
- ▭ Streets, Pedestrian Ways and Northeast Plaza
- ▨ Western Open Space
- ▩ Central Open Space (includes areas of Site 3 and Site 4 which are not part of a building)
- ▧ Southwest Open Space (connects beneath the High Line and includes areas of Site 5 which are not part of a building)
- ▭ High Line
- ▬ 30th Street Corridor
- ▤ Required 5' Setback from High Line
- Allee

Map 89 – Subdistrict F Mandatory Ground Floor Requirements



- 100% Retail and Glazing Requirement
- ||||| 70% Retail or Community Facility and Glazing Requirement (Section 93-14, (b) and (c))
- ..... Public Plaza 50% Retail and Glazing Requirements (Section 37-76)
- Ground Floor Requirements (Section 93-565(a))
- ..... 50% Glazing Requirement (Sections 93-751(d) and 93-752(e))

Map 9 10 – Subdistrict F Mandatory Street Wall Requirements



	Minimum Base Height	Maximum Base Height	Percentage of frontage that must be occupied by a street wall	Percentage of street wall which must recess	Maximum percentage of street wall which may set back
	50'*	60'*	100%	20%	30%
	60'	90'	100%	20%	30%
	90'	120'	100%	20%	50%
	90'	120'	100%	20%	30%
	120'	150'	100%	20%	30%

\*As measured above the High Line bed

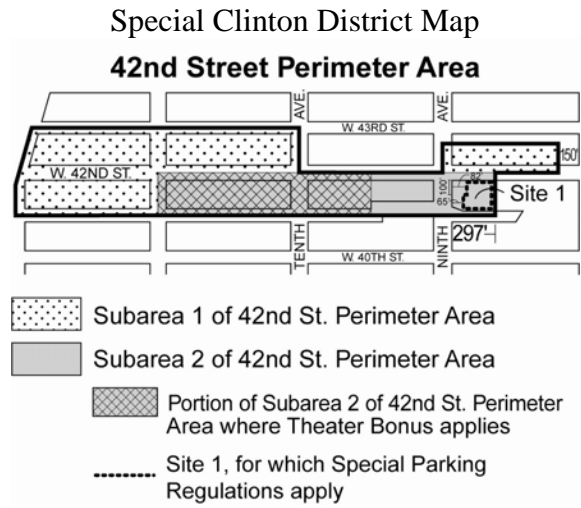


**Article IX - Special Purpose Districts**

**Chapter 6  
Special Clinton District**

\* \* \*

**Appendix A**



\* \* \*

\* \* \*

The above resolution (N 100119 ZRM), duly adopted by the City Planning Commission on February 24, 2010 (Calendar No. 8), 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, RAYANNE BESSER, IRWIN G. CANTOR, P.E.,**
- ALFRED C. CERULLO III, BETTY Y. CHEN, MARIA M. DEL TORO,**
- RICHARD W. EADDY, ANNA HAYES LEVIN, SHIRLEY A. MCRAE,**
- KAREN A. PHILLIPS, Commissioners**



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  
www.ManhattanCB4.org

**JOHN WEIS**  
Chair

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

December 9, 2009

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

**Re: Hudson Yards Parking Text Amendment, ULURP No. N 100119 ZRM**

Dear Chair Burden:

Manhattan Community Board 4 (CB4) welcomes the opportunity to comment on the proposed Hudson Yards Parking Text Amendment to the New York City Zoning Resolution. At its full Board meeting on December 2, 2009, CB4 voted unanimously (with 3 present but not eligible to vote) in favor of the proposed text amendment subject to the conditions listed below.

The proposed text amendment (“Amendment”) amends the parking regulations adopted in the January 2005 Hudson Yards zoning resolution and is the result of a recent settlement arising from a lawsuit filed by the Hell’s Kitchen Neighborhood Association (“HKNA”). The most significant changes in the Amendment include eliminating the mandatory off-street parking requirement and establishing a hard cap on the maximum number of parking spaces (6,084 spaces) permitted in the Hudson Yards district.

