

WRY MODIFICATIONS

PUBLIC ACCESS AREA DESIGN REQUIREMENTS¹

All italicized words shall have the meaning provided to them in the Zoning Resolution. Capitalized words used but not defined in this Exhibit J shall have the meaning provided to them in the Restrictive Declaration to which this exhibit is attached.

~~To the extent that the Gaming Facility is located on the Subject Property under the Proposed Project, such Gaming Facility shall not be subject to the provisions of this Exhibit J and shall instead be governed by the terms and conditions of the gaming license issued by the New York State Gaming Commission for such Gaming Facility.~~

Public Access Areas in the Subject Property shall be comprised of a publicly accessible open space (henceforth referred to as the “Public Open Space”) and a pedestrian ~~way~~ways comprising the West 30th Street Corridor (henceforth referred to as the “West 30th Street Corridor”). ~~In addition, Site C in the Alternative Scenario shall include pedestrian ways comprising~~ a midblock connection (henceforth referred to as the “Midblock Connection”); and a corner open area (henceforth referred to as the “Corner Open Area”).

The Public Open Space, the West 30th Street Corridor, ~~and, in the Alternative Scenario,~~ the Midblock Connection_; and the Corner Open Area_; shall be provided on the Subject Property in accordance with the provisions set forth in this Exhibit. The *High Line* is not part of the Public Access Areas required on the Subject Property.

Section 1: Publicly Accessible Open Space in Subdistrict F

The Public Open Space shall be open to the sky, except that amenities that are provided in accordance with this Section 1 and Section 3 below shall be permitted to cover portions of the Public Open Space.

(a) General purposes

The Public Open Space is intended to serve the following purposes:

- (1) to provide a major open space that joins the northern portion of the *High Line* open space network on its west to the Hudson Park and Boulevard open space network on its east;
- (2) to provide one or more large open lawn areas overlooking the Hudson River for public use and enjoyment;
- (3) to serve as a neighborhood open space;

¹ These Public Access Area Design Requirements shall be incorporated into the Amended and Restated Restrictive Declaration.

- (4) to provide amenities for area residents, workers and the general public;
- (5) to provide areas that offer varied programs, supplemental spaces between amenities and surrounding buildings and connections between the different areas of the Public Open Space;
- (6) to serve as an inviting pedestrian gateway to the Western Rail Yard from open space networks along the Hudson River;
- (7) to offer a unique open space experience for pedestrians through the negotiation of the area's grade changes.

(b) Location and minimum dimensions

The Public Open Space shall comprise the area located outside of the boundaries of Site A, Site B, and Site C shown on the approved site plan for the ~~Project~~Development (hereinafter "Site A", "Site B" and "Site C"), excluding the space occupied by the West 30th Street Corridor, the Midblock Connection, and the Corner Open Area, ~~as applicable.~~

The Public Open Space shall also comprise any portion of Site A, Site B, and Site C that will not be covered by buildings at the ground level.

The portion of the Public Open Space comprising drop-off areas for Site A and Site C shall not be subject to the requirements of this Exhibit.

(c) Core elements

The Public Open Space shall provide the following core elements:

(1) Lawn area

An accessible lawn area shall be provided with a minimum area of one acre within the Public Open Space. Any lawn area located within 20 feet of a building wall on Sites A or B or the boundary of Site C shall not contribute towards this one acre requirement.

~~The required lawn area shall be comprised of the following amenities:~~

~~(i) 75 a continuous lawn area over a minimum of 50-percent of the required one acre.~~

~~Such continuous lawn area shall have a maximum slope of three percent and provide visual access toward the Hudson River; and~~

~~(ii) the remaining transitional lawn areas may be provided for a maximum of 25 percent of the required one acre of lawn area. Such area or areas need not be continuous, and shall have a maximum slope of 15 percent. Trees and other plantings shall be permitted in such area or areas~~ The required lawn area shall provide visual access toward the Hudson River.

