



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**COREY JOHNSON**  
Chair

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

March 12, 2012

Amanda M. Burden

Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: Text Amendment for the High Line  
ULURP Application # N120171ZRM**

Dear Chair Burden:

On February 8, 2012, a joint meeting of Manhattan Community Board 4's (CB4) Clinton/Hell's Kitchen Land Use Committee and the Chelsea Preservation and Planning Committee heard a presentation by the Department of City Planning (DCP) on proposed text amendments to the Special Hudson Yards District (SHYD). These text amendments will facilitate development of Phase III of the High Line, which runs between West 30th and West 34th Streets and Tenth and Twelfth Avenues. The proposed text amendments modify the building location and public access area requirements applicable within Eastern Rail Yards Subarea A1, located between West 30th and West 33rd Streets and Tenth and Eleventh Avenues. On March 7, 2012, at its regularly scheduled Full Board Meeting, CB4 **recommended approval** of the application by unanimous vote.

Background

The proposed action includes text amendments to the SHYD, which was adopted in January 2005. Subsequent to the adoption of the SHYD, several City actions were adopted by City Council in order to transform the High Line into public open space, including a rezoning to map the Special West Chelsea District in order to guide development in West Chelsea and facilitate reuse of the High Line. The City also undertook a public action to acquire the High Line up to West 30th Street. At the time of the original approval of the Hudson Yards proposal, consensus had not yet been reached to convert the northernmost section of the High Line to a public park, thus, the text made provisions only to link the High Line to the public space in the Eastern Rail Yards. In 2009, concurrent with the public approval process for the Western Rail Yards, consensus had been reached to preserve Phase III of the High Line as open space. Therefore, the Western Rail Yards zoning makes provisions for the High Line as a required open space.

In 2010, the Department of Parks and Recreation and the Department of Citywide Administrative Services (DCAS), via the Uniform Land Use Review Procedure (ULURP), proposed site selection and acquisition of Phase III of the High Line. The proposal for acquisition received City Council approval in June 2010. Based on that authorization, the City has pursued acquisition of Phase III of the High Line from CSX Rail Corporation. That acquisition would then allow for permanent improvements on Phase III of the High Line. In conjunction with the proposed text amendments, the portion of the High Line between Tenth and Eleventh Avenues, north of West 30th Street (the “ERY High Line”) and the City-owned section of the structure that sits over the intersection of Tenth Avenue and 30th Street (“Tenth Avenue Spur”) would be permitted to be approved public open space funded by the developer of the Eastern Rail Yards.

Summaries of the Proposed Text Amendments, followed by the Board’s comments, are below.

## **Public Access Areas**

### Existing Regulations

- Subarea A1 requires that 55% of the lot area be publicly accessible (40% of the lot area must be open to the sky; the additional 15% of the lot area may either be open or enclosed). These open or enclosed areas include the outdoor plaza, public plaza, through block connection, connection to public plaza, connection to High Line, and Tenth Avenue bridge.

### Proposed Modifications

- Include the ERY High Line in the required public access areas that comprise 55% of the lot area;
- Allow the Tenth Avenue Spur to count towards the minimum requirements for public access areas
- Require an easement agreement between the City and the developer to allow for public access and use of the High Line;
- Require payment by the developer of a High Line Rehabilitation Deposit, on completion of rehabilitation of the structure, by March 31, 2013;
- The High Line Rehabilitation Deposit would be \$9,580,763 or, if the Tenth Avenue Spur is included, \$12,203,234;
- Require payment by the developer of a High Line Landscape Improvement Deposit;
- The High Line Landscape Improvement Deposit would be \$18,214,507 or, if the Tenth Avenue spur is included, \$23,200,228;
- Require payment by developer of High Line Maintenance Funding;
- Funding for the annual maintenance and ordinary repair of the High Line portion within the Eastern Rail Yards;
- If the Tenth Avenue Spur is included in the public access areas, it would also be subject to all of these requirements.

## **CB4 Comments**

The Board has long advocated for full preservation and public use of the High Line, including the Tenth Avenue Spur. In fact, former CB4 Chair Peter Obletz was the visionary who first called for the High Line's public reuse. CB4 is delighted that the portion of the High Line between Tenth and Eleventh Avenues north of West 30th Street will be secured as publicly-accessible open space and that a framework for funding its rehabilitation, landscape improvement, and annual maintenance will be created.

As this portion of the High Line will become a great public space, it will need a great public convenience: bathrooms. Currently there is only one restroom facility to serve both Sections I and II of the High Line, the demand for which far exceeds the supply, resulting in huge lines, particularly on weekends. The Board requests that a provision be made for the construction of public bathroom facilities in a building of convenient proximity to this section of the High Line.

