

1 **Chelsea Preservation and Planning**

Item #: 1

2
3 June 6, 2012

4
5 Amanda M. Burden, Chair
6 City Planning Commission
7 22 Reade Street
8 New York, NY 10007
9

10 **Re: ULURP Applications Nos. N 120142 ZRM and C 120143 ZMM**
11 **75 Ninth Avenue**
12 **Chelsea Market Expansion**
13

14 Dear Chair Burden:

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16 On April 16, 2012 and May 31, 2012, Manhattan Community Board 4's ("CB4") Chelsea
17 Preservation and Planning Committee ("CP&P") reviewed Uniform Land Use Review
18 Procedure ("ULURP") application numbers N120142ZRM and 120143ZMM for zoning map
19 and text amendments relating to the proposed expansion of Chelsea Market (the
20 "Applications"). The Applications relate to a proposal by Jamestown Premier Chelsea Market,
21 LP, owner of Chelsea Market, (the "Applicant") to construct office and hotel space on top of
22 the existing Chelsea Market building (the "Proposed Project"). On May 2, 2012, a public
23 hearing was held on the Applications.
24

25 At its regularly scheduled Full Board Meeting on June 6, 2012, Manhattan Community Board
26 4, on the recommendation of its Chelsea Preservation and Planning Committee and following
27 a duly noticed public hearing, voted by roll call ___ for, ___ against, ___ abstaining and ___
28 present not eligible:

- 29
- 30 • **If, and only if, the affordable housing mitigation is produced, CB4 recommends**
31 **denial of the Applications unless the further conditions enumerated below are**
32 **met.**
 - 33 • **If the affordable housing mitigation is not produced, then CB4 cannot support**
34 **these Applications and recommends denial.**

35 **Background**

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37 Chelsea Market is located on a full block bounded by West 15th and West 16th Streets and
38 Ninth and Tenth Avenues. It is an amalgamation of 17 or 18 individual buildings, depending
39 on definition, and is located on a single zoning lot comprising the entirety of Manhattan Block
40 713. The lot is zoned M1-5 with a maximum Floor Area Ratio (FAR) of 5.0; the built FAR is
41 slightly greater than currently permitted.
42

43 *Use*

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45 The Chelsea Market building was originally constructed as factories and office space for the
46 National Biscuit Company ("Nabisco"). However, the building struggled financially after

47 Nabisco closed its factories in the mid-1940s and was never again able to attract major
48 industrial or manufacturing users.

49
50 In the 1990s, a plan was conceived to redevelop the ground floor concourse of Chelsea Market
51 as an alternative location for the City's flower district. However, that idea never took hold and
52 the concourse was instead redeveloped as a home for a series of food related businesses such
53 as Manhattan Fruit Exchange and The Lobster Place. The businesses moved into the ground
54 floor of Chelsea Market and were set up with their wholesale operations facing outward to the
55 streets and their retail operations facing inward toward the concourse. The retail food
56 operations proved immensely popular and have gradually overtaken the wholesale uses. Some
57 wholesale users, including Amy's Bread and the Lobster Place, have been so successful in
58 Chelsea Market it has been necessary to relocate their production and wholesale components
59 to larger locations in the outer boroughs. The upper floors of Chelsea Market have been
60 occupied by a variety of businesses, with media, arts and high-tech commercial operations
61 currently predominating.

62
63 *Rezoning*

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65 During the public process that culminated in the June 2005 West Chelsea rezoning, CB4
66 requested that the Chelsea Market block be included in the Special West Chelsea District
67 ("SWCD") that was being created by the rezoning. However, the prior owner of Chelsea
68 Market did not support that request and the Department of City Planning ("DCP") declined to
69 include the Chelsea Market block in the SWCD.

70
71 Over the years, several informal proposals for the enlargement of Chelsea Market have been
72 presented to CB4, including six presentations to CB4's CP&P Committee between 2007 and
73 2012. In addition to the proposed changes to the building itself, the discussions have focused
74 on the impact of the changes on the community and potential community benefits to mitigate
75 the impact of any addition.

76 77 **The Current Proposal--Community Response and Controversy**

78
79 The Proposed Project was presented informally to the Board at the March 2011 CP&P
80 Committee. The first version included a both a hotel and an overwhelming addition to the
81 Tenth Avenue building. The community vigorously reacted in condemning the scale and
82 design of the Tenth Avenue addition and the proposed hotel use.

83
84 In a short time, the Chelsea community organized a broad campaign to oppose the Proposed
85 Project. The Save Chelsea organization mobilized block associations and community
86 stakeholders to attend meetings and forums. Multiple community organizations took written
87 positions against the project. Chelsea Now covered the issue extensively. During the course of
88 the community debate, several themes emerged, including:

- 89
90
- The rate of change in the Chelsea community is overwhelming to its residents;
 - The SWCD has changed the physical feel and look of the community;
- 91

- The production of almost exclusively luxury housing is a threat to the community’s diversity; and
- The High Line is no longer a community park but an international tourist destination.

In essence, too much change has been occurring too fast and at prices too few current residents can afford, all while creating an international tourist destination in the middle of the diverse Chelsea residential community. And upon that came the proposed Chelsea Market expansion—yet more of the same.

Community Benefits—For the Chelsea Community?

While the Proposed Project will increase tax revenue for the City, create construction and permanent jobs and increase the value of Chelsea Market for the Applicant, it will also increase foot and vehicle congestion in Chelsea and create additional shadows on the High Line. Additionally, the Proposed Project will hasten the already quick pace of gentrification in the community and accelerate accompanying changes in socioeconomic conditions, community character, and indirect residential displacement.

Despite the serious impacts of the Proposed Project on the surrounding neighborhood, the only community benefits are accruing to the High Line. It is disconcerting that the Proposed Project is in sharp contrast to the original SWCD plan where, in addition to High Line benefits, affordable housing was provided for through both zoning mechanisms and agreements for development of public land and the preservation of existing housing.

While CB4 is pleased that discussions with the Applicant have led to revisions of the Proposed Project’s uses and design, it is unacceptable that there have been no proposed changes to the community benefits. CB4 is an initial and continued supporter of the High Line. However, the High Line should not and cannot be the sole beneficiary of the Proposed Project. ***The Chelsea community does not begin and end with the High Line.***

The Proposed Project has been divisive in the community, fracturing the long held community consensus on negotiated agreements and settlements with both the private and public sector on proposed projects. CB4 has a long track record of recognizing both the extent and limits of its effect during its Charter-mandated ULURP review. CB4’s thoughtful and comprehensive positions, resolutions and letters on proposed land use matters have resulted in major changes to past proposals.

CB4 has rarely recommended an outright denial, but instead proposes and negotiates modifications to the matters before the Board. However, in the matter of these Applications, **CB4 must take an unprecedented step in creating a threshold condition for even considering a “denial unless”.** CB4 therefore must state the following at the outset:

- **If, and only if, the affordable housing mitigation is produced, CB4 recommends denial of the Applications unless the further conditions enumerated below are met.**

- **If the affordable housing mitigation is not produced, then CB4 cannot support these Applications and recommends denial.**

Reasons for this position are detailed in Sections III, IV and V of this resolution.

I. Requested Actions

Proposed Zoning Map Change

The proposed zoning map change would rezone Block 713 to include it as a newly created Subarea J in the SWCD, with the maximum permitted FAR increased from 5.0 to 7.5 while retaining the M1-5 zoning (the “Proposed Zoning Map Change”).

Proposed Zoning Text Amendment

In coordination with the Proposed Zoning Map Change, the proposed zoning text amendment would amend certain sections of the SWCD text, including the designating a new Subarea J with height, setback and other building envelope controls. This new Subarea J would also include text specifying required High Line amenities to be provided by the Applicant such as restrooms, a freight elevator and support space and make the block subject to a required contribution to the existing High Line Improvement Fund (the “Proposed Zoning Text Amendment”).

II. Overview of the Proposed Project

On April 9, 2012, the Applications to permit the expansion of Chelsea Market were certified by DCP. The Proposed Project, as originally certified, proposed the construction of approximately 240,000 square feet of office space in a new structure along Tenth Avenue (the “Proposed Tenth Avenue Addition”) and approximately 90,000 square feet of hotel space in a new structure at the corner of Ninth Avenue and West 16th Street (the “Proposed Ninth Avenue Addition”). The Applicant proposed to retain the M1-5 zoning on the Chelsea Market block but to include the entire block within the SWCD. Inclusion of the block in the SWCD requires both a contribution to the High Line Improvement Fund and provision of certain High Line amenities. The Applicant further proposed to increase the potential permitted FAR from 5.0 to 7.5.

Tenth Avenue Office Addition

The Applicant’s Proposed Tenth Avenue Addition is a nine story, approximately 240,000 square foot, office building with a maximum height of 230 feet, as set by Proposed Zoning Text Amendment. The Proposed Tenth Avenue Addition is on the westernmost part of the Chelsea Market block facing Tenth Avenue above the High Line. The design of the proposed addition as originally presented by the Applicant is strikingly modern and distinctly out of character with the surrounding buildings. The Proposed Tenth Avenue Addition is differentiated from the existing building by a one-story separation gap.

183 Ninth Avenue Hotel Addition

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185 The Applicant's Proposed Ninth Avenue Addition includes the addition of an eleven story,
186 approximately 90,000 square foot, hotel at the corner of Ninth Avenue and West 16th Street.
187 The Proposed Ninth Avenue Addition is designed to infill the northeast corner of the Chelsea
188 Market block, over the existing one- and three-story buildings. The Proposed Ninth Avenue
189 Addition would have a maximum height of 160 feet, as set by the Proposed Zoning Text
190 Amendment. The Applicant's design for the Proposed Ninth Avenue Addition is considerably
191 less modern than the Proposed Tenth Avenue Addition and is more in keeping with the
192 industrial look of the surrounding neighborhood.