(2) *High Line* connection

Access to the *High Line* shall be provided along a minimum of 40 feet and a maximum of 150 feet of *High Line* frontage length. Such frontage need not be continuous; however, in order to qualify as unobstructed access that contributes to the minimum 40-foot requirement set forth in this paragraph, a minimum frontage width of five feet is required. Such access need not be opened to the public until the *High Line* is reconstructed as public open space in accordance with the provisions of Section 93-756 (General requirements for the High Line).

(3) Supplemental area

Any portion of the Public Open Space that does not meet the criteria for lawn area set forth in paragraph (c)(1), the criteria for the *High Line* connection set forth in paragraph (c)(2), or constitute the playground set forth in paragraph (c)(4), ~~or constitute the recreational areas set forth in paragraph (c)(5)~~ shall be designated as supplemental area and shall comply with the requirements set forth in this paragraph (c)(3).

A minimum of 35 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 65 percent may be paved. At least one tree shall be provided for every 2,000 square feet of supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of one unimpeded, fully accessible paved pedestrian path with a minimum width of 12 feet, shall be provided through the Public Open Space to provide a primary access route from Eleventh Avenue to the lawn overlooking the Hudson River. At least two accessible pedestrian paths of a minimum width of 6 feet shall provide access from the lawn overlooking the Hudson River to the *High Line*. A minimum of one secondary pedestrian path shall provide an accessible route to park and program destinations of the Public Open Space.

A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area. At least 50 percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area.

Within 15 feet of the primary pedestrian access route linking Eleventh Avenue to the lawn overlooking the Hudson River, the slope of the supplemental area shall not exceed 7.5 percent, or a maximum height of two feet. Beyond 15 feet of the main pedestrian access route, the slope of the supplemental area shall not exceed 33 percent.

(4) Playground

A playground shall be provided with a minimum area of 10,000 square feet. The playground shall be located to the west of Site A or Site B. To the extent that it is located to the west of Site B, ~~and it~~ may be directly accessible from any school that is located on Site B.

~~(5) Recreational courts~~

~~Recreational courts or similar open uses for recreational activities may be provided to the west of Site A.~~

(5) ~~(6)~~ Pedestrian comfort measures

The Public Open Space shall include, in appropriate locations, pedestrian comfort measures intended to minimize wind impacts for pedestrians. Such measure may include, for example, wind screens, partitions, planters, trees and other vegetation.

(d) Permanent structures

Permanent structures, such as food or information kiosks, pavilions or public restrooms placed within the Public Open Space shall not exceed a height of 20 feet. The maximum *lot coverage* that all such permanent structures may occupy shall be 1,000 square feet. Such permanent structures shall be exempt from the definition of *floor area*.

(e) Transparency requirements

Site A:

Facing The Publicly Accessible Open Space:

- Glazing or other transparent material shall be provided for no less than 25% of the ground floor *street* frontage width.

Site B:

Facing West 30th Street:

- Glazing or other transparent material shall be provided ~~for no less than 80% of the street frontage width within a height of 35 feet measured above the level of the High Line bed~~ in accordance with ZR 32-321(b).

Facing ~~All Other Streets~~ 11th Avenue:

- Glazing or other transparent material shall be provided ~~for no less than 50% of the ground floor street frontage width~~ in accordance with ZR 32-33.

Site C:

Facing 33rd Street:

- Glazing or other transparent material shall be provided for no less than 30% of the ground floor *street* frontage width.

Facing The Publicly Accessible Open Space:

- Glazing or other transparent material shall be provided for no less than 40% of the ground floor *street* frontage width.

- Glazing or other transparent material shall be provided for no less than 90% of the ground floor *street* frontage width within 80 feet of the southwest corner of Site C.

Facing 12th Avenue:

- Glazing or other transparent material shall be provided for no less than 90% of the ground floor *street* frontage width within 70 feet of the southwest corner of Site C. Glazing or other transparent material shall not be required for the balance of the ground floor frontage.

