



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
OFFICE OF THE CHAIR

## **NEGATIVE DECLARATION**

### **Project Identification**

CEQR No. 13DCP083M  
ULURP Nos. 130178ZRM  
SEQRA Classification: Type I

### **Lead Agency**

City Planning Commission  
22 Reade Street  
New York, NY 10007  
Contact: Robert Dobruskin  
(212) 720-3423

### **Name, Description and Location of Proposal:**

#### **Culture Shed**

The New York City Department of Cultural Affairs is seeking a text amendment of certain provisions of Article IX, Chapter 3 of the Zoning Resolution, applicable to the Hudson Yards Special District, to facilitate the development of a cultural facility known as the "Culture Shed." The Culture Shed is proposed to be developed on a portion of Subarea A1 of the Eastern Rail Yards, between West 30<sup>th</sup> and West 31<sup>st</sup> Streets, between Tenth and Eleventh Avenues (the "Culture Shed Site").

Development of a cultural facility in the southern portion of Subarea A1 has been an element of the development plan for Hudson Yards since the initial proposal for the development of Hudson Yards. The Final Generic Environmental Impact Statement for the adoption of the Hudson Yards Zoning Provisions (the "FGEIS") included analysis of a cultural facility containing 200,000 square feet of floor area. The current Hudson Yards Zoning Provisions contain restrictions on the location of buildings in Subarea A1, and provide for the development of a community facility use located within 220 feet of West 30th Street, west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard East, adjacent to the "connection to the High Line" (defined in ZR Section 93-71(f)), and "not closer than 50 feet east of the 'southerly prolongation of the western sidewalk widening line of Hudson Boulevard West'" (the "Original Cultural Facility Location"). Pursuant to a Memorandum of Understanding signed in 2010 by the City of New York and the MTA, the MTA agreed to convey to the City an approximately 21,000 square foot lot at the Original Cultural Facility Location with 100,000 square feet of floor area for such cultural facility.

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The Culture Shed will consist of a fixed building, with a retractable shed that would be deployed from time to time to the east of the Culture Shed Building to provide additional space for exhibitions and other events. The physical structure itself reflects and is intimately connect to the purpose of the Culture Shed: a flexible structure that can expand and contract as necessary to create a multi-purpose venue for exhibitions and events. Portions of the Culture Shed, primarily back office and service facilities, would be located in the residential building (currently known as Tower D)

Since the adoption in 2005 of the Hudson Yards Zoning Provisions, there have been several amendments to these regulations relating to Subarea A1, including an amendment in 2009 concerning the location of buildings and parking and the parking requirements. In 2012, amendments were adopted at the request of the designated developer, ERY Tenant LLC (“ERY Tenant”) relating to the design of the public access areas, sign regulations and retail requirements. In connection with the 2012 amendment requested by the ERY Tenant, an application by the Department of City Planning to amend the Hudson Yards Zoning Provisions to allow the use of the High Line as part of the required public access areas was also approved.

The Culture Shed will consist of a fixed building (the “Culture Shed Building”), with a retractable shed (the “Shed Portion”) that would be deployed from time to time to the east of the Culture Shed Building to provide additional space for exhibits and events. Portions of the Culture Shed, primarily back office and service facilities, would be located in the residential building (currently known as Tower D) to be developed by the ERY Tenant to the immediate west of the Culture Shed Site, on the east side of Eleventh Avenue between West 30th and West 31st Streets. The City would acquire the lot area needed for the development of the Culture Shed from the MTA and lease it to the Culture Shed Developer. The 2005 Hudson Yards actions included an acquisition action for the Eastern Rail Yard Site.

A plaza, with a lot area of approximately 17,758 square feet (the “Culture Facility Plaza”) would be developed to the east of the Culture Shed Building as part of the required public access areas. This plaza will be covered by the Shed Portion from time to time, in connection with Culture Shed events. When the Shed Portion is not deployed, the Culture Facility Plaza would be used for a variety of activities that would be open to the public.

The following changes to the provisions of the Zoning Resolution would be needed to enable the construction of Culture Shed:

- Establish a definition for the ERY Culture Festival and Exhibit Facility that would permit all of the activities proposed by Culture Shed and allow them to be treated as community facility uses or uses in Use Groups 3 and 4.
- Modify the applicable sign regulations to allow signs on three sides of the Culture Shed, with a maximum total surface area of 2700 square feet, with not more than

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200 square feet of signs facing the outdoor plaza or the connection to the High Line, and allow the use of banners, similar to other community facility uses.

- Revise the existing text with respect to the location of the cultural facility so that the Culture Shed Building may abut, and include support space within, Tower D.
- Allow certain portions of the Culture Shed, including floor area in portions of elevator shafts and stairwells in the abutting residential tower that pass through floors occupied by Culture Shed, to be excluded from the definition of floor area in the Zoning Resolution, so as to permit a facility of appropriate size.
- Provide that in the event that Tower D includes floor area for the Culture Shed, it is not required to have retail continuity facing the outdoor plaza
- Reduce the width of the defined “connection to the High Line” (ZR Section 93-71(e)) from 80 feet to a minimum of 60 feet, to accommodate the new Culture Facility Plaza. Require that any portion of the cultural facility that cantilevers over the connection to the High Line must not project beyond a defined limiting plane or distance over such connection.
- Create a new open space, the Culture Facility Plaza, that would be considered open space and open to the sky for purposes of meeting the minimum required open space standards in Subarea A1. The Culture Facility Plaza would be treated as public access area for purposes of the Hudson Yards Zoning Provisions notwithstanding that at times the Culture Facility Plaza would be covered by the deployed Shed.
- Permit portions of the outdoor plaza (as defined in Section 93-71(b)) to be used in connection with events in the Culture Facility Plaza and to be subject to time-ticketed access for such events, as well as allow roadways within the outdoor plaza adjacent to the Culture Facility Plaza to be temporarily closed to vehicular traffic during such events.
- Require that the Culture Facility Plaza be constructed prior to a TCO for the Culture Shed Building. Clarify that the construction of the Culture Facility Plaza is not a condition to a building permit or certificate of occupancy for any building other than the cultural facility.
- Allow the Culture Facility Plaza (and adjacent portions of the outdoor plaza when used in conjunction with events in the Culture Facility Plaza) to be closed to the public up to 12 days each year in connection with Culture Shed events.
- Facilitate the use of space within Tower D (the residential tower to the west of the

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Culture Shed Site),to provide storage, restrooms, maintenance facilities or other support space for the ERY High Line by excluding the floor space of such support facilities from the definition of floor area.

The analysis year for the proposed action is 2017.

**Statement of No Significant Effect:**

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated February 1, 2013 prepared in connection with the ULURP Application (No. 130178 ZRM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

**Supporting Statement:**

The above determination is based on an environmental assessment which finds that there are no significant effects on the environment which would require an Environmental Impact Statement.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Celeste Evans at (212) 720-3321.

  
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Celeste Evans, Deputy Director  
Environmental Assessment & Review Division  
Department of City Planning

Date: February 1, 2013

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Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: February 4, 2013