

June 6, 2003

Amanda M. Burden
Director

Vishan Chakrabarti
Director, Manhattan Planning Office

Department of City Planning
22 Reade Street
New York, NY 10007

Re: DCP's Proposed Rezoning of West Chelsea

Dear Directors Burden and Chakrabarti:

Manhattan Community Board No. 4 thanks the Manhattan Office of City Planning for their presentation of the West Chelsea Rezoning Proposals and for their courtesy and frankness in informal discussions of the proposals.

The Board shares the Department's goals for West Chelsea in this rezoning: an open corridor and appropriate environment for a High Line park; opportunities for new residential development; and the protection of the core of the art gallery district that has grown up in West Chelsea. It agrees in concept with the transfer of development rights from the High Line corridor to the avenues and to areas in the north and south, but believes that its local knowledge and long familiarity with the area enable it to propose modifications to the provisions that will make them more appropriate and effective. In particular, it believes that the objectives of the Chelsea 197-a Plan should be given significant weight in planning for the area.

West Chelsea is a varied, complex area that will require careful thought and work. Finally, certain environmental aspects of the current proposals will require special review. The Board is particularly concerned with the nature of the area to be rezoned as former industrial landfill and with the resulting problems of excavation and sewer overflow. It intends to respond to these issues in connection with the scoping hearing.

General Goals

- Establish a West Chelsea Special District to fulfill specific needs and provide design controls.
- Control building heights to reflect the historical connection between the residential areas to the east and the waterfront and its old industrial area to the west.
- Develop additional receiving sites for bulk transferred from the High Line in order to preserve the scale of historic Chelsea.
- Include zoning regulations to protect and control the alteration or demolition of existing residential buildings, to minimize displacement of residents and preserve the existing urban fabric. Include zoning regulations to assist in relocation of businesses displaced by the zoning action.
- Develop a partnership with government agencies to devise and implement strategies to ensure that new development includes a significant proportion of housing for individuals and families at low-, moderate- and middle-income. In addition, commit to develop a substantial amount of additional affordable housing on targeted publicly owned sites, with stated timelines, in conjunction with this rezoning proposal.
- Preserve as much light and air as possible around the proposed High Line linear park.
- Establish a Chelsea Waterfront Historic District to preserve distinguished buildings and industrial streetscapes.

General Recommendations

West Chelsea Special District

Establish a Special Zoning District to fulfill specific community needs and provide design controls. The boundaries of the Special District should be 28th Street between 12th and 11th avenues and 30th Street between 11th and Tenth avenues on the north, 12th Avenue between 22nd and 28th streets and 11th Avenue between 17th and 22nd streets on the west, 17th Street on the south, Tenth Avenue on the east, and should include the two half blocks between 16th and 18th streets from Tenth Avenue to approximately 400' east of Tenth Avenue.

The following special regulations should apply throughout the West Chelsea Special District to maintain and support the appropriate character and uses:

- A maximum commercial use of 2 FAR allowing C6 use groups in all zoning districts allowing residential uses except as specifically provided.

- Retail uses of all types should be limited to 10,000 square feet in the midblocks and on Tenth Avenue, and to 20,000 square feet elsewhere in the district. Art gallery use should be exempt from this provision.
- Museums should be allowed as of right.
- Liquor-licensed premises with an occupancy of more than 199 persons may be allowed only by grant of a special permit renewable every two years and subject to findings including a location no closer than 200 feet to Residential Use and no closer than 500 feet to another licensed premises of the same or greater size.

Building Heights

West Chelsea has strikingly different building scales, ranging from loft buildings and major structures such as the Starrett Lehigh Building north of 24th Street to a mixture of buildings descending irregularly southward to the large vacant lot now used for parking by the DEA. In this it roughly reflects a similar pattern in the community to the east, where large buildings dominate in the north and lower ones prevail south of 23rd Street. The Board believes that new development in West Chelsea should reflect this existing pattern.

The Board generally supports the proposed heights and bulk, but believes that the development rights to be transferred from the High Line corridor should be redistributed in a way that will maintain the character and visual unity of the community, with height concentrated in the northern and southern areas adjacent to current and proposed large scale buildings. In the north buildings should reflect the existing loft buildings and form a transition to future large-scale development on the railyards, while south of 18th Street the height and building forms should reflect the tower form with low streetwall buildings of the Fulton Houses.

If the High Line is not developed as planned the zoning should be restudied.

