



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.nyc.gov/mcb4](http://www.nyc.gov/mcb4)

**Delores Rubin**  
Chair

**Jesse R. Bodine**  
District Manager

November 8th, 2017

Laurie Beckelman  
Associate Director  
The Shed  
423 West 55<sup>th</sup> Street  
New York, NY 10019

Re: The Culture Shed, aka The Shed

Dear Ms. Beckelman,

The Arts, Culture, Education and Street Life Committee (“ACES”) of Manhattan Community Board 4 (“CB4”) wishes to thank you and Tamara McCaw, Director of Partnership Productions, for presenting before the committee on Monday October 17, 2017. We are pleased with the progress that has been made thus far and that you anticipate the completion and opening of The Shed in 2019.

At its meeting on November 1, 2017 MCB4, by vote of 35 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote, voted to approve the following recommendation.

Several topics you presented are issues that have been of concern to CB4 during the Hudson Yards Rezoning in 2005 and the subsequent Culture Shed ULURP in 2013. CB4’s goal was to ensure the community’s involvement in the operation and programming of the facility. As you are aware, a number of commitments were formulized as part of the 2013 ULURP into a Memorandum of Understanding (MOU), see enclosed copies. In particular the following commitments were made:

- The Speaker of the City Council will have the right to designate a representative of Manhattan Community Board #4 to sit on the Culture Shed board of directors in the Speaker’s seat.
- The Department of Cultural Affairs will establish the “Culture Shed Open Space Advisory Board” to evaluate the quality of programming and the level of public access to the Culture Shed.

It is our understanding that the Board of Directors has begun meeting and we would appreciate a schedule of the upcoming meetings be sent to the CB4 office. CB4 will be contacting Council

Member Johnson and to work with the future City Council Speaker to appoint a CB4 member to the board. In addition, at the appropriate time, CB4 will be contacting the NYC Department of Cultural Affairs regarding the Culture Shed Open Space Advisory Board.

Additionally, CB4 remains interested in a number of programmatic and operational aspects of The Shed, such as:

- Public accessibility to restrooms, which you briefly addressed
- Availability of discounted or free access to public events
- Outreach and Programming for public schools
- Outreach to local artists
- Employment opportunities for local residents
- Closing of The Shed for private events
- Free and discounted ticket planning

CB4 understands that at this time details on these issues are unavailable, but we look forward to getting regular updates as these issues progress.

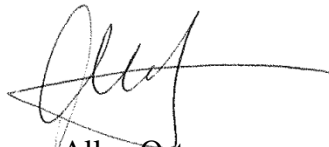
CB4 strongly recommends that you return to the ACES Committee to provide updates in the upcoming months and suggest February or March, 2018. Earlier is details become available.

CB4 looks forward to the opening of The Shed as a significant new cultural facility for the City of New York and working with you in the future.

Sincerely,



Delores Rubin  
Chair  
Community Board 4



Allen Oster  
Co-Chair  
ACES Committee

[signed 11/8/17]  
Inge Ivchenko  
Co-Chair  
ACES Committee

Enclosure

CC: Hon. Corey Johnson, City Council  
Hon. Gale A. Brewer, Manhattan Borough President  
Tom Finkelparl, Commissioner, NYC Department of Cultural Affairs



31 Chambers Street, 2nd Floor  
New York, NY 10007  
Phone: 212.513.9300  
Fax: 212.341.3810

[www.nyc.gov/culture](http://www.nyc.gov/culture)

KATE D. LEVIN  
Commissioner

July 22, 2013

Hon. Christine C. Quinn  
Speaker, New York City Council  
3<sup>rd</sup> Council District  
224 West 30<sup>th</sup> Street  
Suite 1206  
New York, NY 10001

Corey Johnson, Chair  
Manhattan Community Board #4  
330 West 42nd Street  
Suite 2618  
New York, NY 10036

Re: Culture Shed  
ULURP No. N 130178 ZRM

Dear Speaker Quinn and Chair Johnson:

We are writing this letter to respond to issues that have been raised with respect to our application for a zoning text amendment to permit the development of the Culture Shed cultural facility within the Special Hudson Yards district.

