



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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Chair

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February 28, 2005

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

Re: West Chelsea ULURP Applications: High Line Site Selection and Acquisition as A public open space (C 050163 PCM); Zoning Map Change (C 050162 ZMM); and Zoning Text Change (N 050161 ZRM)

Dear Chair Burden:

At its duly noticed public meeting on February 2, 2005 Manhattan Community Board No. 4 reviewed the West Chelsea land use and zoning proposals, including the ULURP and other applications referenced above. Comments and resolutions on each application begin on page 15. The following general comments were approved by a vote of 33 in favor, 1 opposed, 0 abstentions and 1 present, but not eligible to vote.

OVERVIEW AND BACKGROUND

Manhattan Community Board No. 4 supports development in western Chelsea that balances the needs of the community and the city. We welcome the conversion of the abandoned High Line rail line into a public open space and agree that parts of the areas now zoned for low-density industrial use should be rezoned to allow for residential and commercial use.

The Board has been an active participant in the development of the plan for western Chelsea and the High Line Park since 2002. The Department of City Planning has engaged in lengthy sessions with the Board to assist it in understanding the complex zoning mechanisms required to make the High Line Park a success and successfully rezone parts of our M1-5 districts. The Board in turn has sought to inform the Department of the need to balance the requirements of community character, affordable housing, High Line reuse and neighborhood redevelopment.

The Board appreciates the open and direct manner City Planning staff and the Chair of the City Planning Commission have demonstrated throughout this process, and is confident that this same collaboration will continue and produce a final plan for western Chelsea that will meet our shared goals.

The Department of City Planning formally presented the plan to the community at the Board's public hearing on January 6, 2005. The principal stated purpose of the City's plan is to encourage and guide the development of western Chelsea as a dynamic mixed-use neighborhood. In general terms, the plan seeks to rezone the perimeters of the two

manufacturing zones remaining in western Chelsea for mixed commercial and residential use, and to facilitate the conversion of the High Line into a public open space by providing mechanisms for the transfer of development rights from the High Line corridor to other sites.

The Board is in broad agreement with the stated purpose of the plan, especially with the characterization of West Chelsea as a dynamic mixed-use neighborhood and with the efforts on behalf of the High Line. But we believe that some of the plan's detailed provisions are not properly designed to achieve the City's goals, and that it is severely deficient in some significant areas. The Board seeks changes to the plan in order to meet the following goals of the community:

Goal 1: Preserve the historic character and diversity of the Chelsea community;

Goal 2: Ensure the development of housing for people with a broad range of incomes;

Goal 3: Ensure that the plan protects and enhances the High Line and the adjacent community, especially Tenth Avenue;

Goal 4: Protect and preserve the remaining non-residential areas of Chelsea; and

Goal 5: Protect, preserve and encourage the reuse of significant historic structures.

COMMUNITY CONCERNS

1. Community Character, Buildings and Boundaries

The proposed rezoning plan endangers Chelsea's community character and the proposed High Line Park by permitting development that is too tall, improperly distributed, and that tends to divide western Chelsea from the rest of the community. It also would encroach unnecessarily on visual and physical access to the waterfront and the remaining manufacturing areas to which the art galleries have given new life.

a) Chelsea Community Character

The Chelsea community character that is threatened by the proposed rezoning is rooted in its history.

Chelsea was among the first communities to owe its form to the Commissioners' Plan of 1811. The looming approach of the plan's grid led Clement Clarke Moore to subdivide his North River property, named "Chelsea" by his grandfather, and develop a garden suburb centered on the city block between 20th and 21st Streets that he donated for the General Theological Seminary of the Episcopal Church.

In the early 20th Century the landfill that extended Chelsea beyond the original shoreline on Tenth Avenue was cut back to make room for a new row of Chelsea Piers built to accommodate the long new ocean liners, ferries were concentrated at 23rd Street to service this major cross-town corridor, and float transfer bridges and rail freight yards leading from them were built to the north. Around 1930 the mixture of industry and New York Central freight tracks was rationalized to create the present 30th Street Yards, and the railroad that ran along Tenth ("Death") Avenue was elevated to create the High Line.

The traditional population of Chelsea lived in the buildings to the east of Tenth Avenue and worked in those to the west; the new Chelsea population still lives in the east but increasingly seeks an outlet for recreation in the west, in the Hudson River Park, Chelsea Piers and hopefully on the new High Line Park.

Subarea-specific comments in the following sections are keyed to DCP's subarea map in Appendix A.

The Heart of Chelsea

Moore's original low-rise development lies on the east side of Tenth Avenue and is now mostly protected by the Chelsea Historic District. Farther east, largely residential buildings rise gradually from the low scale on Tenth Avenue upwards toward the Manhattan spine, a form that was the basis of the Chelsea 197-a Plan. To the west of Tenth Avenue are first the low-rise, mostly residential buildings included in Subarea F of the current rezoning, a jumble of buildings of varying scale forming the original core of the gallery district in the southern M1-5 district and then the largely low-rise northern portion of Subarea D along Eleventh Avenue.