A particular concern of the Board and the community is the height proposed for the buildings on the west side of Tenth Avenue near the Chelsea Historic District. The Chelsea Historic District is the heart of the traditional residential community and one of the architectural treasures of the city. Among the principal motives spurring the creation of the officially adopted Chelsea 197-a Plan were preserving the character and ambiance of the Historic District and maintaining its place in the larger urban form of Chelsea that rises gradually upward from Tenth Avenue, the low-rise avenue at the original river shoreline forming the western boundary of the Historic District, toward the central Manhattan spine. (The applicability of the Chelsea Plan is discussed further in Appendix A.)

Similarly, the new buildings proposed along Eleventh Avenue need to look over the Chelsea Piers, but towers that might rise to the heights of the large buildings to the north - significantly higher than the 140-foot limit on Eleventh Avenue at 23rd Street - are incompatible with the scale directly to the east. Lower buildings on Tenth and Eleventh

avenues would preserve the historic connection between the residential areas to the east and the waterfront and its old industrial area to the west and avoid creating a visual and psychological barrier.

Expand Bulk Transfer Areas

The Board recognizes that some of its proposals reduce the effective receiving area for development rights to be transferred. However, the significant increases in receiving area that we have proposed would compensate for any lost receiving sites.

The Board proposes the expansion of the residential receiving area to include the midblock triangle north of 18th Street. Indeed we continue to support the higher FAR of 7.5 in this new area as reflecting the higher bulk often found west of the High Line and making a transition to the future major development to the south. We believe that the north boundary at the 19th/20th Street midline we have proposed for the underbuilt triangle is more appropriate than 20th Street as bringing less indirect displacement pressure on one of the major streets in the art gallery district. We also note that the presence of Bayview Prison at the west end of 20th Street limits the effective amount of receiving sites.

In the north the Board recommends a significant expansion of the receiving area between 27th and 28th Streets. The Board finds such zones appropriate to the areas to further the goals of creating opportunities for residential development and affordable housing in locations consistent with preserving the shape and character of the community as a whole.

We have supported these proposals because we believe they are appropriate to the areas involved as well as furthering our goals of creating opportunities for residential development and affordable housing in locations consistent with preserving the shape and character of the community as a whole.

Protections against Residential and Business Displacement

Include zoning regulations to deter harassment of long-term tenants and retain existing residential buildings. Model these regulations on the Harassment provisions and Prohibition on Demolition of sound residential housing as called for in the Clinton Special Zoning District.

Making possible the transfer of bulk from the High Line corridor to the adjacent locations between the walkway and Tenth Avenue up to an FAR of 7.5 will create strong incentives for harassment and displacement of the existing residents of the more than 200 units the Board has identified in the 4- to 6-story tenements close to the High Line. The Board seeks these protections to mitigate those impacts.

Include provisions to assist in relocation of businesses displaced by the zoning action. Such provisions should strongly favor relocation within the nearby community in order to preserve relationships with customers, suppliers, and work force.

Housing

The Board is committed to the development of housing for individuals and families at all income levels. As a major consideration in this response, the Board supports bulk and density limits in excess of what it considers optimum for West Chelsea because it recognizes some additional bulk is needed in order to produce affordable housing through zoning mechanisms. Indeed, in some instances we support bulk in excess of that proposed by the City in order to help attain this goal.

The Board acknowledges the City's stated goal of converting underutilized manufacturing space and land to residential use in its rezoning of West Chelsea, but the Board insists the City adopt a parallel and linked goal of providing housing affordable to individuals and families in all income levels, especially to those in the low-, moderate- and middle-income ranges. The DCP rezoning proposal must be amended to contain specific mechanisms to accomplish this goal.

The Board believes many projects may be financed with tax exempt bonds resulting in 80-20 developments, and the City's proposal also will provide a modest amount of housing for low-income families through Inclusionary Housing bonuses, but more needs to be done. The up-zoning of West Chelsea will lead to significant increases in property values in the district and to heightened real estate tax collections by the City. The Board believes that every effort should be made to use some of these funds to encourage affordable housing in our area through such means as tax exemption, help in acquiring suitable property, low-cost funding, and inclusionary zoning at lower FAR.

The Board also believes a commitment must be made to develop additional affordable housing on publicly owned sites in conjunction with this rezoning proposal. The Board has tentatively identified four possible sites: i) 30th Street between Dyer and Ninth Avenue, owned by the Port Authority; ii) development rights above the Morgan Annex, 9th Avenue between 28th and 29th streets, owned by the Federal Government; and iii) two NYCHA-owned parking lots, one at the Elliott Chelsea Houses at Ninth Avenue and 25th Street and one at the Fulton Houses on the north side of 18th Street. The Board will propose specific sites and believes that these and other possible sites must be investigated for their potential role in helping the Board meet its housing goals.