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194 High Line Improvement Fund and Amenities

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196 By including the Chelsea Market block in the SWCD, the Applicant will be required by
197 zoning to make a contribution to the High Line Improvement Fund. The contribution is
198 currently set at \$58.08 per square foot of additional floor area, which for the Applicant means
199 a contribution of approximately \$17.2 million. Additionally, the Applicant would be required
200 by zoning to provide High Line amenities including a public restroom, 3,000 square feet of
201 support space adjacent to the High Line within Chelsea Market, 1,000 square feet of storage
202 space in the cellar of Chelsea Market, and a dedicated freight elevator to enable the City to
203 transport materials to the High Line from the street level.

204

205 In addition, the Applicant, at its sole option, may elect to dedicate to the City up to 7,500
206 additional square feet of space adjacent to the High Line for High Line support. If this option
207 is exercised, the Applicant may decrease the required contribution to the High Line
208 Improvement fund by the appraised value of that space, subject to the City's agreement.

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210 **III. Primary Community Concern--Affordable Housing Mitigation**

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- 212 • **If, and only if, the affordable housing mitigation is produced, CB4 recommends**
213 **denial of the Applications unless the further conditions enumerated below are**
214 **met.**
- 215 • **If the affordable housing mitigation is not produced, then CB4 cannot support**
216 **these Applications and recommends denial.**

217

218 The preservation and expansion of affordable housing has long been a major priority of CB4.
219 Affordable housing helps to ensure the continued economic and ethnic diversity within
220 Manhattan Community District 4 ("CD4") as development proceeds along the west side of
221 Manhattan. It is widely recognized that one of the overwhelming problems facing New York
222 City is a long term housing shortage, particularly permanently affordable housing for low,
223 moderate and middle income families.

224

225 Chelsea has traditionally been distinguished by its diversity; families with a wide range of
226 incomes live side by side. Fifty- year residents and newcomers co-exist. Buildings old and
227 new, large and small line its streets. It is this very diversity that gives the area its essential
228 character. Diversity is the character of Chelsea, defining its heart and soul.

229

230 The request for the provision of affordable housing, no matter what the mechanism, is central
231 to the community's desire to maintain its identity as its physical environment has become
232 rapidly unrecognizable. In an area with low-income, rent-stabilized apartments, New York
233 City Housing Authority complexes and the large, middle income-restricted co-op of Penn
234 South, the West Chelsea rezoning has produced not only the High Line Park, but also
235 condominiums selling at over \$2,000 per square foot and rental studio apartments starting at
236 \$2,900 per month. The West Chelsea rezoning has effectively created a new luxury district.

237

238 Any further proposed rezoning action—residential or commercial-- must take into account that
239 such action will only exacerbate the trends towards a luxury community and thus must
240 mitigate the effect by creating affordable housing in Chelsea. *In keeping with CB4's original*
241 *2005 response to the rezoning that created the SWCD, the Board's position on the*
242 *Applications is that they cannot be approved unless accompanied by the creation of*
243 *affordable housing with a floor area equal to 27% of the increase in floor area of any*
244 *additions to the Chelsea Market buildings.*

245

246 Any affordable housing created by the Proposed Project should be located in Chelsea, but
247 must be located within CD4. Consistent with New York City Department of Housing and
248 Development marketing regulations, Chelsea and CD4 residents should be given 50%
249 preference for the affordable housing.

250

251 The Applicant, in conjunction with the City, should determine the most feasible method for
252 creating this affordable housing. CB4 does not want to limit all the possible approaches to the
253 creation of the affordable housing, but offers such options for affordable housing mitigation
254 as:

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- 255 • Include text to map Inclusionary Housing provisions to cover the proposed Subarea J
256 of the SWCD;
- 257 • Include text to include an expansion of the Special West Chelsea Affordable Housing
258 Fund (ZR section 98-262(c)) to cover the proposed Subarea J of the SWCD;
- 259 • Identify a privately-owned site for development and assist in its development as
260 affordable housing;
- 261 • Identify a publicly-owned site for development and assist in its development as
262 affordable housing;
- 263 • Identify a publicly- or privately-owned site for development and assist in its
264 development as affordable housing by partnering with state or city government; or
- 265 • Preserve privately-owned buildings for continued use as affordable housing.

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267 **IV. Other Community Concerns and Project Revisions Agreed to by the Applicant**

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269 Extensive and on-going discussions with the Applicant have led to an agreement on several
270 modifications to elements of the Applications. At both the April 16, 2012 and May 31, 2012
271 CP&P Committee meeting, the Applicant presented revised proposals for the Proposed
272 Project. The Board will require the following future amendments to the Applications, some of
273 which the Applicant has already agreed to in writing (see attachment XX), as conditions of its
274 recommendation.