Just to the north, 23rd Street, Chelsea's main east-west corridor, is dominated visually by higher buildings such as London Terrace and Penn South. To the west of Tenth Avenue the 1998 Chelsea Rezoning has led to a moderately high scale with serried apartment buildings that create a dreary approach to Chelsea from the west.

The North

The area north of 23rd Street up to about 27th Street forms part of the historical core of the community and largely shares the same form. The pioneering low-rise Elliott Houses and a half-block of historic row houses are on the east side of Tenth Avenue with Chelsea Park just to the north. To the west the eastern section of Subarea C includes a mix of low-rise residential and commercial buildings broken only by the handsome 125' Williams Warehouse. West of the High Line the northern M1-5 district largely consists of mid-rise industrial buildings of striking architectural quality increasingly being filled by the proliferating art galleries. The western section of Subarea C is characterized by larger buildings and shadowed by three great warehouse buildings dominated by the 280' Starrett Lehigh Building.

The northernmost area consists of parking lots and low structures containing diverse service industries. At 29th Street the High Line turns westward and to its west a little community survives on 29th Street among scattered handsome buildings.

The South

On the east side of Tenth Avenue south of 23rd Street the buildings are a mix of various periods and uses and historically of low scale, while the Fulton Houses with 220' towers line the west side of Ninth Avenue. To the west of Tenth Avenue one-story service buildings and parking lots occupy the southern portion of Subarea F. To the west of the High Line Subarea E contains a mix of buildings diminishing in height towards the south into which art galleries are rapidly expanding, and the future Subarea D awaits the completion of a new Gehry building among a mix of empty lots and low buildings.

South of 18th Street the form of Chelsea breaks down as the High Line crosses to the east side of Tenth Avenue, the blocks west of Tenth become increasingly shorter, and large buildings dominate. The area near 14th Street is a transition to the form and scale of Greenwich Village.

b) Building Height and Form

General Comments

The proposed rezoning establishes a Basic Maximum FAR and a Maximum FAR for each subarea and permits developers and property owners to acquire the incremental FAR through purchases from the High Line Transfer Corridor, through High Line bonuses and, in one subarea, through an inclusionary housing bonus. The Board generally approves of these transfer and bonus mechanisms (see High Line Transfer Corridor and High Line Bonuses below) and accepts the purposes for which they were created, but requests two general changes that would make them consistent with both the City's and the Board's goals.

FAR The Basic Maximum FAR for each subarea should be the same as the currently zoned FAR. Rezoning property from manufacturing to commercial use alone will create immediate significant incremental value for property owners. The Board cannot perceive a rational basis for granting an additional increase in value to some owners and not to others. Any increase in FAR over the current FAR should produce direct benefits for the community through the proposed transfer and bonuses, and through other bonuses that preserve or create affordable housing.

Building Height In several subareas the plan limits building size and form only through restraints imposed by FAR, sky exposure planes, tower coverage or other mechanisms. The intent is to give developers maximum flexibility in the belief that it could lead to better utilization of development rights and better buildings. However, the Board believes strongly that each subarea should have an explicit height limit in addition to any other constraints imposed by zoning, and that this limit should apply to every building in the subarea. Furthermore, no building in the proposed special district should exceed a height of 220', the approximate height of the Fulton Houses, with the exception of buildings in Subareas A and G and also north of 28th Street west of Eleventh Avenue. In these three areas no building should exceed a height of 280', matching the height of the Starrett Lehigh Building, the tallest building in Chelsea.

The following subarea-specific comments are keyed to DCP's and the Board's subarea maps in Appendix A.

Subarea A

Subarea A is the northernmost area in the proposed special district, sitting between Chelsea to the south and the recently rezoned Hudson Yards with its proposed significantly taller buildings to the north. The plan calls for it to include the northern half of the block between 29th and 30th Streets and to extend down Tenth and Eleventh Avenues to 28th Street. This configuration potentially brings buildings as tall as 45 stories to the edge of Chelsea Park at 28th Street.

The Board agrees with the need for a buffer zone between western Chelsea and Hudson Yards, but believes it should be confined to the full block between 29th and 30th Streets, and that building height should be limited to 280'. We recognize that this will put pressure on the smaller scale buildings on 29th Street, one of the most diverse and interesting blocks in western Chelsea, but believe that this block is unlikely to survive in its present form even with the rezoning proposed by the City's plan.

Subarea C Along Tenth Avenue

Tenth Avenue is the “Main Street” of western Chelsea. The Board believes that the 125’ height of the Williams Warehouse between 25th and 26th streets is the appropriate benchmark for buildings along Tenth Avenue between 24th and 29th Streets. This height is roughly in line with the buildings on the east side of the avenue, and will reduce the effect of a wall between eastern and western Chelsea. The Board is concerned that buildings permitted in the proposed C6-3 district would be too large for both the adjacent High Line and for Tenth Avenue and requests C6-2 zoning with a height limit of 125’.

