



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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J. LEE COMPTON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

October 5, 2006

Amanda Burden, Chair
City Planning Commission
22 Reade Street, Room 2E
New York, NY 10007

Re: ULURP No. N060103 ZRY : West 61st Street Rezoning Project – Citywide General Large Scale Development and Text Amendment allowing waiver of open space and height factor requirements in certain large scale developments.

Dear Chair Burden:

At the recommendation of its Clinton/Hell's Kitchen Land Use Committee, Manhattan Community Board No. 4, voted to recommend that the proposed text amendment to Section 74-743 that would allow by special permit, in General Large Scale Developments located partially in C6-1, C6-2, or C6-3 districts, the maximum floor area ratio permitted pursuant to Section 23-142 of the Zoning Resolution without regard for height factor and open space development, apply only to the specific project site on West 61st Street in Community District 7 or that at a minimum special districts be excluded. The vote was unanimous.

Since the proposed project site is not in our district, we make no comment on the specifics of the development proposal, including the waiver of "height factor" and "open space ratio" requirements for this specific site. What we question is the need to expand the waiver into future sites, especially special districts.

We understand the proposed text amendment would only apply to general large-scale developments, which requires the availability of a 1.5 acre site. We understand the proposed text amendment may not work in all special zoning districts (since it will depend on the regulations of each district). We understand that a special permit is needed and thus there will always be community review. We understand that in certain circumstances, the present site for example, the result could be "superior residential spaces for building residents".

All these points are compelling but in the end unpersuasive. We worry about the long term unforeseen effects of such a change in the text. The Draft Environmental Impact Statement (DEIS) states correctly that: "[i]t is not possible to predict where or how often the provisions of the text would be used on other sites in the future since the waivers provided by the text are site-specific and would depend on specific development plans not known at this time". We cannot recommend approval of a text change where so much uncertainty exists, especially when the Draft EIS states that "[t]he proposed text

amendment . . . could result in differences in its effect on urban design, visual resources, and historic resources”.

The DEIS also notes:

“The proposed text amendment may or may not be applicable in all special zoning districts, depending upon regulations of each special district, and the availability of 1.5 acre sites. Special zoning districts are districts that have special regulations that either supplement or supersede the underlying district regulations. Special zoning districts are intended to achieve specific planning and urban design objectives in defined areas with unique characteristics.” DEIS p. 22-4.

A very large proportion of CD4 is in a special district – the Special Clinton District, the Special Hudson Yards District or the Special West Chelsea District. The Special Clinton District regulations supersede the open space requirements of the underlying district regulations, but only for sites within the Preservation Area. ZR Sec. 96-102. We find nothing in the regulations for the Special Hudson Yards District or the Special West Chelsea District that would make the proposed text amendment inapplicable in those areas. We worry that the proposed amendment will undermine the careful planning that underlies our special districts. The proposed amendment is sought to facilitate an individual development project. Just as variances must be “the minimum necessary to afford relief,” (ZR Sec. 72-21) this amendment, if implemented, should be narrowly limited in its applicability.

We would also note that Community Board 7’s Land Use Committee has reviewed the proposed text amendment and will be recommending that its Board take the position that the amendment should only apply to Community Board 7.

Thus, we recommend that such waivers to “height factor” and “open space ratio” only apply to the specific project site on West 61st Street in Community Board 7 or at least not apply to special districts.

Sincerely,



J. Lee Compton
Chair
Community Board 4



Anna Hayes Levin
Co-Chair
Clinton/Hell’s Kitchen Land Use



Simone Sindin
Co-Chair
Clinton/Hell’s Kitchen Land Use

cc: Calender Information Office
Jeremia Candreva, Kramer Levin Naftalis & Frankel LLP
Other affected CBs – Manhattan 2, 3, 4, 5, 6, 8, 12; Brooklyn 2, Queens 12