- (f) Blank wall treatment for all frontages subject to street wall regulations

For any portion of the ground floor level street wall, 50 feet or more in width, which contains no transparent element and no louvers or other ventilation openings between the level of the adjoining grade and a height of 20 feet above adjoining grade, at least 70 percent of the linear footage of such wall shall contain wall treatment in the form of (a) varied surface texture and/or materials, (b) permitted *signs*, (c) murals or other visual artwork and/or (d) living plant materials.

- (g) Mechanical ventilation and infrastructure for all frontages subject to street wall regulations

Exterior walls used for active mechanical ventilation or other building infrastructure purposes shall not be considered a blank wall subject to Section 1(~~g~~^f) above. Ventilation and other related mechanical infrastructure shall be well-integrated into *building* architecture and organized in such a way as to minimize negative impacts on *open spaces* and the Public Access Areas. When such elements are located adjacent to public *open spaces*, they should be separated, screened, or located above a height of 20 feet.

Section 2: Publicly Accessible Pedestrian Ways in Subdistrict F

West 30th Street Corridor

The West 30th Street Corridor shall be provided along the northerly sidewalk of West 30th Street adjacent to the area below the *High Line*.

- (a) General purpose

The West 30th Street Corridor is intended to serve the following purposes:

- (1) to serve as a transition space between the *High Line* and the West 30th Street sidewalk;
- (2) to allow for active frontages with publicly accessible spaces for establishments below the *High Line*; and

- (3) to provide an overall streetscape design that complements and provides views of the *High Line* along West 30th Street.

(b) Location and dimensions

- (1) The West 30th Street Corridor shall be located in the area bounded by the *High Line*, Eleventh Avenue, West 30th Street and the western edge of Site B shown on the approved site plan for the ~~Project~~Development.
- (2) In the north-south direction, the West 30th Street Corridor shall extend from the northerly edge of the southern row of structural columns of the *High Line* to the northerly *street line* of West 30th Street.

(c) Core Elements

The West 30th Street Corridor shall have the following provisions for its core elements:

- (1) a pedestrian access area at least 10 feet in width shall be provided along the entire length of the West 30th Street Corridor, linking Eleventh Avenue with the sidewalk adjacent to the western edge of ~~the Site B development site~~ shown on the approved site plan for the ~~Project~~Development. Such area shall be located a minimum of five feet beyond the northerly curb line of West 30th Street, and shall be free of obstructions;
- (2) portions between the required pedestrian access area and the *High Line* may be paved or landscaped; and
- (3) street trees shall be planted within five feet of the northern curb of West 30th Street. One tree shall be planted for every 25 feet of curb length. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of West 30th Street.

Midblock Connection

~~In the Alternative Scenario, the~~The Midblock Connection shall be provided between West 33rd Street and the Public Open Space within the boundary of Site C ~~in the Alternative Scenario~~, as shown on the approved site plan for the ~~Project~~Development. The Midblock Connection shall be open to the sky, except that amenities that are provided in accordance with this Section 2 and Section 3 below shall be permitted to cover portions of the Midblock Connection.

(a) General purpose

The Midblock Connection is intended to provide pedestrian access between West 33rd Street and the Western Rail Yard Subdistrict F.

(b) Location and dimensions

(1) The Midblock Connection shall be located within a zone that is no closer than 265 feet to Eleventh Avenue, and no closer than 235 feet to Twelfth Avenue.

(2) The minimum width of the Midblock Connection, measured in the east-west direction, shall be 60 feet, ~~subject to Section 2(b)(3) below.~~

~~(3) Where it adjoins the Public Open Space at the southern edge of Site C, the Midblock Connection shall have a minimum width of 180 feet for a depth of 60 feet measured perpendicular from the Public Open Space. Such southern portion of the Midblock Connection shall overlap completely with the 60-foot-wide northern portion of the Midblock Connection that is located beyond a depth of 60 feet measured perpendicular from the Public Open Space. The southern portion of the Midblock Connection may be located partially outside of the zone established for the Midblock Connection in Section 2(b)(1) above, provided that such southern portion overlaps completely with the northern portion of the Midblock Connection as required in the foregoing sentence.~~

(3) ~~(4)~~ The Midblock Connection may include grade changes as necessary to accommodate the infrastructure of the below-grade rail operations, and other uses located below the Midblock Connection related to the buildings on Site C ~~in the Alternative Scenario~~. Such grade changes shall accommodate universal access, whether through appropriately sloped grade, ramps, mechanical lifts, or otherwise.