Subarea D

Inappropriate buildings in Subarea D have the potential to cut Chelsea off from its waterfront. The Board is concerned that the plan’s proposed 150’ deep corridor along Eleventh Avenue will lead to buildings that are too large and would do exactly that. It also will increase pressure on the distinctive character of these blocks that form the heart of the gallery district. The Board requests a 100’ deep corridor, requirements for a slender tower-on-base form with a height limit of 190’, and design controls, e.g., at-grade setbacks on the narrow streets near Eleventh Avenue, to give a feeling of openness as one moves towards the river.

Subarea E

The plan permits Subarea E to encroach too far into the southern M1-5 district immediately to the north. By moving the proposed boundary of Subarea E one-half block south to the midline between 19th and 20th Streets an important gallery block will be preserved and the southern M1-5 area will be better protected from inappropriate development. The Board also requests a height limit of 160’.

The Board opposes the special zoning provisions for Subarea E that can be met only through the merger of three existing lots on the north side of 18th Street. While there are attractive aspects of the development currently proposed on these lots, we are wary of zoning provisions crafted explicitly for a particular project and feel strongly that we must focus on the proposed zoning, which will remain in place even if any particular project fails.

With a height limit of 250’ the special provisions would permit the taller buildings in the southern portion of the special district to intrude farther north into the transition zone that protects the low-rise southern M1-5 area. 250’ also exceeds the Board’s recommendation of a general 220’ building height limit, which is based on the 220’ height of the nearby Fulton Houses.

Subarea F1 (Northern part of proposed Subarea F)

The Chelsea Historic District is an important New York City asset that needs to be preserved and protected. The Board believes that reducing the scale of the buildings across Tenth Avenue from the CHD is crucial and recommends an FAR of 5.0, a height limit of 80’ and no High Line Transfer Corridor receiving sites.

Subarea G

The application proposes that Subarea G have two towers, one with a height of 290’ and one with a height of 390’. The Board strongly opposes building heights that are nearly twice that of the nearby Fulton Towers, but recognizing the special role Subarea G is expected to play in the conversion of the High Line into a public open space, agrees that the Subarea G height limit

should be set at 280' to match the height of the Starrett Lehigh Building which has a similar waterfront location. We also recommend design guidelines to promote openness to the river and to avoid canyon effects, e.g., at-grade setbacks on narrow streets near wide streets. This is especially desirable on 17th Street because this street has views of the river.

The Board recommends that the Basic Maximum FAR be set at the current 5.0 and that the 5 FAR difference between Base Maximum FAR and Maximum FAR should be a blend of floor area granted for contributions to the High Line Improvement Fund, as detailed in Appendix D of the proposed rezoning text, and from the production of affordable housing.

Subarea H

The plan envisions Subarea H as a transitional zone from tall buildings in Subarea I to the south to the low scale of the Chelsea Historic District to its north, but the Board notes that the CHD is safely located one and one-half blocks north of the northern edge of Subarea H. The intervening blocks are mapped with the transitional FAR of 6.02 that is proposed for this subarea. A maximum FAR of 7.5 for Subarea H and a height limit of 220' east of the Tenth Avenue corridor are consistent with the Board's view of subareas G and H forming an east-west band of taller buildings along with the Fulton Houses, and with its desire to increase receiving sites for FAR transferred from the High Line Transfer Corridor.

Subarea I

An explicit building height limit of 220', based on the nearby Fulton Houses, should be set for Subarea I

C6-3A District on 23rd Street

Allowing further development within the present building envelope to fill in the western end of this block of 23rd Street to Eleventh Avenue would create an unattractive gateway to Chelsea as well as a wall facing Chelsea Waterside Park. The Board recommends rezoning the westernmost 100' of the C6-3A district to C6-3 and requiring a slender tower-on-base form with a height limit of 190'.

M1-5 areas

A 100' height limit will better preserve the two M1-5 areas that are at the heart of western Chelsea's vibrancy and attractiveness.

c) Uses

Large Nightclubs

The Board notes that large nightclubs, which have become numerous in western Chelsea because of the M zones and which can cause problems for the surrounding community, are allowed as of right in the C zones that are being created by the proposed rezoning. These uses basically are incompatible with the desired residential uses and compete with art galleries for desirable large open spaces.

The Board reiterates its request that special permits be required in the SWCD for new clubs accommodating more than 199 patrons.

Retail Uses

The Board reiterates its request that retail uses be limited to 10,000 sq. ft. in midblocks and on Tenth Avenue, and 20,000 sq. ft. elsewhere, with art gallery uses excepted. Larger retail uses are incompatible with the gallery district and the environment desired for Tenth Avenue, and compete with galleries for properties providing large open spaces.

Harassment and Demolition

The Board reiterates its request that provisions against harassment of tenants and demolition of residential buildings based on those long in place in the Special Clinton District and with text as adopted in the Hudson Yards be put in place in the SWCD. The large residential buildings that will be allowed on and near Tenth Avenue risk displacing the existing residential community of over 200 units in the area.

M1-5 Loft Tenants

The Board endorses the continued residential use of non-conforming residential units in the M zones by current residents of those units who have resided in their homes since at least one year prior to the date of the certification of the West Chelsea Rezoning plan. We wish only to prevent displacement of long-time tenants of the area, primarily artists who by their presence helped to create the flourishing art-gallery area, and do not wish to promote the general residential conversion of the M zones.