CB4 welcomes the proposed Amendment as the changes begin to address a number of concerns raised by this Board during the Hudson Yards rezoning process and will assist in realizing our goal to limit vehicular traffic on our already congested streets. Because the proposed Amendment arises out of a court-ordered settlement, we understand that the actual text is governed by that agreement and that discussions are ongoing between the two parties to the settlement. As CB4 is not a party to the suit, we are limiting our comments to the clarity of the text and process for implementation, as follows:

- **Ensuring an accurate count of parking spaces:** The original count of parking spaces for the Hudson Yards Development Parking Supply (HYDPS) and Reservoir Surplus are based upon parking spaces actually constructed in addition to off-street parking spaces in buildings that are legally vested at the time of the enactment. Undoubtedly, there are additional permits that will have been issued

by the effective date, but will not be legally-eligible by the adoption of the Amendment. Subsequent parking spaces will be counted based on Chair certification and approval of Department of Buildings (DOB) permits. In order to accurately assess the number of parking spaces and to ensure that non-complying parking spaces are not constructed in developments not legally vested, we ask that DCP formally commit to the process outlined in the November 24, 2009 letter from the NYC Department of Law to Antonia Levine Bryson. We direct your attention to the following excerpt from this letter that details the operative language for the procedure to be employed by DCP:

“...DCP will review all the then current building permits issued development in the Hudson Yards Area which include construction of parking spaces. DCP will work with the Department of Buildings in determining which have vested, and any such parking spaces will count towards the HYDPS or the Reservoir Surplus, as applicable. Where that is not the case, DOB will take appropriate steps through permit revocation or otherwise to ensure that no construction of parking spaces under the superseded parking regulation of the Hudson Yards Rezoning takes place.”

- **Board of Standards and Appeals (BSA):** We understand that the text involving the role of the Board of Standards and Appeals is under discussion between the parties to the suit; specifically HKNA and NYC Department of Law (DOL). Our primary concern is that the text makes clear to the BSA and others the purpose of the new parking policy the City is setting in the Hudson Yards and that the final text reflect that any parking spaces added as a result of a determination by the BSA be included in the overall calculation and count toward the hard cap.
- **Reservoir Surplus:** In Section 4 of its November 24, 2009 letter (copy attached), the Department of Law proposes an amendment to ZR §93-821 (e), which governs the hard cap. This amendment addresses concerns raised by HKNA regarding the method used in determining the Reservoir Surplus that could result in the hard cap being exceeded. It is unclear to the Board whether or not the proposed language adequately addresses the concern. We understand that discussions continue between the parties on this issue. CB4’s request is that the final language be clear and sufficient to ensure that the hard cap will be respected. Final changes agreed to must be incorporated into this Amendment.
- **Hard Cap and Eastern Rail Yard Sub Area A1:** ZR §93-821 (d) (3) sets a maximum cap of 1,000 parking spaces for the Eastern Rail Yard (ERY), that while not subject to certification by the Chair, is counted toward the hard cap of 6,084. CB4 is concerned that the hard cap could be exceeded because of the dual oversight, e.g. if the ERY is developed well after the rest of Hudson Yards, the Chair would be in his/her right to certify more than 5,085 parking spaces and when the ERY application is submitted, DOB could approved 1,000 parking spaces. We ask that: 1) either the Chair certifies parking spaces for both areas, or,

2) in the alternative, §93-821 (e), which establishes the hard cap, be reduced to 5,084 spaces and exclude the ERY.

- **Public Access to Parking Space Count:** ZR §93-824 Publication of Data sets forth the requirement that DCP make readily available to the public regular calculations of the Hudson Yards Development Parking Supply, Reservoir Parking Supply and Reservoir Surplus/Deficit. We request that this data be available in a format agreed to by CB4 and posted on-line for the most visible and simple public access.

Finally, we understand that DCP and HKNA are currently comparing conflicting calculations of spaces currently included in the Hudson Yards Development Parking Supply and Reservoir Supply counts. We therefore believe that it is not appropriate for CB4 to comment at this time given the delicate nature of the negotiations. Moreover, we do not have independent data or expertise to help resolve this discrepancy. We request that CB4 be continually apprised of all developments in these negotiations so that we can work to ensure that an accurate count is preserved for our district.

Thank you for the opportunity to submit comments on the proposed Amendment. We look forward to its successful implementation.

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: DCP, David Karnovsky, Raju Mann  
NYC Council Speaker Christine Quinn  
NYC Council Land Use Division – Danielle DeCerbo  
NYS Senator Thomas K. Duane  
NYS Assemblyman Richard Gottfried  
MBPO – Anthony Borelli, Deborah Morris