Finally, the Board intends to participate in the search for new solutions to the affordable housing problem and will seek to develop partnerships with government agencies to devise and implement appropriate strategies. In order to ensure economic integration, the Board requests that the location of affordable units be required to be distributed throughout that portion of the Board 4 boundary below 30th Street. The Board believes that the overall potential for creation of new residential units in West Chelsea should be identified, that goals should be set for the number of units to be affordable to low-, moderate- and middle-income people, and that specific timelines for achieving the Board's housing goals should be established.

The High Line

The High Line Corridor should be maintained and developed to preserve and create the light, air and views that would contribute to its success as an urban park.

New development on the east side of the High Line should provide for 40-foot deep rear yards measured from the High Line. These yards should be no higher than the level of the High Line and should not contain structures. The walls fronting the High Line should be treated as front façades and allowed the dormer options of contextual zoning. New development on the west side of the High Line should preserve as much light and air as possible.

Commercial uses should be allowed in the space under the High Line. No bonus or transfer rights should be allowed for space under the High Line.

In buildings to the east of the High Line commercial uses should be allowed on the first two floors and up as far as the floor facing the High Line in the rear of the buildings. Such commercial uses may exceed the allowance of 2 FAR that should govern elsewhere in the Special District.

Chelsea Waterfront Historic District

The Board proposes to establish a Chelsea Waterfront Historic District to preserve historic resources and significant buildings. The district would include the major warehouses formerly connected to the float bridges to the west of Twelfth Avenue north of 24th Street and extend eastward to protect distinguished buildings and the 19th Century industrial streetscapes between Eleventh and Tenth Avenues. Most of the area to be proposed is not planned for rezoning. In accordance with similar objectives expressed by the Department in connection with the Hudson Yards proposals, the Board is committed to preserving the striking historic resources of this old industrial neighborhood. Effective evaluation of these resources should be required in the scoping document.

Specific Recommendations by Area

Area A - 16th to 18th Streets, 10th Avenue to Approximately 400 feet East of 10th Avenue

- Map a residential zone at base FAR 5, maximum FAR 7.5, with a height limit of 220 feet. Require a 70 foot maximum street wall to match the Fulton Houses. Set backs of 20 feet should be required from the streets and from Tenth Avenue.
- Maintain buffer adjacent to the High Line on the southern block following the same zoning requirements as the rest of the properties adjacent to the High Line.

These provisions are designed to tie the buildings into the neighborhood character in height and setback as defined by the Fulton Houses, and to provide additional receiving sites for bulk transferred from the High Line.

Area B - 17th to 18th Street, 10th to 11th Avenues

- Require maximum streetwall of 70 feet to reflect the block to the east, and limit the building height 280 feet.
- Widen and landscape the sidewalk on 17th Street to enhance the green view corridor to the river. Maintain a streetwall along 18th Street with streetwall not higher than 70 feet along 11th Avenue.
- Establish design controls on the Tenth Avenue frontage to create a major access point to the High Line and afford views east and north, and to encourage retail and similar uses along the avenue. The rest of the lot shall be considered a buildable residential site.

Area C - 18th Street to the midline of 19th/20th Streets in midblocks west of High Line, 100 feet west of 10th Avenue to 150 feet east of 11th Avenue

- Map a residential zone at base FAR 5, maximum FAR 7.5, with a height limit of 140 feet and a full height street wall.

This change in use reflects the opportunity for residential development in a seriously underbuilt area. The north boundary is set at the midblock so as not to increase pressures from residential uses on 20th Street, a major gallery street. The increase in bulk, acceptable west of the High Line, is designed to provide additional receiving sites for bulk transferred from the High Line.

Area D1 - Tenth Avenue west to the High Line, 18th Street to midline of 19th/20th streets

- Map a residential zone at base FAR 5, maximum FAR 6, with a height limit of 120 feet and a full height street wall.
- Buildings may have a setback between 60 and 70 feet to break up the streetwall.

These bulk and height limits correspond to those on the east side of Tenth Avenue, zoned R8A with 6.02 FAR, set by the Chelsea Plan to preserve the environment of the Chelsea Historic District.

Area D2 - Tenth Avenue west to the High Line, midline of 19th/20th Streets to midline of 22nd/23rd Streets

- Map a residential zone at FAR 5 with a height limit of 80 feet and a full height street wall.

These bulk and height limits reflect those on the east side of Tenth Avenue, zoned R7B with 3 FAR and 75-foot height limit in accordance with the Chelsea Plan to protect the character and scale of the Chelsea Historic District.