Sustainable Development

The Board believes that the rezoning of western Chelsea presents an opportunity for the City to recognize the pioneering work of the Department of Design and Construction's Office of Sustainable Design and to extend it to buildings developed by the private sector. We recommend that all new buildings be required to achieve certification of at least silver under the LEED Green Building Rating System.

Business Relocation Assistance

The Board expects that pressure for residential conversion will increase not only in the rezoned areas but in the remaining M zones as well, and reiterates its request for relocation assistance provisions for displaced businesses, favoring relocation within the nearby community for businesses that so desire.

d) High Line Transfer Corridor and High Line Bonuses

The Board wishes to see the High Line turned into a successful park, but believes the community is paying a high price for it in terms of additional bulk. We have consistently expressed our willingness to accept greater bulk than we believes is optimal for the community in exchange for the creation of affordable housing, and believe that once the High Line requirements have been satisfied as much of the increase in floor area proposed by the plan as possible should be devoted to the creation of affordable housing.

High Line Transfer Corridor

The rezoning plan establishes the High Line Transfer Corridor and creates a mechanism for transferring floor area away from zoning lots over which or immediately to the west of which the High Line passes in order to facilitate its conversion to a public open space.

The plan designates approximately one million square feet of floor area within the HLTC as granting sites and creates approximately one and one half million square feet of receiving sites elsewhere in the special district to which the HLTC floor area can be transferred.. The Board recognizes the need to transfer this floor area, but the proposed rezoning distributes it inappropriately. Most importantly, new buildings on Tenth Avenue should be limited in size to prevent the walling off of Chelsea from western Chelsea and its waterfront, and from adversely affecting the High Line. The Board has requested three changes, discussed above and in the Zoning Text Change Resolution below, in the designation of the HLTC receiving sites:

- The receiving capacities of Subareas C and F should be reduced, limiting the height and bulk of buildings on Tenth Avenue, most notably opposite the Chelsea Historic District;
- The Basic Maximum FAR in Subareas A and G should be the same as the current FAR, increasing their capacities as receiving sites; and
- Subarea H should be rezoned for greater density, increasing its capacity as a receiving site.

High Line Transfer Corridor Bonus

The High Line Transfer Corridor Bonus permits property owners to realize the increased value of their property by transferring all floor area to receiving sites, and then allows them to buy some of it back at a favorable price. It is a cumbersome planning mechanism that rewards property owners without benefiting the community or the City. Owners of property in the HLTC will see significant increases in the value of their property through the rezoning of the receiving sites from manufacturing to commercial use.

The Board believes that property beneath and immediately adjacent to the High Line will be instrumental in making the High Line a success and, with the success of the High Line, will appreciate in value. It believes that rather than creating the HLTC Bonus the City Planning Commission should require owners of these properties to retain 1.0 FAR and should develop guidelines and incentives for owners to use that remaining floor area in creative ways that enhance the High Line as a public open space, and thus increase property value.

This change will reduce the amount of floor area transferred to the receiving sites, either reducing the floor area in the SWCD or increasing the amount of floor area available for affordable housing, as the Board would prefer. It also will reduce payments into the High Line Improvement Fund, necessitating other fund raising efforts on behalf of the High Line.

High Line Improvement Bonus

The High Line Improvement Bonus permits owners of properties in Subareas D/E/F, G and I to purchase additional floor area by paying into a High Line Improvement Fund. Property owners may choose to perform specified remediation work on the High Line or create specified amenities for it and receive credit against their required payment into the fund.

The Board believes that the conversion of the High Line would be advanced significantly if property owners were required to do the remediation work or create the amenities themselves rather than paying into a fund. The City should take advantage of owners' interest in developing their properties quickly and avoid the possibility of money languishing in a fund rather than being used immediately for the benefit of the High Line.

In addition, the Board requests clarification on the management and oversight of the High Line Improvement Fund. We believe that transparent oversight is essential and that the community must have an advisory role in the process.

e) Extended District Boundaries

The Board recommends remapping the SWCD to incorporate the area between Eleventh and Twelfth avenues, between 22nd and 29th streets. These blocks are an integral part of historic western Chelsea, connected to the blocks to the east by the flow of commerce and jobs. As one possible creative reuse, buildings in the extended area could provide interesting spaces in which to create museums, which will be as-of-right in the SWCD.

The Board also recommends remapping the SWCD to incorporate the two buildings at the southern end of the area between 15th and 17th Streets, and Tenth and Eleventh Avenues.

2. Affordable Housing

a) Main Objectives

Rezoning from manufacturing to commercial use will create a large increase in value for property owners. The Board believes that a portion of that increased value should be captured for the benefit of the community through the production of affordable housing. We believe that 30% of all newly created residential units in the SWCD must be permanent affordable housing, and that the income requirements for these units should be distributed as follows (see Table I: Income Limits, below):

- 20% should be available to people with incomes up to 80% AMI;
- 50% should be available to people with incomes up to 125% AMI; and
- 30% should be available to people with incomes up to 165% AMI.

