



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JEAN-DANIEL NOLAND
Chair

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

January 8, 2009

Mr. Gary Spindler
Park It Management
250 West 26th St. – 4th Floor
New York, NY 10001

RE: 510-512 West 23rd Street

Dear Mr. Spindler:

On the recommendation of its Chelsea Preservation and Planning Committee, Manhattan Community Board No. 4 voted at its January 7, 2009 meeting to encourage you to apply to the Department of City Planning for a text amendment affecting your property, subject to the conditions listed below. The board will review any proposed text amendment that results from your application in the normal course of the review process and will determine at that time whether or not to recommend approval of the amendment.

510-512 West 23rd Street is located within the Special West Chelsea District (SWCD) created by Article IX Chapter 8 of the Zoning Resolution. The SWCD was created in part to facilitate the conversion of the High Line elevated railroad into a public park through the transfer of development rights from properties underneath the High Line.

ZR 98-33(b) governs the floor area transferrable from a granting site in the High Line Transfer Corridor. You propose to change #commercial use# to #conforming use# in the first paragraph of this section:

The maximum amount of #floor area# transferred from a granting site located outside of a subarea shall not exceed the maximum #floor area ratio# permitted for a **#commercial use#** [**#conforming use#**] on such granting site, less any existing #floor area# to remain on such granting site.

510-512 West 23rd Street is zoned C6-3A and is not located in a SWCD subarea. In a C6-3A district the maximum commercial FAR is 6.0 while the maximum residential FAR is 7.52. The effect of the proposed change would be to permit you to transfer an additional 1.52 FAR, the difference between the maximum residential FAR and the maximum commercial FAR.

The Department of City Planning has indicated to the board that their intent with the existing text was to prevent the transfer of FAR from community facilities, not to prevent a property owner from being able to transfer the greater residential FAR from property with commercial zoning. DCP has indicated that while they are not prepared to initiate the process for a text amendment they would be receptive to one from an owner seeking to correct this oversight.

CB4 supports your intention to apply for a text amendment subject to three conditions:

- i) that DCP certify that the change conforms to DCP's original intent;
- ii) that DCP certify that the change would apply to the two properties in the High Line Transfer Corridor on the north and south sides of 23rd Street and to no other properties in the SWCD, as the board believes from its own analysis; and
- iii) that DCP draft appropriate language limiting the amount of transferred floor area to the maximum floor area for an as-of-right permitted use at the time the SWCD was created. The board notes that "conforming use," as you propose, is not defined in the Zoning Resolution.

Sincerely,



Jean-Daniel Noland, Chair
Manhattan Community Board 4



J. Lee Compton, Chair
Chelsea Preservation and Planning

Cc: Michael Kramer, for applicant
Owner across 23rd Street