



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

October 25, 2012

Martin Rebholz, R.A
Borough Commissioner
Department of Buildings
280 Broadway, 3rd Floor
New York, N.Y. 10007

Re: Applic. Nos. N 130086 ZCM, N 130087 ZCM, and N 130088 ZCM
ERY Public Access Area Certifications
383-405 Tenth Avenue
Block 702, Lots 1 and 50; Block 704, Lots 1, 5 and 6
C6-4 District
Special Hudson Yards District (Eastern Rail Yards Subarea A1)
Borough of Manhattan
Community District 4

Dear Commissioner Rebholz:

Please be advised that the applications (N 130086 ZCM, N 130087 ZCM, and N 130088 ZCM) submitted by ERY Tenant LLC in connection with a mixed-use development and the restoration of a portion of the High Line, on property at the above referenced location as follows:

1. N 130086 ZCM – an application for certification by the Chairperson of the City Planning Commission to the Department of Buildings pursuant to Section 93-70 of the Zoning Resolution that plans have been submitted showing required public access areas in compliance with the provisions of Section 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES) inclusive;
2. N 130087 ZCM – an application for certification by the Chairperson of the City Planning Commission to the Department of Buildings pursuant to Section 93-70 of the Zoning Resolution to allow phased development provided that plans have been submitted that provide for the completion of any public access area that is integral to the development of a building or buildings within each phase; and
3. N 130088 ZCM – an application for certification by the Chairperson of the City Planning Commission to the Department of Buildings pursuant to Section 93-131(a)(1) of the Zoning Resolution that the proposed development does not utilize any floor area pursuant to Sections 23-90 (INCLUSIONARY HOUSING), 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25 (Floor Area Bonus for New Legitimate Theater Use);

are hereby certified.

THE CERTIFICATIONS (N 130086 ZCM, N 130087 ZCM, and N 130088 ZCM) HAVE BEEN APPROVED SOLELY PURSUANT TO SECTIONS 93-70, 93-70, AND 93-131(a)(1), RESPECTIVELY, OF THE ZONING RESOLUTION AND ARE SUBJECT TO VERIFICATION BY THE DEPARTMENT OF BUILDINGS FOR COMPLIANCE WITH ALL OTHER APPLICABLE PROVISIONS OF THE ZONING RESOLUTION.

Pursuant to an escrow agreement, the Restrictive Declaration in connection with applications N 130086 ZCM and N 130087 ZCM will be held by City Planning and released for recording in the Office of the City Register at the closing of the transaction with the Metropolitan Transportation Authority whereby certain portions of the Eastern Rail Yards will be leased to the applicant. Questions regarding these provisions should be directed to DCP Counsel David Karnovsky at (212)720-3400.

Please be advised that, pursuant to the above certifications, and in accordance with Sections 93-70 of the Zoning Resolution, building permits may be issued for work related to 'Tower C', in accordance with the Zoning Phasing Plan Phase1- Tower C, as shown in Drawing No. Z1-06.

Please be further advised that, pursuant to Section 93-71(h) of the Zoning Resolution, no crane permit shall be granted for construction of 'Tower C' until the Chairperson of the City Planning Commission has provided a certification to the Department of Buildings in accordance with that provision.

Enclosed for your information are the following:

1. a copy of applications N 130086 ZCM, N 130087 ZCM, and N 130088 ZCM; and
2. the following approved drawings prepared by Kohn, Pedersen Fox Associates PC:

N 130086 ZCM:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z1-02	Zoning Certification ERY Public Access Areas	September 14, 2012
Z1-03	Zoning Certification Public Plaza	September 14, 2012
Z1-04	Zoning Certification Public Plaza Permitted Obstructions	September 14, 2012
Z1-05	Zoning Certification Public Plaza Details	September 14, 2012

N 130087 ZCM:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z1-06	Zoning Phasing Plan Phase 1 – Tower C	September 14, 2012

ZI-07	Zoning Phasing Plan Phase 2 – Tower D	September 14, 2012
ZI-08	Zoning Phasing Plan Phase 3 – Tower A & Retail Podium	September 14, 2012
ZI-09	Zoning Phasing Plan Phase 4 – Tower E	September 14, 2012
ZI-10	Zoning Phasing Plan Phase 5 – Cultural Facility	September 14, 2012

Very Sincerely,



Amanda M. Burden, FAICP

cc. J. Harris
J. Merani
J. Miraglia
I. Sadko
K. Ramnarine
B. Estroff
F. Ruchala
N. Campo
S. Felsen
Applicant