Newly produced affordable housing units should be located only within Manhattan Community District No.4 and should be distributed below 30th Street. Furthermore, there should be a 75% community preference for these affordable units.

b) Affordable Housing Production

A variety of strategies should be used in the creation of the SWCD and the rezoning of western Chelsea to capture value for affordable housing production, including:

- Maximize the FAR differential available for affordable housing;
 - Reduce Base Maximum FAR in subareas A and G to pre-rezoning FAR of 5
 - Require retention of 1 FAR in the High Line Transfer Corridor

- Require that incremental floor area in the receiving sites be a blended of floor area from both the HLTC and floor area granted through the creation of affordable housing;
- Modify the Inclusionary Housing bonus to be used at FAR's lower than 10
- Establish a range of Inclusionary Housing options, including a preservation option and both on-site and off-site new construction;
- Restrict the Inclusionary Zoning bonus to housing available to households with incomes up to 80% of AMI; and
- Extend the 421(a) exclusion zone to encompass the boundaries of the WCSD expanded according to the Board's recommendations.

c) Affordable Housing on Publicly Owned Sites

The Board has identified the following three City-owned sites; they should be developed as affordable housing for households with the income ranges listed above:

- NYCHA parking lot - Elliott-Chelsea Houses (25th Street & Ninth Avenue);
- NYCHA parking lot - Fulton Houses (18th Street between Ninth and Tenth Avenues); and
- Parking lot, proposed #7 line subway work site (East side of Eleventh Avenue between 25th and 26th Streets).

In addition, a West Chelsea Affordable Housing Fund should be established to acquire further sites for affordable housing production.

d) Housing Preservation

Zoning protections and provisions for Anti-Harassment and Demolition Restrictions of sound housing should be included in the zoning text for the SWCD.

e) 2003 Maximum Household Income

Table I: Income Limits

HH	AMI *	Moderate 80% AMI	Middle (Low) 125% AMI	Middle (High) 165% AMI
1	\$43,960	\$35,170	\$54,950	\$72,540
2	\$50,240	\$40,200	\$62,800	\$82,900
3	\$56,520	\$45,220	\$70,650	\$93,260
4	\$62,800	\$50,240	\$78,500	\$103,620
5	\$67,824	\$54,260	\$84,780	\$111,910
6	\$72,848	\$58,280	\$91,060	\$120,200
7	\$77,872	\$62,300	\$97,340	\$128,490
8	\$82,896	\$66,320	\$103,620	\$136,780

*Calculated by applying HUD family size adjustment factors to NY Metro Area Median Income for family of four

3. The High Line

While the Board has concerns about the transfer of floor area away from the High Line Transfer Corridor, we have been consistent supporters of the conversion of the High Line into a public open space with two broad conditions: i) a High Line Park should be designed to be the best park possible; and ii) it should be designed and operated in a manner that is sensitive to the needs and wishes of the community through which it passes.

Designing the High Line

The Board is pleased to acknowledge the thought, creativity and work that has gone into the crafting of zoning text designed to preserve and enhance the sense of openness around the High Line and sightlines from it. While we note some minor concerns, in general we applaud the text.

The Board also commends the Friends of the High Line for its far-ranging efforts to involve the community in the design process. It is clear that the final design will be better because of this community participation, and we look forward to continued involvement.

Reflecting what we have heard from the community, the Board welcomes the emphasis of the High Line as a “promenade,” a linear park made for walking and sitting in a tranquil place apart, rather than a place for active recreation or potentially intrusive uses such as music events. The High Line should be as accessible as possible to all neighboring communities, and commercial activity on or adjacent to it should be controlled carefully.

We also welcome the current plans to combine the preservation and celebration of Chelsea’s industrial, transportation-oriented past with an appreciation for the natural floral communities that have established themselves during the period of neglect.

Operating the High Line

The Board believes that once the High Line Park is built, the community should have a continuing role in decisions on how the park is operated, including representation in whatever mechanisms are created to evaluate successes, shortcomings and possible changes, as well as to handle complaints and solve problems.

The Board has heard two consistent concerns and desires expressed by the community. First, the High Line must be sensitive to the proximity of adjacent and near-by residences. Even before the rezoning, there are residences that either look out directly onto the bed of the High Line or from one or two stories above. The rezoning will increase significantly the number of adjacent residences, making issues such as hours of operation, uses and noise increasingly important.

Second, safety and security remain a primary emphasis for potential users of the park. We recognize that the park’s success and use would be the best way to ensure safety, but believe that other measures will be necessary as well.

4. Preservation of the M Zones

The two M1-5 districts in western Chelsea are at the heart of the area’s vibrancy and attractiveness; without them there would be no flourishing art district. The Board believes that their protection is in the best interests of the community and of the City as a whole and should

be a common goal. The 100' height limit we propose will work better than DCP's proposed 135' toward this goal by eliminating incentives to replace existing buildings with taller residential. A 100' height limit also is more compatible with historic building heights in the area.