During our discussions with the Speaker's office and Manhattan Community Board #4, concerns were expressed about the uses of the open space in Hudson Yards and the ability of members of the public to have access to the new cultural facility. We have worked with the City of New York and the Hudson Yards Infrastructure Corporation to address these concerns, and will agree to the following:

- Hudson Yards Infrastructure Corporation has agreed to fund \$35M for the acquisition, design and construction of "Block 4" of Hudson Yards Boulevard, creating 19,100 square feet of open space in Community Board #4, as described in the letter, dated July 22, 2013, from Mark Page.
- We will add the Speaker of the City Council and the Manhattan Borough President as ex-officio members of the board of directors of Culture Shed, Inc. The Speaker will have the right to designate a representative of Manhattan Community Board #4 to sit on the Culture Shed board of directors in the Speaker's seat.
- Community Board 4 has asked that a minimum of 80% of events (regardless of their type) be open to the public for free or at nominal cost, that for those major events that occupy the Culture Shed for more than three months, either the entire event or a meaningful portion of it is open to the public at no charge, and that for private events that occupy the Culture Shed for longer than two weeks, interested community residents should have some type of access. We recognize and support the community's goal of ensuring that the Culture Shed is available to the public when possible. Therefore, we agree that, to the extent feasible, events in the Culture Shed that are open to the public will allow for free or nominal admission charges. For major events that use all or most of the space in the Culture Shed for more than 3 months and for private events that use all or most of the space in the Culture Shed for more than 2 weeks (other than for Fashion Week), we will provide access to the public or portions of the community to the maximum extent feasible, consistent with the needs and requirements of the organization(s) sponsoring such events.

- We will include children's activities in the programs to be held in the Culture Shed.
- We will use our reasonable best efforts to ensure that restrooms in the Culture Shed are available to the public during daytime hours before 6 pm, on all days Culture Shed is open.
- We will work with Related Company and Friends of the High Line to try to obtain support space for Friends of the High Line in Tower D in Hudson Yards.
- Any illumination of signs on the Culture Shed will be turned off not later than 1 am daily.
- Once we have established a timeline for the construction of the Culture Shed, we will provide a copy to the Speaker's office and Community Board #4. We expect to raise not less than 40% of the total anticipated cost of construction of the Culture Shed and the Culture Facility Plaza prior to commencing any construction of the Culture Shed and the Plaza.
- We will place a link to job openings at the Culture Shed on the Community Board #4 website, and we will try to hire employees that reside within Community Board #4, to the extent consistent with our needs.
- We will establish a "Culture Shed Open Space Advisory Board," modeled after the Open Space Advisory Board in the Western Rail Yards which advises the Related Companies, who have exclusive development rights on both the Eastern and Western Rail Yards, and will be responsible for creating and maintaining the open spaces (other than creation of the Culture Facility Plaza) in both development areas. In this case, the Advisory Board will comprise the Borough President, the local Council Member, the Department of Cultural Affairs Commissioner, the Department of Parks and Recreation Commissioner, and one representative each from CB4, Culture Shed, Inc., the Eastern Yards Master Condo Association, Hudson Yards Business Improvement District (in formation), and the Friends of the High Line. The Board will meet quarterly or at the request of a majority of its members, but no more than four times a year, and will evaluate at each meeting the quality of the programming on the Culture Facility Plaza, the amount of time that the plaza has been open and closed to the public, and any impacts that the use of the plaza has had on the surrounding open space and the High Line. Culture Shed, Inc. will convene the Advisory Board and be responsible for the scheduling of meetings.

As you know, the 2010-2011 Hudson Park and Boulevard (HPB) planning and design process led by HYDC resulted in the creation of a Master Plan for the entirety of HPB, and full design of Blocks 1, 2 and 3 (i.e., Phase 1, between 33<sup>rd</sup> and 36<sup>th</sup> Streets). That process involved collaborative consultation with Manhattan Community Board 4 and the Hudson Yards Community Advisory Committee (HYCAC) that took into account community and other stakeholder goals and issues, as well as the anticipated budget and schedule for the design and construction of Phase 1. The success of that collaboration is not only evidenced by the quality of the resulting Master Plan and final design for Phase 1, but also by CB#4's positive feedback about the process. For instance, in its letter to HYDC in connection with Public Design Commission review, CB#4 commented that it "values the ongoing design dialogue with HYDC [and] we appreciate your continued responsiveness and look forward to working with you to create an attractive and usable design."