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Proposed Tenth Avenue Addition: Height, Setback, Bulk and Façade

No aspect of the Proposed Project has generated more community opposition than the height, bulk and façade of the Proposed Tenth Avenue Addition.

Height and Bulk

The Proposed Tenth Avenue Addition is a 240,000 square foot building expansion that would rise an additional nine stories over the existing Chelsea Market building, resulting in a building that is 226 feet in height. This height and bulk has raised two primary issues:

Shadows, Light and Views

As indicated in the Applicant’s Environmental Assessment Statement (*see Attachment # (Slide 8)*), the existing Chelsea Market building and other surrounding buildings currently cast shadows on the High Line. However, the Proposed Tenth Avenue Addition would cast additional shadows on the High Line in both May and December, detracting from users’ enjoyment of the park. The Proposed Tenth Avenue Addition would also block the open view of the sky above the existing Chelsea Market building so that the park users walking both north and south would experience a less expansive view.

Compatibility with Nearby Buildings

The buildings near the Proposed Tenth Avenue Addition vary widely in height:

- 85 Tenth Avenue, directly across Tenth Avenue and a part of the original Nabisco complex, is 180 feet high, 46 feet lower than the proposed addition;
- 99 Tenth Avenue, the Merchants Refrigeration Company Warehouse, is 160 feet high, 66 feet lower than the proposed addition;
- The Caledonia, 450 West 17th, directly north of the proposed addition, is 250 feet high, 24 feet taller than the proposed addition;
- The tallest buildings at the Fulton Houses’, an 11-building New York City Housing Authority complex between West 16th and West 19th Streets, are 220 feet high, six feet lower than the proposed addition; and
- The many smaller, older buildings on the block just south of Chelsea Market, between Ninth and Tenth Avenues and West 14th and 15th Streets, are 5 to 9 stories high.

Recommendation for Tenth Avenue Addition--Height, Setback, and Bulk

CB4 recommends that the Proposed Tenth Avenue Addition:

- Be limited to a maximum height of 184 feet with a 35 foot setback at 170 feet.

This building limitation would result in:

- 321 • A five story addition to the existing Chelsea Market building;
322 • Lesser shadows being cast on the High Line;
323 • Better light and views from the High Line; and
324 • Increased compatibility with the heights of the adjacent 85 and 99 Tenth Avenue
325 buildings.

326

327 **[See attachment # XX - Option D]**

328

329 In order to implement this revision, the proposed text change for New York City Zoning
330 Resolution (ZR) Section 98-421(g)(i) would have to be revised to state in part:

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332 The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the
333 Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a
334 #building# shall have a maximum #street wall# height of 185 170 feet before setback
335 and a maximum #building# height of 184 feet. Any portion of a #building# located
336 above a height of 185 170 feet shall be setback at least 10-35 feet from the #street
337 line#.

338

339 Originally Proposed Façade

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341 The community has widely derided the façade of the Proposed Tenth Avenue Addition,
342 likening it to both a spaceship and the Port Authority Bus Terminal. The originally proposed
343 facade is completely at odds with the existing Chelsea Market building and the neighboring
344 older brick buildings, particularly 85 and 99 Tenth Avenue (**see attachment XX**).

345

346 While CB4 understands that the Proposed Tenth Avenue Addition must take into account the
347 structural limitations of the existing Chelsea Market building and that the Landmarks
348 Preservation Commission has requested that the Applicant distinguish the addition from the
349 older structure below, the proposed metal diagonal supports and grid in front of the windows
350 create a look incompatible with nearby buildings and the connection between the existing
351 building and the proposed addition results in the addition appearing to hover over the existing
352 building. The radical difference between the Proposed Tenth Avenue Addition and both the
353 existing Chelsea Market structure and the surrounding buildings is jarring, overblown and
354 arrogant.

355

356 Design Changes to the Façade

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358 CB4 recommends the façade of the Proposed Tenth Avenue Addition include masonry or terra
359 cotta and smaller scale design elements that are more compatible with the neighborhood
360 context. Two recent examples of new buildings constructed in Chelsea with this type of
361 façade treatment are Chelsea Enclave at 177 Ninth Avenue and 456 West 19th Street
362 (attachment XX **see Slide 14**).

363

364 At the May 31, 2012 CP&P Committee meeting, the Applicant presented a major revision to
365 the façade treatment of the Proposed Tenth Avenue Addition. The revised design:

366

- Moves the diagonal structural supports to the interior of the addition to make them less visible;
- Moves the window openings to the exterior of the supports;
- Makes the window openings regular to relate to the surrounding buildings; and
- Uses brick-colored terra-cotta louvers to create the window openings and visually tie the addition to the existing building.