The Board notes that the proposed rezoning encircles the manufacturing areas with mixed commercial and residential developments that put them at increased risk of residential development. The Board requests that DCP commit to an immediate Follow-Up Corrective Action to explore MX zoning and other mechanisms as means of preserving the manufacturing zones and managing their future changes.

5. Preservation of Historic Architectural Resources

Landmark designations should be pursued to encourage preservation of Chelsea's irreplaceable historic architectural resources.

In the last decades of the Nineteenth Century and well into the Twentieth Century New York was the premier manufacturing city of the United States, perhaps of the world, and western Chelsea's exceptional combination of water and rail transport made it a central part of this concentration of industry. Although all but a tiny amount of its manufacturing has vanished, Chelsea retains a number of notable buildings to recall the pride and wealth of the flourishing industrial firms of the period that were expressed in the quality of the buildings that housed them, the ability of the architects that designed them and of the craftsmen that built and ornamented them.

The Historic Resources Section of the DEIS for the West Chelsea Rezoning states that timely designation of historic resources is the only possible mitigation for the impacts it has described. The Board takes up this challenge and proposes mitigating these impacts through a careful review of the resources in a study area in the heart of the industrial area with a view to calendaring for designation as New York City landmarks. Only part of the area is actually planned for rezoning but most of it is likely to be affected directly or indirectly by the extensive changes. This study area extends eastward from the old railroad float bridges between 25th and 29th Streets largely along 26th and 27th Streets to the Williams Building designed by Cass Gilbert on Tenth Avenue that was served by the High Line by a rear platform at railroad level in back.

Within this study area the Board proposes a New York City Chelsea Waterfront or perhaps Industrial Historic District to preserve not only distinguished individual structures but also historic industrial streetscapes. Individual buildings nearby are also called out as deserving designation. To the north, outside the study area but in the area planned for rezoning around 29th Street, other fine industrial buildings are recommended for designation as are two fascinating small structures on 18th Street adjacent to the other end of the rezoning.

Further mitigation might include provisions for preparing nominations for properties declared eligible for the State and National Historic Registers in order to promote preservation through the considerable tax advantages available for appropriate reuse of historic properties listed on these Registers.

The Board believes that just as both identification and protection of natural resources have become an accepted part of planning, so not only the identification but also the protection of historic resources should be an essential part of planning and environmental review. We ask the Planning Commission and its Chair to support us in this endeavor.

A list of identified resources that the Board regards as important and threatened is provided in Appendix B together with maps and further information. This list is based largely on the overlapping EIS's for Hudson Yards and West Chelsea as well as the studio on West Chelsea carried out in 2002 by the Columbia University School of Architecture, Planning, and Historic Preservation. Further information will be supplied as it becomes available.

6. 14th Street Rezoning

Finally, the Board is concerned that it sees no progress toward fulfilling the commitment made at the time of the Chelsea Rezoning to the Board and the Chelsea-Village Partnership to revisit the zoning of 14th Street between Seventh and Ninth Avenues with a view to the contextual downzoning originally proposed in the Chelsea 197-a Plan. This was to be done in connection with the already envisioned West Chelsea Rezoning. Real estate pressures are increasing rapidly, the Church of Our Lady of Guadalupe has been closed and its large Latino congregation relocated. The last physical reminders of "Little Spain," the first Latino community in New York, are in danger of disappearing.

THE ULURP APPLICATIONS

Manhattan Community Board No. 4 has reviewed carefully the three land use applications presented. We have set out our general concerns in the sections above, and now make the following recommendations.

High Line Site Selection and Acquisition as a Public Open Space (C 050163 PCM)

The following comments and resolutions regarding High Line Site Selection and Acquisition as a Public Open Space (ULURP Application C 050163 PCM) were approved by a vote of 34 in favor, 0 opposed, 0 abstention and 1 present, but not eligible to vote:

The Board supports the conversion of the High Line into a park, with three broad conditions:

- The High Line should be developed in a manner that protects and enhances its value as a park;
- The community should have a voice in the planning and design of a High Line Park; and
- The community should have an on-going voice in how a High Line Park is operated.

Although the Board has significant concerns about the proposed rezoning of western Chelsea, it supports the High Line site selection and acquisition as a public open space as the vital first step, with two broad community-oriented conditions:

- The development of the High Line should protect and enhance the community through which it runs, notably along Tenth Avenue; and
- The community should benefit from the rezoning that enables the conversion in ways that help maintain Chelsea as a vibrant, diverse community, principally in the creation of affordable housing.

RESOLVED, that this Board recommends approval of ULURP Application C 050163 PCM only if the conditions listed above are met.