HYDC has stated its commitment to a similarly collaborative design process for Block 4 (36<sup>th</sup> to 37<sup>th</sup> Streets) that takes into account Manhattan Community Board 4 input as well as the anticipated budget and schedule for the design and construction of Block 4. Unlike the 2010-2011 design process in which a master plan was created from scratch, the upcoming design work for Block 4 will benefit from the 2010-2011 conceptual

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\* The community is extensively representative on the HYCAC. It includes, among others, the Hell's Kitchen Neighborhood Association, Housing Conservation Coordinators, Friends of Hudson River Park, Friends of the High Line, Manhattan Plaza Tenants Association, a representative of 544 West 35th Street, 44th Street Block Association, 45th Street Block Association, Save Chelsea, West Side Neighborhood Alliance, and Hudson Crossing Tenants Association

design work on Block 4, as embodied in the current Master Plan. As a result, it is anticipated that the design process for Block 4 will be accomplished in a shorter period of time and with fewer meetings.

We appreciate the time and consideration that both the Speaker and Community Board #4 have devoted to consideration of our application, and we look forward to a very successful operation for many years.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kate D. Levin", written over a light-colored background.

Kate D. Levin  
Commissioner



COREY JOHNSON  
Chair

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

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April 5, 2013

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

**Re: N130178ZRM Culture Shed Proposal  
Hudson Yards Special District  
Proposed Text Amendments to Article IX, Chapter 3**

Dear Chair Burden:

At its regularly scheduled Full Board meeting on April 3, 2013, Manhattan Community Board 4 ("CB4"), based on the recommendation of its Chelsea Land Use and Clinton/Hell's Kitchen Land Use committees, voted by roll call 44 for, 1 against, 0 abstaining and 0 present not eligible:

- To recommend **denial** of the proposed text amendments **unless** the City of New York provides 20,000 square feet of unencumbered publicly-accessible park space in another location in Manhattan Community District 4 (CD4) to compensate for the loss of unencumbered publicly-accessible open space on the Eastern Rail Yards (ERY) that was agreed to by the City as a part of the 2005 Hudson Yards rezoning.

If the City agrees to provide this unencumbered publicly-accessible park space in another location in CD4, the Board then recommends **denial** of the proposed text amendments **unless** the City:

- Revises its proposal to ensure that the proposed Culture Shed uses do not encroach on the ERY public plaza and new streets to the north of the Culture Shed and Culture Facility Plaza;
- Forms an Eastern Rail Yards Open Space Task Force to ensure broader public input for the development and programming of this major new public open space; and
- Agrees to other conditions as enumerated below.

In addition, CB4 recommends three follow-up measures for the Special Hudson Yards District (SHYD) (see page 8).

### **The Application**

On February 13, 2013 and March 18, 2013, CB4's Chelsea Land Use and Clinton/Hell's Kitchen Land Use committees reviewed application N30178ZRM for text amendments to certain provisions of Article IX, Chapter 3 of the New York City Zoning Resolution ("Application").<sup>1</sup> The Application relates to a proposal by the New York City Department of Cultural Affairs (DCA) to facilitate the development of a cultural facility known as the "Culture Shed". CB4 is grateful to the representatives of DCA who graciously explained the proposed text amendments and the Culture Shed's mission in great detail in three public presentations with clear illustrations.

### **Background**

As adopted in 2005, the Special Hudson Yards District provided for a large mixed-use development on the Eastern Rail Yards ("ERY") between Tenth and Eleventh Avenues, West 30<sup>th</sup> to West 34<sup>th</sup> Streets, in SHYD Subarea A1. The proposed community facility was allocated 200,000 square feet of floor area.

Based on responses to a 2007 Request for Proposals (RFP), DCA was designated by the Metropolitan Transit Authority (MTA) as the developer for this community facility, now known as the Culture Shed. In 2010, as part of the MTA's negotiation with the designated developer for ERY, the Related Companies (Related), the floor area of the community facility was reduced from the 200,000 square feet mandated in the zoning to only 100,000 square feet. The result of that negotiation was that the MTA, not Related, retained the rights to the remaining 100,000 square feet of floor area.