(c) Core Elements

The Midblock Connection shall have the following provisions for its core elements:

(1) A minimum of one unimpeded pedestrian access, with a minimum width of 12 feet, shall be provided to connect the Public Open Space with West 33rd Street;

(2) A minimum of one linear foot of seating shall be provided for every 75 square feet of the Midblock Connection. A minimum of 50 percent of the required seating shall provide seatbacks;

(3) A minimum of 20 percent of the gross area of the Midblock Connection shall be landscaped with soft ground cover, and shall provide a minimum of one tree per every 1,500 square feet. All landscape shall be planted flush-to-grade unless subgrade conditions demonstrate inability to do so, in which case no planters or planting beds shall have bounding walls that exceed 18 inches in height above an adjacent walking surface; and

(4) A minimum of one entrance to retail, public restrooms, or lobby space shall be located on either side of the Midblock Connection to provide opportunities for public engagement and activation.

Corner Open Area

~~In the Alternative Scenario, the~~^{The} Corner Open Area shall be provided at the southeast corner of Site C ~~in the Alternative Scenario~~, as shown on the approved site plan for the ~~Project Development~~. The Corner Open Area shall be open to the sky, except that amenities that are provided in accordance with this Section 2 and Section 3 below shall be permitted to cover portions of the Corner Open Area.

(a) General purpose

The Corner Open Area is intended to provide pedestrian circulation at the southeast corner of Site C between Eleventh Avenue and the Public Open Space.

(b) Location and dimensions

The Corner Open Area shall be located at the southeast corner of Site C ~~in the Alternative Scenario~~, adjacent to the Public Open Space, and shall have a minimum depth perpendicular to Eleventh Avenue of 25 feet and a minimum width along Eleventh Avenue of ~~110~~⁸⁵ feet.

Section 3: Design Criteria for Public Access Areas in Subdistrict F

(a) Design criteria

Where the Public Access Areas provide elements listed in this Section, such elements shall comply with the applicable minimum design standards, set forth in paragraph (a) of this Section, as a minimum design standard.

(1) Seating

Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Zoning Resolution Section 37-741, inclusive.

(2) Planting and trees

Within 60 feet of Eleventh Avenue, trees and plantings in the Public Open Space are permitted to be planted in raised planters with bounding walls up to two feet tall, rather than at-grade. Required trees are permitted to be planted with a soil depth of at least 3 feet, six inches.

Where planting areas are provided throughout the remainder of the Public Open Space, they shall meet the planting bed requirements and irrigation requirements of Zoning Resolution Section 37-742 (Planting and trees).

Where trees are provided, they shall meet the applicable minimum tree caliper standards, soil requirements and irrigation standards set forth in Zoning Resolution

Section 37-742, except that all trees in the Public Open Space shall be planted in areas with soil depth of at least three feet, six inches.

(3) Paving

Paving shall meet the minimum standards set forth in Zoning Resolution Section 37-718.

(4) Steps

Steps shall meet the minimum dimensional standards set forth in Zoning Resolution Section 37-725.

(5) Kiosks and open air cafes

Kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Zoning Resolution Section 37-73 (Kiosks and Open Air Cafes). Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of any Public Access Area.

(6) Standards of accessibility for persons with disabilities

The Public Access Areas shall be designed pursuant to the standards of accessibility for persons with disabilities set forth in Zoning Resolution Section 37-728.