Zoning Map Change (C 050162 ZMM)

The following recommendations and the resolution regarding Zoning Map Change (ULURP Application C 050162 ZMM) were approved by a vote of 33 in favor, 0 opposed, 1 abstention and 1 present, but not eligible to vote:

The general purposes of the proposed map changes are to allow commercial and residential uses in portions of the current manufacturing zones and to create receiving sites for FAR to be transferred away from the area around the High Line. While the Board agrees with these general purposes, it believes that some of the proposed changes are inconsistent with the larger goals of this action and with the best interests of the community. The Board requests the following changes.

a) Special West Chelsea District

Extend the boundaries of the proposed Special West Chelsea District to include:

- The blocks bounded by West 29th Street, Eleventh Avenue and Twelfth Avenue; and
- The blocks bounded by West 17th Street, Tenth Avenue, West 15th Street and Eleventh Avenue.

b) Subareas A, B and C

- Remap Subarea A as the full block between 29th and 30th streets, between Tenth and Eleventh Avenues;
- Remap the northern boundary of Subarea B at 29th Street;
- Remap the northern boundaries of Subarea C at 29th Street;
- Remap the underlying zonings proposed for Subareas A and B, and for Subarea C along Eleventh Avenue to correspond to the new subarea boundaries; and
- Remap Subarea C along Tenth Avenue at C6-2.

c) Subareas D, E and Southern M1-5 District

- Remap the eastern boundary of Subarea D north of the midline between 19th and 20th streets at 100' in from Eleventh Avenue;
- Remap the northern boundary of Subarea E at the midline between 19th and 20th Streets;
- Remap the western boundary of the southern M1-5 zone at the new Subarea D boundary north of the midline between 19th and 20th streets;
- Remap the southern boundary of the southern M1-5 zone at the new Subarea E boundary; and
- Remap the underlying zonings proposed for Subareas D and E to correspond to the new subarea boundaries.

d) Subarea F

- Map a new Subarea F1, north of the midline between 19th and 20th streets;
- Map Subarea F1 with appropriate zoning at FAR 5, e.g., C4-5X; and
- Map the remaining portion of Subarea F south of the midline between 19th and 20th streets as F2 with the zoning of C6-2 proposed for Subarea F.

e) Subarea H

- Map Subarea H at C6-3.

f) C6-3A District at 23rd Street

- Remap the westernmost 100' in from Eleventh Avenue of the C6-3A district at 23rd Street at C6-3.

These requested changes are shown on the Board's maps in Appendix A.

RESOLVED, that this Board recommends denial of ULURP Application C 050162 ZMM unless the proposed zoning map is amended substantially in accordance with the recommendations listed above.

Zoning Text Change (N 050161 ZRM)

The following comments and resolutions regarding Zoning Text Change (N 050161 ZRM) were approved by a vote of 33 in favor, 0 opposed, 1 abstention and 1 present, but not eligible to vote:

98-10 - Special Use and Parking Regulations Within the SWCD

- 98-12 We specifically approve of the change to permit as-of-right museums and non-commercial art galleries in the Chelsea M1 districts.
- 98-141 We would like to include this section in continued discussions about transparency, adjacency, streetwalls and related issues of detail.

98-20 - Floor Area and Lot Coverage Regulations

- 98-22 The Basic Maximum floor area ratio in each subarea should be the same as the floor area ratio established by the current zoning. Specifically, the Basic Maximum floor area ratio in Subareas A and G should be 5.0.
- The increase in floor area ratio from the Basic Maximum of 5.0 to the Maximum of 10.0 in Subareas A and G should be accomplished in equal parts by transfer of development rights from the High Line Transfer Corridor and by mechanisms yet to be established providing for the creation or preservation of affordable housing in Chelsea.
- 98-25 Clarification: the applicable basic maximum floor area ratio of the zoning lot may be increased by the amount specified in Section 98-22 in the table column labeled "Increase in FAR via 'High Line' Bonuses" provided that the listed conditions are met.
- 98-25 Require property owners to perform the specified remediation work or create the amenities to ensure that the conversion of the High Line begins early and proceeds as quickly as possible.

98-30 - High Line Transfer Corridor

- 98-33 Include Subarea G in the definition of receiving site, consistent with the reduction of Basic Maximum FAR requested in comments on section 98-22.
- 98-33(b) For granting sites located both in and outside of Subareas A through I, the maximum amount of floor area transferred to receiving sites shall leave each transfer site with 1 FAR, which may not be transferred.
- 98-34 Screening and landscaping requirements for vacant lots should be reconsidered in order to enable pedestrian walkways beneath the High Line.
- 98-35 Delete (High Line Transfer Corridor Bonus)

98-40 - Height and Setback Regulations

98-42(a) We would like to see specific calculations illustrating how these restrictions were developed.

98-43(a) Each district or subarea should have an explicit Maximum Building Height in addition to any other height-governing requirements such as sky exposure planes or tower coverage.

The following table is based on Table A. It lists the requested Maximum Building Height for each district or subarea defined by the Department of City Planning as modified by the Community Board's requested changes to the proposed Zoning Map Change.

The Board's requested modifications in Maximum Building Height are indicated in bold italics.