Related has started construction on a 47-story office building (Tower B) at the corner of West 30<sup>th</sup> and Tenth Avenues to the east of the Culture Shed site; occupancy is expected in 2015. The ERY also includes an 80-story office building (Tower A) at West 33<sup>rd</sup> Street and Tenth Avenue and a 60-story residential building (Tower E) at West 33<sup>rd</sup> Street and Eleventh Avenue. Additionally, the site plan includes retail buildings, a centrally-located publicly-accessible open space (ERY Plaza) and new public streets. The Culture Shed is to be adjacent to, and would utilize space in, a new 72-story residential building (Tower D) at West 30<sup>th</sup> Street and Eleventh Avenue.

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<sup>1</sup> CB4 is granted the opportunity to comment to the Department of City Planning on a proposed text amendment under the City Charter, Chapter 8, §200(1). In addition, CB4 anticipates that the City will be contributing substantial funds to the Culture Shed, making the facility a public project. This gives CB4 further legal "standing" under the City Charter, Chapter 70, §2800(d)(14) which says Community Boards "assist in the planning of individual capital projects funded in the capital budget to be located in the community district...". CB4 believes this strengthens our position recommending publicly-accessible open space, mitigation for the loss of such space, and the establishment of a community advisory committee for event programming and open space planning.

## **Culture Shed Proposal**

The proposed Culture Shed will provide space for a wide range of arts and cultural activities including theatre, music, dance, visual art and design. The Culture Shed proposal includes:

- The “Culture Shed Building” - A fixed building located to the east of, and partially within, Tower D.
- The “Shed Portion” - A deployable 20,000 square foot building extension which would cover the Culture Shed Building when not covering the adjacent plaza.
- The “Culture Facility Plaza” - An approximately 20,000 square foot outdoor space immediately to the east of the Culture Shed Building which will be covered by the Shed Portion when it is deployed.

The programming of the Culture Shed, as currently proposed, includes:

- Public Events - Performing arts events, films and exhibits open to the public, both ticketed and unticketed, for free or at moderate cost;
- Special Events - Events by for-profit entities, events such as Fashion Week, not open to the public with the revenues from these events dedicated to the support of the cultural programming; and
- Private Events - Events run by private entities where the facility can be closed to the public a maximum of 12 days per year.

The Culture Facility Plaza will be physically encumbered multiple times throughout the year by both the deployable Shed Portion and Culture Shed programming. Despite this encumbrance, the Application defines the Culture Facility Plaza as open space and maintains that it will be part of the Public Access Area. The SHYD zoning text requires that Public Access Areas for the ERY (SHYD Subarea A1) must occupy at least 55 percent of the Subarea A1 lot area and at least 40 percent of that public open space must be both “publicly accessible and open to the sky.”

## **Requested Actions**

The Application includes the following amendments to the Zoning Resolution to facilitate the Culture Shed:

1. Establish a definition for the Culture Shed that would permit the proposed cultural activities and allow them to be treated as community facility uses or uses in Use Groups 3 and 4 (thereby creating a broad definition for what culture will be programmed into the Culture Shed).
2. Allow certain portions of the Culture Shed to be excluded from the calculation of floor area.
3. Consider the Culture Facility Plaza to be public open space and open to the sky, thus meeting the Hudson Yards public open space requirements (even though the plaza would at times be covered by the deployed shed).
4. Permit portions of the central outdoor plaza to the north of the Culture Facility Plaza to be used for Culture Shed events in the Culture Facility Plaza, be subject to time-ticketed access



for such events and allow roadways within the central plaza to be temporarily closed to vehicular traffic during such events.