Area D3 - Tenth Avenue west to the High Line, 24th to 29th Streets

- Map a residential zone with a base FAR 5, with transfers to a maximum FAR 7.5, and a height limit of 140 feet.
- Require a setback between 60 and 70 feet to reflect the height of the existing residential buildings on the west side of the avenue.
- Require full blockfront buildings to leave perhaps 20% of their frontage unbuilt, or built to no more than one story above the High Line in order to provide light and air and eastward views.

Area F1 - 11th Avenue Corridor, 18th to 22nd Streets, to 150 feet east of 11th Avenue

- Map a residential zone at base FAR 5, with transfers to a maximum FAR 7.5, with a height limit of 160 feet. Require a maximum street wall of 60 to 90 feet with a minimum setback of 20 feet from the side streets and ten feet from 11th Avenue.

These provisions are designed to promote a sense of openness on the side streets and to minimize the feeling of a wall along 11th Avenue.

Area F2 - 11th Avenue, 24th to 29th Streets, to 100 east of 11th Avenue

- Map a residential zone at base FAR 5, maximum FAR 7.5, with a height limit of 140 feet and a full height street wall to reflect the warehouse environment.

Area F3 - 24th to 28th streets, 11th to 12th avenues

- Retain the current M1-5 zoning to protect existing uses.

Area G - midblocks west of the Highline from midline 19th/20th streets to midline 22nd/23rd Streets, and 24th Street to 27th Street

- Retain the M1-5 zoning.
- Limit building heights to 90 feet and require full height street walls.

These proposed regulations are designed to protect existing uses and neighborhood character and to support the arts district by reducing pressure from inappropriate development.

Area H1 - 27th to 29th Streets, 100 feet west of 10th Avenue to 100 feet east of 11th Avenue

- Map a residential zone at base FAR 5, with transfers to a maximum FAR 7.5, with a height limit of 140 feet and full height street walls.

This creates a transitional area between the low art gallery/light industrial area to the south and the higher residential buildings planned to the north.

Area H2 - 29th to 30th Streets, Tenth to 11th Avenues

- Map a residential zone at base FAR 7.5, with transfers to a maximum FAR 10, allowing a bonus of FAR 2 in addition for Inclusionary Housing.

The Board also would support a subsequent proposal by DCP that maps a residential zone at FAR 5, maximum FAR 7.5, between 29th and 30th streets surrounded by a residential zone at FAR 7.5, maximum FAR 10, on 30th Street and on Tenth and 11th avenues, with provisions for a bonus of FAR 2 in addition for Inclusionary Housing.

We look forward to continuing to work with you to create and implement a plan that ensures that West Chelsea continues to be a special area for the City.

Sincerely,



Simone Sindin

Chair

Manhattan Community Board No. 4



Lee Compton

Co-Chair

Chelsea Preservation & Planning
Committee

Edward S. Kirkland

Co-Chair

Chelsea Preservation & Planning
Committee

Encl.

On June 4, 2003, Manhattan Community Board No. 4 voted to approve this letter.

cc: Hon. Michael Bloomberg, Mayor
Hon. C. Virginia Fields, Manhattan Borough President
Local Elected Officials
Jeff Mulligan, DCP

Appendix A - Response to DCP's Proposed Rezoning of West Chelsea

The applicability of the Chelsea 197-a Plan

The Chelsea 197-a Plan was the first to be submitted by a Community Board, in 1987, and the second to be adopted, in 1996. Its purpose was declared on page 2 of the submitted text "to establish a framework on which development, particularly of economically integrated housing, can take place without destroying the integrity and character of the community and what is valuable within it." Much of the area west of Tenth Avenue and south of 23rd Street covered by the current proposals for rezoning West Chelsea was included in the adopted Plan as Subareas 22n and 22s, and thus planning for at least this portion of the study area should be consistent with the guidelines of the adopted Plan.

The goals of the Chelsea Plan are listed on page 2 of the 1996 City Planning Report on the Plan: "to provide for orderly growth and change; to provide opportunities for new economically integrated housing; to preserve the existing low-income housing stock; to prevent significant displacement of residents and businesses; to preserve ethnic and economic diversity; to protect residential areas from commercial intrusion; to preserve the character and visual unity of Chelsea; to preserve the traditional urban form and scale of the community; and to preserve the [Chelsea] Historic District and other areas of historic character." The City Planning Report commended these goals while replacing the detailed zoning set out in the original Plan by a "Neighborhood Planning Framework," a generalized version of the zoning proposed by the Board that was explicitly modified by the Commission "in ways that would ensure appropriate opportunities for new housing...." The Commission further stated its "broad agreement" with such means for attaining most of these goals as "mapping contextual and residential zoning districts...and complementing the built character of the Chelsea Historic District."