The Board also requests that the zoning text be modified to require the Tenth Avenue Spur to be included as part of the public access area with funds secured for its rehabilitation and maintenance.

CB4 recommends approval of this amendment to the zoning text on the condition that it be modified to require that public bathrooms are installed in convenient proximity to this section of the High Line and that the Tenth Avenue Spur is included as part of the publicly accessible open area and improved with amenities commensurate with the rest of the High Line.

## **Location of Buildings**

### Existing Regulations

In Subarea A1 buildings shall be located only in the following areas:

- East of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;
- West of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street; and
- West of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street.

### Proposed Modifications

- Require that the portion of the ERY High Line more than 355 feet west of Tenth Avenue be completely open to the sky and any buildings adjacent to the ERY High Line will be a minimum of 5 feet from the High Line bed;
- Allow portions of buildings within 335 feet west of Tenth Avenue to be located above the ERY High Line as long as they are 60 feet above the High Line bed, with a maximum height of 280 feet along the north edge of the ERY High Line, a maximum

width of 200 feet along West 30th Street, and maximum average width of 240 feet;

- Allow structural columns on the south side of the ERY High Line as long as, when viewed in elevation, they take up no more than 50% of the rectangle that is above the High Line bed, below the 60 foot overhang and within the maximum 200 foot width along West 30th Street. A maximum of 25% of this area may be opaque.

## **CB4 Comments**

The Board supports the physical separation of surrounding buildings from the High Line. The Board also supports the concession made to the developer to allow structural columns from the Eastern Rail Yards buildings to land on the southerly side of the High Line and appreciates that DCP has required a 60 foot height for the columns. However, having reviewed various design proposals for Phases I and II of the High Line, the Board has found that any cladding between the structural columns reduces the sense of openness. The Board cannot support covering the area between columns, specifically, the allowance for 25% of the area to be opaque. It is crucial for the public that everything possible be open (no glass, mesh, or other architectural device), except for the structural columns themselves. While CB4 understands that the design will be subject to change, any covering between the structural columns should not be allowed.

Given that the High Line is set back up to 17 feet from the southern property line for much of its length along 30th Street, the Board requests that the zoning allow balconies to be built projecting from the High Line in the space between the High Line and the property line. This would provide visual animation of the streetscape along 30th Street as well as valuable additional space for the public on the High Line itself.

CB4 recommends approval of this portion of the text amendment subject to the deletion of the provisions allowing a maximum of 25% of the area to be opaque. CB4 requests that the zoning allow balconies to be built projecting from the High Line in the space between the High Line and the property line.

## **Certification for Phased Development**

### Existing Regulations

- Developer can seek certification for phased development of the Eastern Rail Yards.

### Proposed Modifications

- No certification for phased development of the public access areas of the Eastern Rail yards is permitted unless the ERY High Line is part of the initial phase;
- If certification of phased development occurs prior to the adoption of this text amendment, the certification will expire after 45 days after approval of the text amendment;
- At that point, the ERY High Line, the Tenth Avenue Spur, if applicable, the Public Plaza and the Connection to Public Plaza will be designated as public access areas associated with the initial phase pursuant to a new application made within a 45 day

period;

- If a crane permit has been issued prior to the adoption of the text amendment, compliance with the new text amendment is a prerequisite to a new certification of phased development.

#### **CB4 Comments**

CB4 recommends approval of this modification.

#### **Timing and Performance of Obligations**

Existing Regulations

None

#### **Proposed Modifications**

- Require fulfillment of the High Line payments and obligations before either crane permits or a Temporary Certificate of Occupancy can be issued.

#### **CB4 Comments**

CB4 recommends approval of this amendment.

Thank you, as always, for considering our comments.

Sincerely,



Corey Johnson, Chair  
Manhattan Community Board 4



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



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

[Signed 3/12/12]  
Bret Firfer, Co-Chair  
Chelsea Preservation and Planning

cc: Congressman Jerrold Nadler  
NYS Senator Tom Duane  
NYS Assembly Member Richard Gottfried  
NYC Council Speaker Christine Quinn  
Manhattan Borough President Scott Stringer  
HYDC – Ann Weisbrod, Wendy Leventer, Aaron Kirsch  
DCP – David Karnovsky, Edith Hsu-Chen, Frank Ruchala  
MTA

Friends of the High Line – Peter Mullan  
Related – Michael Samuelian  
Fried Frank – Melanie Meyers, Tal Golumb