5. Allow the Culture Facility Plaza and portions of the central plaza to be closed to the public up to 12 days each year in connection with Culture Shed events.
6. Permit the use of space within Tower D to provide storage, restrooms, maintenance facilities or other support space for the High Line by excluding the floor space of such support facilities from the definition of floor area.
7. Modify sign regulations to allow signs on three sides of the Culture Shed, with a maximum total surface area of 2,700 square feet, with not more than 200 square feet facing the outdoor plaza or the connection to the High Line.
8. Revise the existing text for the location of the community facility building so it may abut, and include support space within, Tower D.
9. If Tower D includes floor area for the Culture Shed, remove the requirement that it have retail continuity facing the outdoor plaza.
10. Reduce the width of the “connection to the High Line” from 80 feet to a minimum of 60 feet to accommodate the new plaza.
11. Require that the Culture Facility Plaza be constructed prior to a Temporary Certificate of Occupancy (TCO) for the Culture Shed Building and clarify that the construction of the plaza is not a condition for a building permit or Certificate of Occupancy (CO) for any building other than the cultural facility.

#### **CB4 Recommendations**

CB4 looks forward to the Culture Shed as a significant new cultural facility for the City of New York. A flexible cultural facility could provide space for a wide range of creative organizations, both not-for-profit and for-profit. CB4 supports the intent of the proposed Application but cannot support the expansive definition of culture, the loss of publicly-accessible open space or the restricted use of the ERY Plaza. Further, CB4 recommends several text amendments that are a Follow Up Corrective Action (FUCA) for the 2005 Hudson Yards rezoning. As such, the Board would seek for this FUCA to resolve other open zoning and Hudson Yards Points of Agreement matters that have been discussed over the past year.

#### ***Loss of Publicly-Accessible Open Space***

CD4 suffers from a serious lack of public open space – CD4 is ranked 57 out of 59 in open space for NYC Community Districts. The SHYD will result in over 13 million square feet of commercial and residential development which will sharply increase the demand for public open space. For these reasons, the SHYD rezoning required the development of additional of public open space.

#### ***Culture Facility Plaza***

The introduction of the Culture Shed and its components presents a major change in both the uses of the previously agreed on ERY Open Space, the Public Access Areas and the definition of Open Space itself in the New York City Zoning Resolution.

Public open space is especially important since the recently mapped Hudson Yards zoning has the greatest density of any area in the City of New York. CB4 seeks to welcome and accommodate the proposed Culture Shed and its programs, but only within the context of previously negotiated agreements, and by balancing the overwhelming need for public open space in Hudson Yards with the need to create a new citywide cultural facility.

Since the proposed Culture Facility Plaza will not be open to the sky and will not be publicly-accessible at all times, it does not meet the definition of Section ZR 93-71 which, regarding Public Access Areas in the Eastern Rail Yard Subarea A1, states *At least 40 percent of the lot area of the zoning lot shall be publicly accessible and open to the sky.* The proposed text amendment would change the definition of “publicly accessible” and “open to the sky.”

The Application proposes text stating that the Culture Facility Plaza *shall be deemed publicly accessible and open to the sky at all times, including any time when a moveable portion extends over the Culture Facility Plaza.* Thus, contrary to common sense, when the extension is deployed and the plaza covered, and perhaps closed to the public, it will be deemed to be both open to the sky and publicly accessible.

Further, the Application includes no restriction on the number of days that the plaza could be covered and/or closed to the public while remaining "publicly accessible and open to the sky at all times. It also provides that the Culture Facility Plaza could be closed to the public up to 12 days each year in connection with Culture Shed events and that there would be additional ticketed events which would further limit public access to the plaza. In addition, representatives for DCA stated at the March 18, 2013 CB4 joint committee meeting that they anticipate that Fashion Week activities would require the Culture Facility Plaza to be closed to the public for two 14-day periods and would include one or two days additional for set-up and break-down for each period, resulting in a possible closure to the public of at least 40 days per year. We note that 40 days is significantly more than the 12 days included in the Application.

We believe that the proposed Culture Shed will make a significant contribution to the cultural life of the City of New York. However, the Application attempts to mask the true impact of the Culture Shed use on the Culture Facility Plaza and that the Culture Facility Plaza will no longer meet the Zoning Resolution definition of Public Open Space.

Public open space means open to the public, not by timed ticket or roped off for Fashion Week. Similarly, open to the sky does not mean a sky above a pavilion, no matter how well designed. This portion of the Application should be deleted and revised to reflect the use of the Culture Facility Plaza as an accessory use to the Culture Shed Building. The City must work with CB4 and the Clinton/Hell's Kitchen community to replace the 20,000 square feet of public open space now dedicated for a well-deserved cultural use with 20,000 square feet in another location within CD4 acceptable to CB4.