374 Recommendation for Façade

375
376 There is one remaining area in which the revised design requires further reworking. It is
377 necessary that the Applicant rework the building design to lessen the effect of the float
378 between the existing Chelsea Market building and the Proposed Tenth Avenue Addition.
379 While the Applicant’s most recent design does begin to address this condition by placing
380 panels in the gap, some of which are in line with the façade and some with the setback,
381 thereby creating a connection between the two portions of the building, there is still work to be
382 done. Specifically:

- CB4 requests additional panels at the north and south corners to better ground the Proposed Tenth Avenue Addition to the existing Chelsea Market building.

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387 These changes will require further changes to the Proposed Zoning Text Amendment which
388 only allows those obstructions in the gap that are permitted pursuant to ZR Section 33-42. In
389 order to implement this revision the proposed text change for that would have to be revised to
390 state in part:

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392 *In Subarea J of the SWCD the proposed text amendment would have to include*
393 *language allowing such proposed obstructions (e.g., panels) connecting the two*
394 *buildings and being of dimensions equal to the piers below. (specific text needs to be*
395 *drafted)*

396
397 CB4 believes that the changes already made by the Applicant to the Proposed Tenth Avenue
398 Addition are significant improvements to the original design and recommends that the
399 Applicant continues in this direction with the development of façade prior to City Planning
400 Commission review.

401
402 ***Proposed Ninth Avenue Addition***

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404 Height and Setback

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406 The Proposed Zoning Text Amendment would allow the Proposed Ninth Avenue Addition to
407 have a street wall of 130 feet before setback and a maximum building height of 160 feet, with
408 proposed setbacks of at least five feet from Ninth Avenue and 15 feet from West 15th and
409 West 16th Streets. The Proposed Ninth Avenue Addition would be approximately eleven
410 stories tall and 90,930 gross square feet.

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413 Recommendation for Height and Setback

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415 CB4 has requested, and the Applicant has agreed to, the following:

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- 417 • The Proposed Ninth Avenue Addition will have a maximum height of 135 feet with a
- 418 maximum street wall of 123 feet and will be setback of at least five feet from Ninth
- 419 Avenue and 15 feet from West 15th and West 16th Streets;
- 420 • The Proposed Ninth Avenue Addition will be reduced from an eleven story building to
- 421 a seven story building with 77,240 gross square feet;
- 422 • The new window openings will align with the existing openings in the Ninth Avenue
- 423 façade; and
- 424 • The window mullions will be of a smaller scale (see attached rendering).

425

426 In order to implement this revision, the Proposed Zoning Text Change for ZR Section 98-

427 421(g)(ii) would have to be revised to state in part:

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429 The Ninth Avenue Zone shall be that portion of Subarea J located more than 150 feet

430 west of the Ninth Avenue #street line#. Within the Ninth Avenue Zone, any portion of

431 a #building# shall have a maximum #street wall# height of 130 feet before setback and

432 a maximum #building# height of ~~160~~ 140 feet.

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434 Recommendation for Hotel Use and Outdoor Eating and Drinking Establishments

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436 CB4 has requested, and the Applicant has agreed to, the following:

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- 438 • The use of the Proposed Ninth Avenue Addition will be office use, not hotel use; and
- 439 • There will be no outdoor eating or drinking establishments on the rooftop, setback or
- 440 any other locations on Block 713 except for unenclosed sidewalk cafes.

441

442 ***Midblock Zone***

443

444 The midblock zone of the Chelsea Market block is that area more than 150 feet west of Ninth

445 Avenue and more than 200 feet east of Tenth Avenue. For the midblock zone, the

446 Applications include a proposed a maximum street wall height of 130 feet and a maximum

447 building height of 150 feet with a 20 foot setback.

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449 Recommendation for Midblock Zone

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451 CB4 has requested, and the Applicant has agreed to, the following:

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- 453 • Midblock street wall height limited to 110 feet with a 20 foot setback and a maximum
- 454 building height of 130 feet.

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456 In order to implement this revision, the Proposed Zoning Text Change for ZR Section 98-

457 421(g)(i) would have to be revised to state in part:

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459 The Midblock Zone shall be that portion of Subarea J located more than 150 feet west
460 of the Ninth Avenue #street line# and more than 200 feet east of the Tenth Avenue
461 #street line#. Within the Midblock Zone a #building# shall have a maximum #street
462 wall# height before setback of ~~130~~ 110 feet, and shall have a maximum #building#
463 height of ~~150~~ 130 feet.
464

465 The two proposed changes to ZR Section 98-423(g) also require appropriate modification of
466 the proposed chart in ZR Section 98-421(g).