The Chelsea Historic District and Tenth Avenue

The Chelsea Historic District is the heart of the traditional community and one of the architectural treasures of the city. It contains some of the city's finest Greek Revival row houses as well as very early examples both of Gothic Revival and Collegiate Gothic surrounding the green open space of the General Theological Seminary. The District's location just east of the original shoreline at Tenth Avenue means that it shares the lowest scale in Chelsea. From it the urban form of the residential community rises gradually eastward. On the landfill west of the low-rise avenue a mixture of structures varying considerably in height and type has historically prevailed.

The Chelsea Plan was designed to protect this traditional community form in which avenues with their noisy traffic were typically built up at heights no higher than the quieter midblocks and often even lower. In the rezoning in 1999 that implemented the guidelines contained in the Neighborhood Planning Framework, the east side of Tenth Avenue and both sides of Ninth Avenue and Eighth Avenue together with the intervening midblocks were remapped south of 23rd Street with contextual zoning at low scales gradually increasing eastward. The area farther east including and surrounding

the Chelsea Historic District on the east side of Tenth Avenue was mapped R7B with a maximum height of 75 feet. The west end of the blocks between 18th Street and the Historic District were mapped R8A with a maximum height of 120 feet to reflect recent construction after the original Plan had been drawn up.

In accordance with the Framework and the urban form of the community contextual zoning at a higher bulk was mapped to provide housing opportunities along avenues and on some midblocks in eastern Chelsea and at several points along 23rd Street. Much of Subarea 22n along 23rd Street was mapped at a substantial increase in bulk, reflecting the higher buildings along that major crosstown thoroughfare, while Subarea 22s, extending somewhat indefinitely southward from 22nd Street, was to be studied “to determine whether new residential uses would be appropriate as part of the overall Neighborhood Planning Framework”

Consistency of the West Chelsea proposals with the 197-a Plan

The Board believes that its proposals for the west side of Tenth Avenue between 18th Street and the midline of 22nd and 23rd Streets--a portion of Subarea 22--which call for heights closely reflecting those immediately to the east across the avenue, are appropriate and fulfill the guidelines of the approved Chelsea Plan. The expanded receiving areas we have proposed to receive the bulk that is to be transferred from the High Line in addition to the locations proposed by the Department comply with the mandate to provide for the “new residential uses” to be studied in Subarea 22s. The landfilled area west of the High Line has historically shown a mixture of height, bulk, and uses, so that proposals there for bulk higher than facing the avenue to the east do not infringe on the historic pattern in the area of avenues with similar bulk on both frontages and equal or lower in height than the midblocks on either side

The buildings at an FAR of 7.5 and rising to a height of perhaps 150 feet that were shown in this area in the course of the presentation to the community by the Planning Department would establish an unsympathetic environment overshadowing the low-rise Historic District and the small residential district just to the south. Such buildings are inconsistent with the approved guidelines of “complementing the built character of the Chelsea Historic District” and would be in conflict with many of the approved goals of the Plan. They would break the character and visual unity of Chelsea by establishing a high barrier on the west side of the avenue, reinforced by the retained High Line bridges, between the residential area to the east and the waterfront that sustained Chelsea until the demise of shipping and the piers. They would intrude on the historic built form and scale of Chelsea, creating one of the highest allowable bulks in Chelsea directly across an avenue from one of the lowest heights in the community. They would create strong incentives to displacement in the low residential strip on the west side of the avenue.

The Chelsea Plan was explicitly designed to prevent such effects through mapping appropriate contextual zoning reflecting the existing scale. The proposals for buildings that would create them are inconsistent with the goals and guidelines established by the

A. Burden and V. Chakrabarti

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Appendix B: CB4 proposed Rezoning West Chelsea

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Chelsea Plan and accepted by the Commission, as well as with the actual zoning mapped just to the east in and around the Historic District in the implementation of the Plan.

CB4 Proposed Rezoning West Chelsea



- Manhattan Tax Lots
- Receiving Sites (5.0 FAR base; 7.5 FAR Max)
- Upzoned Block (7.5 FAR)
- Residential Sites 5.0 FAR
- Receiving Sites (5.0 FAR Base; 6.0 FAR Max)
- 5.0 FAR Transfer Zone
- Existing M1-5
- Receiving Sites (7.5 FAR Base; 10 FAR Max)
- West Chelsea Special District