### ***Other Culture Facility Plaza Recommendations***

- Deployment of the Shed Portion over the Culture Facility Plaza -should primarily take place during the winter months (November through March) to allow as much public use and enjoyment of the Culture Facility Plaza as possible during spring, summer and fall; and
- Limit the number of days of full closure to the public of the Culture Facility Plaza for private use to a maximum of 34 days per year, again, primarily in the winter, and not continuous but spread over time.

### ***ERY Plaza and New Streets***

DCA proposes to have portions of the ERY directly to the north of the Culture Facility Plaza used for Culture Shed events that would expand beyond the Culture Facility Plaza. These areas would be subject to time-ticketed access for such events, and the new streets in the ERY could be closed temporarily to vehicular traffic. CB4 cannot support this portion of the Application. CB4 strenuously objects to the closing of the ERY Plaza and new streets for private and/or time-ticketed events.

The ERY Plaza and streets are required in the 2005 Hudson Yards zoning text, *to be open at all times to pedestrians and closed at certain times and in certain incidences to vehicles*. The 2012 ERY Text Amendment states that *public access areas that are open to the sky on the Eastern Rail Yard would be required to be open between 6:00 am and 1:00 am, and enclosed portions of the through block connection and connection to public plaza would be required to be open from 8:00 am to 10:00 pm*. Because the new streets will be one way, closure will result in all traffic being stopped through ERY. CB4 does not accept the DCA's claim that the loss of public access to the Culture Facility Plaza and to parts of the ERY plaza and streets is justified by the cultural benefits that the Culture Shed will provide to the local community.

The ERY Plaza and the new ERY streets are central elements in the Hudson Yards planning, intended to integrate the Hudson Yards development into the surrounding Clinton/Hell's Kitchen community. Closure of the new streets, for any reason, promotes a sense of a private, exclusive enclave. Encroachment of Culture Shed uses onto the ERY Plaza unacceptably removes the plaza from the public realm.

CB4 recommends this portion of the Application be deleted and that there be no permitted encroachment for Culture Shed uses on the ERY Plaza and new street north of the Culture Facility Plaza.

### ***Definition of Culture Shed***

The proposed text amendment states that *An 'ERY Culture, Festival and Exhibit Facility' is a use that comprises changing, non-permanent exhibits, events, expositions, presentations, festivals and fairs related to any or all of the following: visual arts, performing arts, culinary arts, literature, journalism, broadcasting, crafts, technology, fashion and design, or any similar*

*activity.* CB4 is concerned that this definition is so broad that it could include many activities that the current applicant does not intend but that future decision-makers might promote. CB4 wishes to ensure that the Culture Shed does not turn into an extension of the Javits Center, hosting conventions and trade shows such as car and boat shows.

CB4 recommends that the catchall phrase at the end of the definition – “or any similar activity” – be deleted from the proposed text amendment and requests a more precise delineation of cultural events or exhibits which might be considered under the categories of "broadcasting, technology, and fashion and design."

### ***The Culture Shed Event Programming Access and Local Culture and Affordability***

CB4 has major concerns about the Culture Shed programming and decision-making. The organization(s) that makes policy for the Culture Shed events must have adequate representation from the local community, including CB4. CB4 is home to many not-for-profit theatres, dance companies and other cultural organizations. These smaller, accomplished and well known groups should have access to this newly developed cultural facility at no or nominal cost. CB4 recommends that CB4 have a seat and a vote on any decision-making board for Culture Shed programming.

To ensure broad community access to Culture Shed activities and space for residents with a range of incomes, CB4 recommends:

- A minimum of 80% of events (regardless of their type) be open to the public at no or nominal cost;
- For events that occupy the Culture Shed for more than three months, that either the entire event or a meaningful portion of it be open to the public at no charge;
- For private events that occupy the Culture Shed for longer than two weeks, that the interested, non-paying public have some type of access. For example, Fashion Week could accommodate backstage visits: and
- Children’s programming should be included in the Culture Shed’s activities. Such programming would enliven the site during the day and weekends.