(7) Lighting and electrical power

Lighting and electrical power shall be provided pursuant to the standards set forth in Zoning Resolution Section 37-743.

(8) Litter receptacles

Litter receptacles shall be provided pursuant to the standards set forth in Zoning Resolution Section 37-744.

(9) Bicycle parking

Bicycle racks sufficient to accommodate at least 88 bicycle parking spaces shall be provided and distributed in a manner to maximize access to and utilization of such racks. Such racks shall be located adjacent to a paved circulation path within the Public Access Areas, or in public sidewalks adjacent to such Public Access Areas.

(10) Playgrounds and additional amenities

Where playgrounds and additional amenities are provided in the Public Open Space, such amenities shall be designed pursuant to the standards set forth in Zoning Resolution Section 37-748.

(11) Signs

Signage shall be provided in the Public Open Space, the Midblock Connection, and the Corner Open Area, as applicable, pursuant to the standards set forth in Section 5 of this Exhibit.

(12) Canopies, awnings, marquees and sun control devices

Where *buildings* front onto the Public Access Areas, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Zoning Resolution Section 37-726 (Permitted obstructions).

(13) Gates and fences

Gates, fences or other barriers shall be permitted at the perimeter of any playgrounds, tot lots or dog runs provided as part of the Public Open Space. Additional gates, fences or other barriers shall be permitted only as approved as part of the PAA Plans submitted pursuant to Section 4 of this Exhibit (and as defined therein).

Such gates, fences or other barriers shall have a maximum height of 48 inches, as measured from the adjoining grade level, and shall be at least 70 percent open. However, where gates, fences or other barriers are mounted on a solid curb, such minimum transparency shall not include the surface area of the curb, provided that the height of such curb does not exceed six inches.

Chain link fencing or barbed or razor wire shall not be permitted.

(14) Public restrooms

At least one public restroom shall be provided to serve the Public Open Space. Such public restroom shall provide at least two gender neutral separate restroom spaces, and may be located in either the Public Open Space or within the ground floor of any adjacent *building* provided that the public restroom is directly accessible from the Public Open Space and clearly visible signage indicating the presence of the public restroom is provided.

(b) Maintenance

The owner of each of Sites A, B and C shall be responsible for the maintenance of the Public Access Areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of

furnishings and vegetation within the portion of the Public Access Areas associated with such site in the phased development provided in the PAA Plans required pursuant to Section 4 of this Exhibit. Maintenance of the *High Line* shall be governed by such agreements as are entered into with respect thereto and shall not be governed by the provisions of this Exhibit.

(c) *Interim use*

Open *uses* listed under Use Group I shall be permitted as interim *uses* within the Public Open Space or within the designated boundary of Sites A, B or C. Such interim *uses* may be *developed* prior to the approval of the PAA Plans for the Public Open Space in which it is located, or the development of any building on Sites A, B or C, and may continue until such time as development commences. Any such interim *uses* shall be open to and usable by the public, and may include temporary structures, provided that all associated *floor area* is appurtenant to the interim *use* (and not included in developments on Site A, Site B, and Site C).

Section 4: ~~Plans~~ Plans for Public Access Areas in Subdistrict F

The Public Access Areas, or portions thereof, provided in accordance with the requirements of this Exhibit, shall comply with the following provisions:

- (a) No building permit shall be issued for any *development* or *enlargement* within Subdistrict F unless the Chairperson of the City Planning Commission has certified to the Commissioner of Buildings that the site plan and, if applicable, landscape plans for the Public Access Areas (the “PAA Plans”) have been approved by the Chairperson pursuant to the provisions of this Section 4. Notwithstanding the foregoing, the Chairperson shall allow for the phased development of the Public Access Areas, or portions thereof, upon certification by the Chairperson to the Commissioner of Buildings that PAA Plans have been submitted to the Department of City Planning that provide for the completion of a given phase of the Public Access Areas in association with the *development* or *enlargement* of a building or buildings within each such phase.
- (b) An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include:
 - (1) a site plan indicating the area and dimensions of the Public Access Areas, or portions thereof, and the location of all proposed *buildings* in the phase subject to the application;
 - (2) a landscape plan, prepared by a registered landscape architect, for the Public Open Space, or portions thereof, in the phase subject to the application; and
 - (3) a report to the Chairperson demonstrating:

- (i) that the PAA Plans have been presented by the applicant to the affected Community Board, City Council Member and Borough President, and that the Community Board, City Council Member and Borough President have had at least 60 days to review such plans; and
 - (ii) that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered by the applicant, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such recommendations, the report shall identify how the design has been modified.
- (c) The Chairperson of the City Planning Commission shall approve the PAA Plans within 45 days following filing, provided that the following provisions are met:
 - (1) the PAA Plans provide for the improvement of the Public Access Areas, or portions thereof, which, taking into account relevant considerations relating to platform construction and engineering, are:
 - (i) of sufficient size to provide a valuable public amenity and promote site access for the benefit of residents and workers in the *buildings* in the phase to which they relate, as well as for the general public; and
 - (ii) appropriately sited and located in suitable proximity to the *building* locations in the phase to which they relate.
 - (2) the PAA Plans are consistent with the general purposes and contain the core elements listed in Section 1 or Section 2 of this Exhibit, as applicable;
 - (3) all elements in the PAA Plans comply with the design criteria as set forth in Section 3 of this Exhibit, as applicable;
 - (4) the PAA Plans are consistent and appropriate in relation to any previously approved PAA Plans for other phases and in relation to conceptual plans for future phases, as applicable;
 - (5) all public amenities that are provided in the PAA Plans as required under this Exhibit shall be consistent with the nature and character of the Public Access Areas that they are located in; and
 - (6) a maintenance plan, including any necessary maintenance facilities for the Public Access Areas, or portions thereof, in the phase, has been established that will ensure compliance with the provisions of paragraph (b) of Section 3 of this Exhibit.

Approved PAA Plans shall be set forth in an instrument in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the Subject Property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification to the Department of Buildings under this Section. The recording information shall be included on the certificate of occupancy for any *building*, or portion thereof, on the *zoning lot* issued after the recording date.

- (d) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a *development* or *enlargement* within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the Public Access Areas, or portions thereof associated with such phase, is substantially complete in accordance with the approved PAA Plans, and that such Public Access Areas, or portions thereof, are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such *development* or *enlargement* until the Chairperson certifies to the Department of Buildings that the Public Access Areas, or portions thereof, are fully complete, and that all requirements of this Section have been met in accordance with the PAA Plans for the Public Access Areas, or portions thereof associated with such phase. Notwithstanding the foregoing, in the event that a temporary Public Access Areas plan is approved pursuant to Section 4B of this Exhibit, no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a *development* or *enlargement* within the phase until the Chairperson certifies to the Department of Buildings that the Public Access Areas, or portions thereof associated with such phase, is substantially complete and in accordance with such temporary Public Access Areas plan, and the Public Access Areas, or portions thereof, are open and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such *development* or *enlargement* until the Chairperson certifies to the Department of Buildings that the Public Access Areas, or portions thereof associated with the phase previously improved pursuant to the temporary Public Access Areas plan, has been fully completed in accordance with the PAA Plans therefor, and that the Public Access Areas, or portions thereof, are open to and useable by the public.
- (e) Where a phase of development results in Site A, Site B, and Site C having been *developed* in whole or in part, the Department of Buildings shall not issue a certificate of occupancy for the last *building* of such phase unless and until the Chairperson certifies to the Commissioner of Buildings that all Public Access Areas are substantially complete, and are open to and useable by the public.

Section 4A: Certification to modify general requirements of Public Access Areas

The Chairperson of the City Planning Commission may modify the general requirements of the Public Access Areas set forth in Sections 1 and 2 of this Exhibit, as applicable, provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to

accommodate unforeseen ventilation demands within the Western Rail Yard. In addition to the PAA Plans required pursuant to Section 1 of this Exhibit, a mechanical plan shall be provided demonstrating the need to modify such general requirements.