467
468 ***Continuance of Food Related Uses***
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470 In the mid-1990's Chelsea Market was converted to its current mix of uses, including the
471 successful and popular food production and marketplace on the ground floor concourse.
472 These food-related uses are an important resource for the community, making fresh fruit,
473 seafood and baked goods conveniently accessible. CB4 desires to ensure such uses continue
474 to exist after the Chelsea Market expansion.

475
476 The Applicant has agreed to a restrictive declaration requiring:
477

- 478 • 50% of the area of the ground floor along the interior concourse (excluding the four
479 street corners) be restricted to food related uses; and
- 480 • 50% of the retail frontage along the interior concourse be reserved for food related
481 uses.

482
483 ***CB4 Recommendation for Food Related Uses***
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485 Because restaurants are included in the definition of food related uses, CB4 requests:
486

- 487 • The restrictive declaration require 60% of the ground floor, both by square footage and
488 by frontage on the interior concourse, but excluding the four street corners, be
489 restricted to food related uses in order to encourage a diversity of food related uses;
490 and
- 491 • Food related chain stores be prohibited.

492
493 ***Technology Job Training for Chelsea Residents***
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495 The Applicant estimates that the Proposed Project will bring more than 1,000 permanent jobs
496 to the neighborhood. Many of Chelsea Market's existing commercial tenants are technology-
497 oriented businesses such as Google, MLB.com and Yelp, and the Applicant anticipates that the
498 Proposed Project will primarily house similar businesses.
499

500 It is expected that most of the employment opportunities will be in three growing industries:
501 media, technology, and dining and culinary arts. According to a 2011 Applesseed report
502 entitled "The Economic Impact of the Proposed Chelsea Market Expansion," the new space
503 would be occupied in part by internet publishing and broadcasting businesses (30%) and by
504 Internet Service Providers, search and other data services (30%).

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CB4 Recommendation for Technology Job Training for Chelsea Residents

Given the specific education and training required for employment with the anticipated new and expanded Chelsea Market tenants, CB4 requests:

- The Applicant fund a technology training lab for neighborhood residents located within the Chelsea Market complex as a free service to the community to prepare neighborhood residents for newly created jobs provide internships for neighborhood residents. The preferred location for this lab would be the 7,500 square foot of optional High Line space within Chelsea Market. The Applicant should utilize a non-profit organization for this effort; and
- The Applicant works with local public schools and provides at least ten internships each year with technology firms located in Chelsea Market.

Consultation with CB4 and other community groups in the development and monitoring of this effort is essential to its success. CB4 believes that this support will help prepare neighborhood youth for the new technology jobs that will become available in the expanded Chelsea Market development. The Board also believes that the technology businesses in Chelsea Market would benefit from this type of focused community service.

Environmental Issues

The Board is concerned about the potential environmental impacts the construction of the Proposed Project may create.

CB4 Recommendation on LEED Certification

The Board has requested, and the Applicant has agreed, that:

- Both the Proposed Ninth Avenue Addition and the Proposed Tenth Avenue Addition will be constructed so as to achieve, at minimum, LEED Silver certification, and hopefully Gold or Platinum certification.

Additionally, CB4 requests that:

- When the existing structure is retrofitted, that construction also achieve a minimum of LEED Silver certification.

CB4 Recommendation on Storm Water Management

The Applicant should:

- At minimum, comply with the City’s Department of Environmental Protection Draft Rule to detain storm water, releasing it at a rate of 0.25 cubic feet per second per acre on the entire site.

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However, the Board requests:

- The Proposed Project go significantly further and retain storm water for at least 1 inch of rainfall over the entire site. Retention allows storm water to be used as a resource rather than being simply a waste product that places additional burden on the combined storm water sewage system.

V. Further Considerations – Not Yet Agreed to by Applicant

Landmark Status

CB4 is concerned that there are no protections in place to preserve the Chelsea Market building’s exterior and the related unique pedestrian bridges. These are important remnants of the area's industrial past, illustrating the Nabisco bakery complex and its relationship with rail distribution and the West Side Improvement Project. The Chelsea Market site is part of the State/National Gansevoort Historic District. It also was determined to be landmark-eligible in the Special West Chelsea District Rezoning and High Line Open Space Final Environmental Impact Statement (2005) (page #).

CB4’s Recommendation on Landmarking

CB4 requests the Applicant not oppose efforts to have the Chelsea Market building’s exterior and related bridges landmarked. The Applicant has listed the following qualifications, including:

- The Proposed Ninth Avenue Addition and the Proposed Tenth Avenue Addition will be approved by the Department of Buildings prior to Landmarks Preservation Commission review;
- A master plan for window replacement be approved;
- A master plan for conversion of the loading bays along the perimeter of the complex to retail storefronts be approved;
- A master plan for mechanical equipment to service the technology and television industries be approved; and
- Restoration of the Ninth Avenue façade via continued removal of the copper basket weaves is allowed to continue.

