



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
www.nyc.gov/mcb4

CHRISTINE BERTHET
Chair

NELLY GONZALEZ
Acting District Manager

October 3, 2014

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

**Re: ULURP Applications Nos. C 150101 ZMM and N 150102 ZRM
Special West Chelsea Expansion**

Dear Chair Weisbrod:

At its regularly scheduled Full Board Meeting on October 1, 2014, Manhattan Community Board 4, on the recommendation of its Chelsea Land Use Committee (CLU) and following a duly noticed public hearing, voted by roll call 34 in favor, 0 opposed, 0 abstaining and 0 present not eligible to recommend approval, with the condition regarding sidewalk cafes noted below, of the applications to incorporate portions of Block 712 into the Special West Chelsea District (SWCD) and to make clarifying amendments to portions of the Zoning Resolution.

Background

The SWCD was created in 2005 to facilitate the transformation of the High Line elevated rail line into a public park, to ensure that the form of new buildings enhanced neighborhood character, to provide a transition to the lower-scale Chelsea Historic District to the east and to the higher density Hudson Yards to the north, and for the general revitalization of West Chelsea. Nine years after its creation, the general purposes for which the SWCD was created are being fulfilled. West Chelsea is a dynamic mixed-use neighborhood. Residential development is vibrant, the arts community is flourishing and the third section of the High Line park has opened to enthusiastic reviews and large crowds.

During the public process that culminated in the June 2005 West Chelsea rezoning, CB4 advocated for the inclusion of adjacent areas of West Chelsea in the new special district, including:

- The areas between Eleventh and Twelfth Avenues between West 27th and 30th Streets;
- The Chelsea Market block;
- 85 and 99 Tenth Avenue; and
- The south side of West 15th Street between Ninth and Tenth Avenues.

Since 2007 the Board has included a request in its annual Statement of District Needs for a study by the Department of City Planning (DCP) of these areas for future actions appropriate for the neighborhood, including their incorporation into the SWCD.

As part of the 2012 Chelsea Market rezoning, which mapped the Chelsea Market block as Subarea J of the SWCD, DCP committed to studying the expansion of the SWCD. Over the course of two years CB4's CLU committee held several public meetings and developed recommendations for presentation to DCP. In June 2013 DCP released its report, "study for the potential expansion of the Special West Chelsea District." While declining to take action on the other areas proposed by the Board for inclusion in the SWCD, the study recommended the incorporation of the south side of 15th Street between Ninth and Tenth Avenues into the M1-5 district of the SWCD.

Requested Actions

- **Proposed Zoning Map Amendment**

Include block 712, bounded by West 14th and West 15th Streets, and Ninth and Tenth Avenues, excluding the segment of the block beyond 325 east of Tenth Avenue and south of the block centerline - the Project Area - in the M1-5 district of the SWCD.

- **Proposed Zoning Text Amendments**

- Amend ZR 98 Appendices A and B to expand the SWCD map to include the Project Area in the SWCD M1-5 district.
- Amend ZR 98-423 to strengthen street wall requirements for corner lots with narrow street frontages.
- Amend ZR 98-41 to clarify that where rear yard equivalents are required they shall be provided at the mid-block.
- Amend ZR 14-44 to allow unenclosed sidewalk cafes on wide streets in the SWCD.

CB4 Recommendations

- **Proposed Zoning Map and Zoning Text Amendments Related to Block 712**

CB4 welcomes the proposed inclusion of the south side of 15th Street between Ninth and Tenth Avenues, and across from Chelsea Market, in the M1-5 district of the SWCD and recommends approval of these actions.

The incorporation of the block into the SWCD does not change existing permitted density but does change permitted building form. Currently, maximum building heights are subject only to sky exposure plane limitations, which can produce buildings in excess of 250 feet tall. Under the new zoning, buildings will be restricted to minimum and maximum base heights of 50 and 95

feet, respectively, and a maximum height of 135 feet. This will preclude the transfer of development rights from adjacent properties for the purpose of building taller than 135 feet. CB4 agrees with DCP that the inclusion of the Project Area in the SWCD M1-5 district provides an appropriate transition from the three to six story buildings in the Gansevoort Market Historic District to the south to the buildings with varied heights to the north.

We have received requests from developers of proposed new and altered buildings taller than would be permitted by the current application to consider changes that would allow them to proceed with their projects. Their arguments include references to larger nearby buildings such as 111 Eighth Avenue and the future Tenth Avenue frontage of Chelsea Market, as well as to 412-414 West 15th Street where a 250+ foot hotel is under construction. We believe that the building form established by the SWCD M1-5 district is appropriate for this block and reject the argument that the out-of-scale midblock hotel under construction should establish the new context for the block. We only regret that this action comes too late to prevent that particular building.

The inclusion also does not change existing permitted uses. The Board recommended that hotels be excluded from the West 15th Street block, either by changing zoning to M2-3 or by text amendment, but DCP declined, saying that they believed that the bulk restrictions in the SWCD M1-5 district and the strong demand for office space would be sufficient to discourage hotel uses. As we have written elsewhere, the Board supports the general proposal to require a special permit for a hotel.

- **Proposed Zoning Text Amendments to ZR 98-423 and ZR 98-41**

The proposed amendments to ZR 98-423 and to ZR 98-41 address ambiguities in the SWCD text related to requirements for street walls for corner lots and for rear yard equivalents. The Board recommends their approval.

- **Proposed Zoning Text Amendment to ZR 14-44**

ZR 14-44 governs sidewalk cafes in special zoning districts. Currently, unenclosed sidewalk cafes are not permitted in the SWCD. After receiving requests from restaurant owners and holding public meetings on the issue, the Board recommended to DCP that the text be amended to permit unenclosed sidewalk cafes on wide streets in the SWCD. However, based on further review of sidewalk widths, traffic and the nearby mid-street seating area, we now believe that sidewalk cafes should not be permitted on the west side of Ninth Avenue between West 14th and West 16th Streets.

The board recommends approval of the amendment to ZR 14-44 on the condition that it be modified to exclude unenclosed sidewalk cafes on Ninth Avenue in the SWCD.

CB4 wishes to thank the members of the Department of City Planning who worked with us on the expansion of the Special West Chelsea District to include Block 712. We look forward to ongoing discussions on our other recommended areas and hope that their rezoning and inclusion

can be completed in advance of development inconsistent with the purposes of the special district.



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee