



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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

DELORES RUBIN
Chair

JESSE R. BODINE
District Manager

May 30, 2017

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

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

Dear Chair Lago:

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

Background

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

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

Moynihan Station to the Eastern and Western Rail Yards and beyond to Hudson Boulevard Park, the northern terminus of the High Line, and the new 7 Line extension. Upon completion, the Development Site will contain approximately four million square of zoning floor area, with approximately 3.2 million square feet of commercial (office, hotel, and retail) uses and 800,000 square feet of residential uses.

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

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

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

Zoning Text Amendments

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

Sincerely,



Delores Rubin
MCB4 Chair



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

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

ⁱ Subject to ratification at the June 6th, 2017 Full Board meeting.