VI. Further Considerations —For Action by the City of New York

CB4 believes that the extension of the Gansevoort Historic District and the expansion of the SWCD are important, complementary actions to the Applications. Implementation of these, however, rests with the City, not the Applicant. Thus, CB4 requests that City consider:

597 ***Extension of the Gansevoort Historic District***

598

599 There are historically significant buildings including and effected by the Proposed Project
600 which are not currently protected from demolition or alteration.

601

602 **CB4 Recommendation on Landmarking**

603

604 CB4 recommends that the City expand the Gansevoort District to include:

605

- 606 • The Chelsea Market block;
- 607 • 85 Tenth Avenue, part of the original Nabisco Complex; and
- 608 • 99 Tenth Avenue, the Merchants Refrigeration Company Warehouse, which is listed
609 on the State/National Register.

610

611 ***Expansion of the Special West Chelsea District***

612

613 Seven years after its creation, the general purposes for which the SWCD was created are being
614 fulfilled. West Chelsea is a dynamic, mixed use neighborhood. Residential development is
615 vibrant, the arts community is flourishing and the second section of the High Line has opened
616 to enthusiastic reviews and large crowds. It now is time for the City to follow through with
617 promises made during the creation of the SWCD, and to examine unforeseen problems that
618 have arisen.

619

620 Each year since 2007, CB4 has included a request in our Statement of District Needs for a
621 study by DCP of the areas west and south of the SWCD with an eye to future actions
622 appropriate for the neighborhood. CB4 has proposed that the study examine:

623

- 624 • The areas between Eleventh and Twelfth Avenues between West 27th and 30th Streets;
- 625 • The Chelsea Market block;
- 626 • 85 and 99 Tenth Avenue; and
- 627 • The south side of West 15th Street between Ninth and Tenth Avenues.

628

629 The study would explore the options for inclusion of those areas in an expanded SWCD and to
630 make other appropriate changes designed to preserve neighborhood character in this portion of
631 West Chelsea. The inclusion of these areas would provide specific height, setback, street wall
632 and use controls. It is unfortunate that the Chelsea Market building proposal is proceeding
633 through ULURP without consideration of the nearby areas.

634

635 **CB4 Recommendation on Expansion of the SWCD**

636

637 CB4 requests a commitment from the City to complete the promised study and initiate the
638 rezoning of the area.

639

640

641

642

643 **NOW, THEREFORE, BE IT RESOLVED** that:
644

- 645 1. Manhattan Community Board 4 recommends denial of ULURP Applications No. N
646 120142 ZRM and C 120143 ZSM unless the Proposed Project is accompanied by the
647 creation of affordable housing with a floor area equal to 27% of the increase in floor
648 area of any enlargement of the Chelsea Market building.
649
- 650 2. **If and only if** the first condition is met, Manhattan Community Board 4 recommends
651 denial of ULURP Applications No. N 120142 ZRM and C 120143 ZSM unless the
652 following conditions are met:
653
- 654 a) The proposed text change is amended in the Ninth Avenue Zone to reflect that the
655 maximum building height is 140 feet.
656
 - 657 b) The proposed text change is amended in the Tenth Avenue Zone to reflect that the
658 maximum building height before setback is 170 feet and the maximum building
659 height is 184 feet with a 35 foot setback.
660
 - 661 c) The proposed text change is amended to in the Tenth Avenue Zone to reflect that
662 obstructions other than those in ZR section 33-42 are allowed to mitigate the effect
663 of “the float”. For example, a series panels would be allowed throughout and at
664 each corner (some setback) to connect the new building with the old building and
665 have dimensions equal to the piers below.
666
 - 667 d) The Applicant provides a written commitment that discussions continue for a more
668 contextual façade and a less observable gap at the Tenth Avenue Zone.
669
 - 670 e) The proposed text change is amended to in the Midblock Zone to reflect that the
671 maximum building height before the setback is 110 feet and that the maximum
672 height of building at midblock is 130 feet.
673
 - 674 f) Chelsea Market agrees to a restrictive declaration that 60% of the ground floor
675 space, excluding the four corners, be for food-related uses.
676
 - 677 g) Chelsea Market agrees to a restrictive declaration that there will be no hotel use
678 allowed and no outdoor eating and drinking establishment, excluding approved
679 sidewalk cafes, at the Chelsea Market site, Block 713.
680
 - 681 h) Chelsea Market agrees to not oppose efforts to landmark the building, provided
682 their qualifications are met.
683
 - 684 i) Chelsea Market agrees to use best efforts to conform to, at minimum, LEED Silver
685 standards when constructing the proposed expansions.
686

687 j) Chelsea Market agrees to form a Construction Task Force prior to the
688 commencement of construction that will meet with the community regularly during
689 construction.
690