The Chairperson of the City Planning Commission may modify the general requirements for the Midblock Connection, provided that the Chairperson certifies to the Commissioner of Buildings that such changes enhance the public use of the Midblock Connection and connectivity between the Public Open Space and West 33rd Street or that such changes are the minimum necessary to accommodate the infrastructure or operational requirements of existing or proposed transit infrastructure (in which case such application shall include a plan that conveys the extent of the needs and required modifications).

Section 4B: Certification to temporarily modify Public Access Areas for construction staging

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that any Public Access Areas or a portion thereof will be required for construction staging or similar activities in a future phase of *development* or *enlargement*, the application for the PAA Plans may be accompanied by a request for approval of a temporary Public Access Area plan for the Public Access Areas or such portion thereof, which may include fewer than all core elements required as part of a phase of *development* or *enlargement* of such Public Access Area pursuant to Section 1 or 2 of this Exhibit, as necessary to accommodate such future construction staging or similar activities. Such temporary Public Access Area plan shall be subject to review and approval in the same manner as the PAA Plans, pursuant to Section 4 of this Exhibit and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the Public Access Areas for construction staging or similar activities in a future phase of development. Following the expiration of such period, the PAA Plans, including all core elements for such Public Access Area, shall be implemented.

Section 5: Signage

The following Signage Map and signage design guidelines apply to specific signage in the Public Open Space, Midblock Connection and Corner Open Area, as applicable, and do not apply to any building identification signage or other signage.

Signage Design Guidelines

Signage within the Public Open Space, Midblock Connection and Corner Open Area, as applicable, shall consist of Wayfinding Signage, Privately Owned Public Space Signage, Digital Kiosks, and Rules of Conduct Signage. Such signage shall substantially comply with the design guidelines for each type of signage as set forth below.

Wayfinding Signage:

- A freestanding or integrated element for the purpose of guiding pedestrians, which is clearly visible to pedestrians and effective in indicating direction to a destination and/or orientation of current position.

- Integrated signage may include engraving in the paving material on the ground or vertical surfaces of a *building* base or public seating and other public amenity elements.
- Freestanding signage may include plaques, posts, or pole signs.
- The design of all Wayfinding Signage shall be consistent with the nature and character of the Public Open Space, Midblock Connection and Corner Open Area, as applicable.

Privately Owned Public Space Signage:

- All Privately Owned Public Space Signage shall comply with the requirements of Section 37-751 of the Zoning Resolution, except that:
- The regulations governing the frequency and location of Privately Owned Public Space Signage shall be superseded by the locations indicated in the Signage Map.
- Privately Owned Public Space Signage may be mounted on a Digital Kiosk (provided that the dimensional and graphic standards for such signage, as set forth in Section 37-751 of the Zoning Resolution, is complied with), which Digital Kiosk shall comply with the dimensional requirements applicable to such Digital Kiosk.

Digital Kiosk:

- A freestanding and interactive digital kiosk used to provide general information, including without limitation Public Access Area amenities, hours of operation, rules and regulations, event programming, and custom directions downloadable to mobile devices for wayfinding.
- The design of all Digital Kiosks shall be consistent with the nature and character of the Public Open Space, Midblock Connection and Corner Open Area, as applicable.
- No Digital Kiosk shall exceed a height of ten feet, or have a maximum width of greater than four feet and depth of greater than 16 inches.

