



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.ManhattanCB4.org

J. LEE COMPTON
Chair

ANTHONY M. BORELLI
District Manager

December 29, 2005

Hon. Amanda M. Burden
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: ULURP No. N060199 ZRM
Special West Chelsea District follow-up text amendments

Dear Chair Burden:

Manhattan Community Board No. 4, on a recommendation of its Chelsea Preservation Committee made after a presentation of this application by the Manhattan Office of the Department of City Planning, adopted the following resolution by a vote of 37 in favor, none opposed, none abstaining, and none present but not eligible to vote.

Background

The Board thanks the Department for its work on the proposed text amendments. They include implementation of a portion of the follow-up changes in the Zoning Resolution that were agreed to when the West Chelsea-High Line Rezoning was approved by the City Council in June 2005. The application also includes additional text changes, mostly minor, proposed by the Department. We note that that a further text change is still required, discussed below under the Department's caption of "Affordable Housing," and we look forward to working with the Department and the Department of Housing Preservation and Development to implement this further text change without delay,

The ten changes proposed are of varying nature and significance. The items on which the Board is commenting significantly are discussed immediately below; the six items which the Board is supporting without discussion are then listed in the order in which they are appear in the zoning text.

Affordable housing

Addition of harassment [and demolition] provisions for West Chelsea (Section 98-70). Contrary to the implication in the caption, this proposed change extends only the anti-harassment provisions developed for the Special Hudson Yards District to the Special West Chelsea District. Nonetheless, this is the element of the application of greatest importance to this community. We are pleased to support the proposed change subject to the following:

- The proposed modification of Section 93-90(d)(3) must be specifically limited to apply only in the Special West Chelsea District; insert "for purposes of this Section" before "Section 93-90(d)(3)".

- The modification of Section 93-90(d)(3)(a) includes an inappropriate change in the Hudson Yards provision. The modification should read: “(a) increase the #floor area ratio# pursuant to the provisions of Section 23-90, as modified by the provisions of the #Special West Chelsea District#.”

To complete the follow-up text amendments for the Special Hudson Yards District, the Department and the Department of Housing Preservation and Development have drafted and will soon propose a new Section 93-91 concerning demolition of multiple dwellings. That new provision should also be made applicable in the Special West Chelsea District, and a further text amendment will be required to amend Section 98-70 accordingly. We urge the Department to submit the ULURP application for the proposed new Section 93-91 without delay, and to include in that application the necessary modification of proposed Section 98-70.

Street wall requirements

Street wall modifications and minimum base height (Section 98-423 (a) and Section 98-423 (b) (1)). The Board welcomes the return of the Department’s attention to the issue of streetwalls on narrow streets, but cannot support these two changes as proposed. We have frequently expressed our concerns in meetings with representatives of the Department that the provisions for providing continuous streetwalls in the Special West Chelsea District did not provide a proper balance between the desirability of maintaining traditional context on narrow streets between Eleventh Avenue and the point where the special regulations for the High Line corridor apply, and the quite different requirements for new buildings on Eleventh Avenue. We recognize that sites on the avenue itself have differing requirements depending on their location: north of 24th Street, where the established context of traditional buildings is to be reinforced, as reflected in the more general Section 98-423 (a); or between 19th and 24th Streets in Subarea D, where the traditional context to the west disappears and greater flexibility of design is considered desirable, as reflected in the locally specific Section 98-423 (b). (On the short blocks south of 19th Street large new developments will create their own contexts).

As a general principle the Board believes that a minimum streetwall of at least 25 feet and preferably higher should be required along the street line of narrow streets starting no more than 50 feet east of Eleventh Avenue and extending eastward through the midblocks up to the point where the special regulations of the High Line corridor apply. Regulations requiring higher streetwalls in particular locations should be maintained. Requiring only a minimum 15-foot street wall between the new high buildings along Eleventh Avenue and the relatively higher minimum streetwalls effectively required in most midblocks immediately to the east would threaten traditional context throughout these blocks, in many cases produce excessive contrasts in height, and in some places effectively create “taxpayers.” The two text changes proposed should be modified to require effective streetwalls in such locations, and if necessary, further amendments proposed. In the area to the north of 24th Street special care should be taken to reflect and preserve the historic context that is important here.

Changes related to the High Line

Designation of official for High Line maintenance and inspection determination (Section 98-11). The Board has no objection to the change that will designate the Commissioner of Parks as the official responsible for determining that work under building plans within 25 feet of the High Line would not interfere with continuing inspection and maintenance of the High Line. In the text change as shown, however, the phrase “for this purpose” dangles confusingly in the proposed text and should be deleted.

Other text changes

The Board supports without discussion the six other text changes proposed, which are true minor modifications and clarifications to the adopted text that have varying connections to provisions related to the High Line:

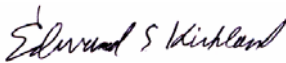
- *Parking regulations in Subarea H (Section 98-18 (b)).* Enables tree planting in major access plaza at 18th Street by ensuring parking garage roof allows room.
- *Column header (Section 98-22 table).* Corrects a minor error.
- *Authorization to modify certain bulk regulations for certain High Line lots (Section 98-424).* Gives more flexibility in difficult situations where the High Line crosses lots.
- *Threshold High Line frontage length (Section 98-51 (b)).* We welcome this improvement in the delicate area between the High Line and Tenth Avenue, which is of particular interest to the Board.
- *High Line access easement exemption addition (Section 98-61 (f)).* Promotes visible public access on 23rd Street by exempting properties located under the High Line and fronting on 23rd Street from standard access requirements.
- *Boundaries of High Line Improvement Area within Subarea I (Appendix C, Diagram 5).* Extends the boundary southwards across 16th Street.

In short, Community Board 4 gives general support to all the proposed text changes of the Special West Chelsea District zoning text except the two proposed to Section 98-423, where we urge revision of the text to require continuous streetwalls at a greater minimum height on narrow streets east of Eleventh Avenue. The approvals of Sections 98-70 and 98-11 are conditioned on corrections and further changes. We welcome especially the first steps taken to provide strong provisions against harassment and to deal with related issues. We look forward to prompt completion of the FUCA's for this elaborate rezoning.

Sincerely,



J. Lee Compton
Chair
Manhattan Community Board No. 4



Edward S. Kirkland
Co-Chair
Chelsea Preservation & Planning Committee



Walter Mankoff
Co-Chair
Chelsea Preservation & Planning Committee

cc: Mayor's Office
Manhattan Borough President's Office
Local elected officials
Erik Botsford, DCP