691 **AND FURTHER RESOLVED** that CB4's recommendation of this proposal arises out of the
692 unique circumstances of this project and this site, and must not be interpreted as precedent-
693 setting for, or a change in any of our stated positions concerning, the rezoning of other areas in
694 the SWCD including, in particular, the south side of West 15th Street. If anything, this
695 recommendation renews CB4's determination to complete the rezoning of the SWCD and
696 implement our previously-articulated planning priorities.
697

698 Sincerely,

699
700 Corey/Lee/Brett

701
702 cc: DCP Calendar Office
703 DCP – Edith Hsu-Chen, Erika Sellke
704 Jamestown Properties – Michael Phillips, Ben Gainey
705 Fried Frank – Melanie Meyers, Esq., Tal Golomb, Esq.
706 MBPO – Brian Cook, Karolina Grebowiec-Hall
707 Speaker Quinn's Office – Wayne Kawadler, Melanie La Rocca, Michaela Miller
708 City Council Land Use Division – Gail Benjamin, Danielle DeCerbo
709 Congressman Jerrold Nadler
710 NYS Senator Thomas Duane
711 NYS Assemblyman Richard Gottfried
712

713 **Appendix I - Affordable Housing Through the SWCD Affordable Housing Fund**

714

715 The applicant has agreed to contribute to a Chelsea Affordable Housing Fund, administered by
 716 the NYC Department of Housing, Preservation and Development provided that this
 717 contribution is offset against the amount required to be contributed to the High Line
 718 Improvement Fund.

719

720 Section 98-262 (c) of the Zoning Resolution establishes an Affordable Housing Fund as part
 721 of the SWCD. Contributions by the applicant into this fund would require the following
 722 modifications to the SWCD text:

723

724 **98-22**

725 **Maximum Floor Area Ratio and Lot Coverage in Subareas**

726

Sub - area	Basic #flo or area ratio# (max)	Increase in FAR from #High Line Transfer Corridor # (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	<i>Increase in FAR with Contribution to West Chelsea Affordable Housing Fund</i>	Inclusionary Housing		Permitted #floor area ratio# (max)
					FAR required to be transferred (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
J	5.0	NA	<u>1.5</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	7.5

727

728 **98-25**

729 **High Line Improvement Bonus**

730

731 (a) Prior to issuing a building permit for any #development# ...

732

733 (2) a contribution has been deposited into the West Chelsea Affordable Housing
 734 Fund...

735

736 **98-26**

737 **Modifications of Inclusionary Housing Program**

738

739 Within the #Special West Chelsea District#, C6-3 and C6-4 Districts within Subareas A
 740 through D, and I, and MI-5 Districts within Subarea J, shall be #Inclusionary Housing
 741 designated areas# ...

742

743 **98-262**

744 **Floor area increase**

745

746 For #developments# or #enlargements# that have increased their permitted #floor area#
 747 through the transfer of development rights from the #High Line Transfer Corridor# by the
 748 minimum amount specified in the table in Section 98-22 (Maximum Floor Area Ratio and Lot
 749 Coverage in Subareas), and for #conversions# of non-#residential floor area# to #dwelling

750 units# where the total #residential floor area# on the #zoning lot# will exceed the applicable
751 basic maximum #floor area ratio# specified in the table in Section 98-22, *and for*
752 *#enlargements# in Subarea J*, such maximum permitted #floor area# maybe increased through
753 the provision of #affordable housing# pursuant to the Inclusionary Housing Program Section
754 98-26, inclusive, to the maximum amount specified in the table in Section 98-22, provided
755 that:

756
757 (a) In C6-4 Districts:

758
759 (b) In C6-3 Districts:

760
761 (c) In M1-5 Districts

762
763 (d) #Affordable Housing# Fund

764
765 Where the Chairperson of the City Planning Commission determines that more than 90
766 percent of the #floor area# eligible for transfer through the provisions of Section 98- 30
767 have been transferred in accordance with such provisions, *or, in Subarea J*, the
768 Chairperson shall allow, by certification, an increase in #floor area# on any receiving
769 site as specified in Section 98-33 (Transfer of Development Rights From the High Line
770 Transfer Corridor), up to the amount that otherwise would have been permitted for
771 such receiving site pursuant to Section 98-30, provided that instruments in a form
772 acceptable to the City are executed ensuring that a contribution be deposited in the
773 West Chelsea Affordable Housing Fund.

774
775 **Appendix F**
776 **Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and**
777 **Located Within Subarea J**

778
779 (a) Requirements for Issuance of Building Permit Pursuant To Paragraph (a) of Section 98-25

780
781 (1) As a condition of certification:

782
783 (i) Owner shall, subject to a deduction pursuant to the other provisions of
784 this Appendix F, deposit into the #High Line# Improvement Fund...

785
786 (ii) All parties-in-interest shall execute a restrictive declaration including
787 easements to the City in a form acceptable to the City providing for the
788 #High Line# Support Easement Volumes...

789
790 (iii) Owner shall deposit into the West Chelsea Affordable Housing Fund...

791