### ***Open Space Planning and Operation***

CB4 is concerned about the overall use of *all* public spaces in ERY including the ERY Plaza, the Cultural Facility Plaza, and the Hudson Yards Park and Boulevard to the north. To the average citizen park user in the future, there will be no recognition that these three different types of open space are areas that are separately run by the Culture Shed, Inc. , Related and the Hudson Yards BID. There is a risk that these spaces could end up being run in contradictory and self-defeating ways. Given the grand scale of these areas, CB4 believes that the community needs to be involved in the decision-making process on their uses.

CB4 recommends the creation of an “Eastern Rail Yards Open Space Task Force” modeled after the Open Space Task Force in the Western Rail Yards which is to advise Related on programming of events in the open space. In this case, a board could be comprised of eleven members; six appointed by Related and one each from the Culture Shed, Hudson Yards BID, CB4, the local Councilmember, and the Manhattan Borough President. The Board would meet quarterly and approve by a majority vote use of the space for more than four hours a day or eight hours in any seven day period. An Open Space Task Force could also deal with noise issues arising from outdoor events. We also recommend that there be an evaluation of the event programming and open space use after six months in order to assess community concerns.

#### ***Public Access to Ground Floor Space in Tower D***

CB4 is concerned that the Culture Shed spaces located in the ground floor lobby in Tower D be publicly-accessible at all times when the building is open. It is especially important that the bathrooms remain open for people who use the High Line; the only High Line bathrooms available to High Line users are at West 16<sup>th</sup> Street, one mile away from West 30<sup>th</sup> Street. DCA has said that the bathrooms in the ground floor lobby would not be closed. CB4 would like to confirm this and clarify which spaces would be closed to the public for special events such as Fashion Week.

#### ***High Line Support Space in Tower D***

CB4 appreciates that the Application allows for the possibility of creating High Line support space as part of the Hudson Yards development. The High Line has a critical need for support space at its northern end. CB4 requests the City and Related work to secure support space for the High Line’s operational support needs at the northern end of the High Line.

#### **Other CB4 Recommendations and Requested Clarifications**

- **Sign Illumination**

The proposed text change states: *Any sign that exceeds 300 square feet of surface area shall be non-illuminated, or a sign with indirect illumination.* CB4 is concerned about the times that signs would be illuminated, either directly or indirectly, because there have been many complaints from residents in CD4 about intrusive sign illumination at night. CB4 recommends that illuminated signs be turned off at 1:00 a.m., the time the streets are required to close by zoning regulations.

- **Timeline and Milestones**

CB4 requests that it be provided with a timeline with critical milestones in order to better understand the relationships among the construction of the Culture Shed and the construction of other key buildings and features in ERY. For example, is the Culture Shed construction start dependent on securing an anchor tenant for the North Office Tower (Tower A) at Tenth Avenue and West 33<sup>rd</sup> Street?

- In order to prevent an undue construction period, CB4 recommends that:

- At least 40% of the total expected cost of the construction of the Culture Shed be raised and in the bank before construction may commence; and
  - Once construction commences, it shall be continuous until the Culture Shed is complete.
- CB4 recommends that the “Culture Shed Developer” be a not-for-profit organization; we have been informed that the “Culture Shed, Inc. ” is this entity and seek confirmation.
  - **Local Jobs**

CB4 also recommends that the Applicant use its best efforts to hire employees from within CD4 and agrees to place a link to Culture Shed job openings on the CB4 website.

**If all other conditions are met, CB4 approves the following text amendments:**

- Revise the existing text for the location of the building so it may abut, and include support space within, Tower D.
- Allow certain portions of the Culture Shed to be excluded from the definition of floor area.
- If Tower D includes floor area for the Culture Shed, it not be required to have retail continuity facing the outdoor plaza.
- Reduce the width of the “connection to the High Line” from 80 feet to a minimum of 60 feet to accommodate the new plaza.
- Require that the Culture Shed Plaza be constructed prior to a TCO for the Culture Shed Building. Clarify that the construction of the plaza is not a condition to a building permit or CO for any building other than the cultural facility.
- Facilitate the use of space within Tower D to provide storage, restrooms, maintenance facilities or other support space for the High Line by excluding the floor space of such support facilities from the definition of floor area.