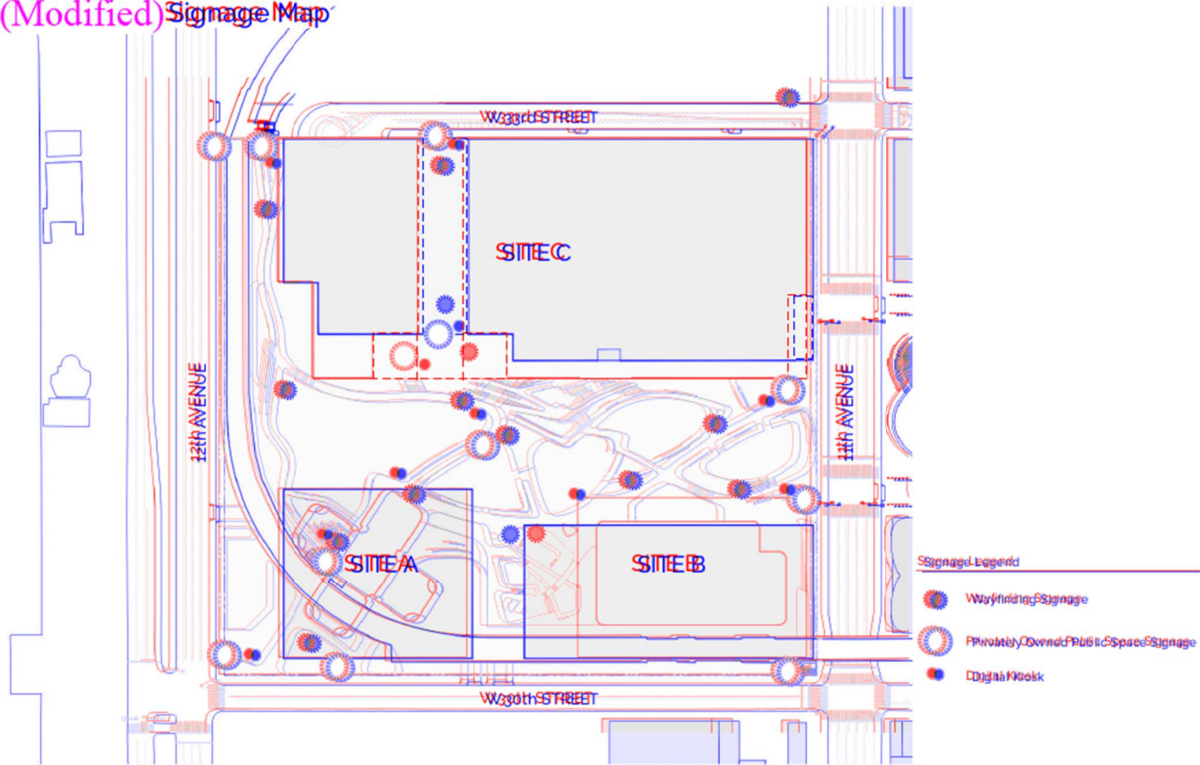
Rules of Conduct Signage:

- To ensure a safe and comfortable environment for all users of the Public Open Space, Midblock Connection and Corner Open Area, as applicable, one or more prohibition or “Rules of Conduct” sign may be located within such spaces.
- Such signage shall not exceed one-foot square in dimension and shall contain no lettering greater than three-quarters of an inch in height.
- The content of such signage shall be consistent with the Rules and Regulations set forth in Exhibit F to this Declaration.

Signage Location

All Wayfinding Signage, Privately Owned Public Space Signage, and Digital Kiosks for the Public Open Space, Midblock Connection and Corner Open Area, as applicable, shall substantially comply with the locations as indicated in the Signage Map below. Additional or alternative signage locations may be approved by certification of the Chairperson of the City Planning Commission Chairperson pursuant to an application made pursuant to the provisions of Section 4 of this Exhibit.

(Modified) Signage Map



Summary report: Litera Compare for Word 11.7.0.54 Document comparison done on 05/28/2025 9:08:56 AM	
Style name: KL_Default	
Intelligent Table Comparison: Active	
Original DMS: dm://KL3/3684474/15	
Modified DMS: dm://KL3/3684474/17	
Changes:	
<u>Add</u>	23
Delete	46
Move From	3
<u>Move To</u>	3
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	1
Embedded Excel	0
Format changes	0
Total Changes:	76