**CB4’s Recommendations for other Hudson Yard FUCAs**

1. Hell’s Kitchen Subarea D - Modify zoning from C1-7A to R8A to prevent hotel development in the residential area.
2. Hell’s Kitchen Subarea D - Remove the mid-block C2-5 commercial overlay from West 35<sup>th</sup> to West 41<sup>st</sup> Streets to prevent commercial intrusion in the midblock residential area.
3. Hudson Yards Points of Agreement - Secure a replacement site for Site M (west side of Tenth Avenue, West 40<sup>th</sup> and 41<sup>st</sup> Streets), 155 units of affordable housing of for moderate and middle income. The site has not been acquired by HYDC as originally planned.

## Summary of CB4 Recommendations

CB4 is enthusiastic about the Culture Shed promise to bring a variety of cultural activities to CD4. The Board supports much of the proposed text amendment but recommends denial of the proposal unless:

1. The City provides 20,000 square feet of publicly accessible park space in another location acceptable to CB4 to compensate for the loss of public access and openness to the sky on the 20,000-square foot proposed Culture Facility Plaza.

If and only if 20,000 square feet of publicly accessible park space is provided as described above, the Board recommends denial of the proposal unless:

2. There is no encroachment of Culture Shed uses on the ERY central public square to the north of the Culture Facility Plaza.
3. The number of days that the Culture Facility Plaza would be closed to the public is limited to 34, primarily in the winter and spread out over time.
4. The catchall phrase at the end of the Culture Shed definition – “or any similar activity” – be deleted and a more precise delineation of cultural events or exhibits which might be considered under the categories of “broadcasting, technology, and fashion and design.”
5. CB4 be given a seat and a vote on any decision-making board(s) for Culture Shed programming.
6. An Open Space Task Force is formed and includes a seat for CB4.
7. A minimum of 80% of events (regardless of their type) be open to the public for free or at nominal cost.
8. For those major events that occupy the Culture Shed for more than three months, either the entire event or a meaningful portion of it is open to the public at no charge.
9. For private events that occupy the Culture Shed for longer than two weeks, interested community residents should have some type of access.
10. Children’s programming is included in the Culture Shed’s activities.
11. Confirm that the Culture Shed bathrooms in the ground floor lobby in Tower D would not be closed to the public at any time.
12. The City and Related work to secure support space for the High Line’s operational support needs at the northern end of the High Line.
13. Lights on signs are required to be off after 1:00 a. m.
14. A timeline with critical milestones for the construction of the Culture Shed and the construction of other key buildings and features in ERY is provided to CB4.
15. At least 40% of the total expected cost of the construction of the Culture Shed be raised before construction starts, and that once construction commences it shall be continuous until the Culture Shed is complete.
16. Confirm that “Culture Shed, Inc.” is a non-profit developer.
17. Applicant uses its best efforts to hire employees from within CD4 and agrees to place a link to Culture Shed job openings on the CB4 website.

Sincerely,



Corey Johnson, Chair  
Manhattan Community Board 4



Jean-Daniel Noland, Co-Chair  
Clinton/Hell's Kitchen Land Use Committee



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



Betty Mackintosh, Co-Chair  
Chelsea Preservation and Planning

cc : Commissioner Kate Levin, Department of Cultural Affairs  
Elise Wagner, Robin A. Kramer – Kramer Levin Naftalis & Frankel LLP  
Laurie Beckelman - Beckelman+Capalino  
Angela Cavaluzzi – Mayor's Office of Capital Project Development  
Pauline Yu, Mayor's Office of Community Affairs  
Wayne Kawadler, Deputy Chief of Staff, NYC Council  
Gale Benjamin, Danielle DeCerbo – NYC Council Land Use Division  
Melanie LaRocca, Harriett Sedgwick - NYC Council Speaker Christine Quinn's Office  
Brian Cook, Michael Sandler – Manhattan Borough President's Office  
NYS Assemblyman Richard Gottfried  
NYS Senator Thomas Duane  
U.S. Congressman Jerrold Nadler  
Michael Samuelian – Related Cos.  
Peter Mullan, Friends of the High Line