<i>District or Subarea</i>	Maximum Building Height (feet)
C6-2A	120
C6-3A	145
<i>C6-3</i>	<i>190</i>
<i>M1-5</i>	<i>100</i>
<i>A</i>	<i>280</i>
B	135
C on narrow streets	110
<i>C on Tenth Avenue</i>	<i>125</i>
C on Eleventh Ave.	145
<i>D</i>	<i>190</i>
<i>E</i>	<i>160</i>
<i>F1</i>	<i>80</i>
F2	120
<i>G</i>	<i>280</i>
H within 100' of Tenth Avenue	120
<i>H beyond 100' of Tenth Avenue</i>	<i>220</i>
<i>I within 300' of Tenth Avenue</i>	<i>220</i>
I beyond 300' of Tenth Avenue	120
<i>Extension, 27th/29th, Tenth and Eleventh</i>	<i>280</i>

98-43(b) In Subarea D, for zoning lots with wide and narrow street frontage permit/require at-grade set backs on the narrow street frontage at Eleventh Avenue.

We would like to include this section in continued discussions about transparency, adjacency, streetwalls and related issues.

- 98-43(c) This section raises two questions:
- i. Why should the area directly adjacent to Tenth Avenue be allowed to be lower than the area between it and the High Line rather than the reverse if the goal is light, air and views?
 - ii. Cannot the text be improved explicitly to allow keeping residential buildings of less than 55 feet, say, to fulfill the requirement? This would reduce pressure on tenements and help preserve the original surroundings of the High Line.

98-43(d) Delete (Subarea E - 250' street wall)

98-43(e) Neither Tower East nor Tower West shall exceed a building height of 280'. On 17th Street permit wider at-grade setbacks; require an at-grade setback near Eleventh Avenue to open the street to the river.

98-43(f) The maximum height of buildings in Subarea I shall be 220'.

98-50 - Special Height and Setback, open area and Transparency Regulations for Zoning Lots Within or Adjacent to the High Line Transfer Corridor

98-54 Clarification: We believe that this section requires glazing and transparency that begins no higher than four feet above the level of the High Line bed and is at least eight feet in height, but the text is ambiguous.

In addition, we are concerned about the consequences of requiring so much window space, especially at night when light originating inside buildings adjacent to the High Line may overwhelm lighting designed specifically for the High Line.

We would like to include this section in continued discussions about transparency, adjacency, streetwalls and related issues.

98-55 Combined with the requirements of 98-54, this section means that the High Line frontage of buildings to the east of the High Line largely will be transparent or covered by plants or contain artwork. Together they place a significant portion of the High Line experience in private hands: What will be seen through the transparency, how much light will illuminate the High Line from adjacent buildings, what will be planted on walls and how it is maintained, and/or what art will be displayed.

Elsewhere, we have advocated community representation in the mechanisms for the design and operation of the High Line. The further consideration and discussion required by this issue could be well-suited for such a forum, though we recognize that similar attempts have not fared well in the past and we are reluctant to deny building owners their right to experiment and make mistakes, as well as successes.

We would like to include this section in continued discussions about transparency, adjacency, streetwalls and related issues.

Appendix D - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea G

Require property owners to perform the specified remediation work or create the amenities to ensure that the conversion of the High Line begins early and proceeds as quickly as possible.

Appendix E - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E and F or within Subarea I

Require property owners to perform the specified remediation work or create the amenities to ensure that the conversion of the High Line begins early and proceeds as quickly as possible.

Other Topics

Section 1.c. Uses under Community Concerns above sets forth usage comments and requests that are not related to specific proposed zoning text change. The Board believes that these are important issues that will affect the success of the SWCD and the possibility of maintaining community character and should be addressed in the proposed zoning text. These issues are Large Nightclubs, Retail Uses, Harassment and Demolition, M1-5 Loft Tenants, Sustainable Development and Business Relocation Assistance.

As indicated in various specific sections above, the Board wishes to continue discussions on transparency, High Line adjacency and streetwall requirements, and similar issues.

RESOLVED, that this Board recommends denial of Zoning Text Change (N 050161 ZRM) unless the proposed zoning text is amended substantially in accordance with the recommendations listed above.

RESOLVED, that this recommendation is subject to an overriding condition, the production of a concrete and detailed plan for the production and preservation of affordable housing.

Thank you for this opportunity to comment on the City's plan to create the Special West Chelsea District and rezone western Chelsea. We look forward to continuing our collaboration and are confident that our joint efforts will produce a final plan for western Chelsea that will meet our shared goals.

Sincerely yours,



Walter Mankoff
Chair
Manhattan Community Board No. 4



Lee Compton
Co-Chair
Chelsea Preservation & Planning Committee



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

cc: Hon. Michael Bloomberg, Mayor
Hon. C. Virginia Fields, Manhattan Borough President
Local Elected Officials
Ray Gastil, Director of Manhattan Planning Office
Jeff Mulligan, DCP
Erik Botsford, DCP
Jaime Ortiz, DCP

Attachments enclosed.

APPENDIX A - MAPS

The next four pages show the following maps:

DCP

- i) Subareas**

CB4

- i) Subareas and Base Density (FAR)**
- ii) Subareas and Maximum Density (FAR)**
- iii) Subareas and Building Heights**

BASE DENSITY

West Chelsea Rezoning

Base FAR

Current: 5.0
(normal type)

DCP: 7.5
(underlined)

CB4: *5.0*
(italic)

Sub-area Boundaries

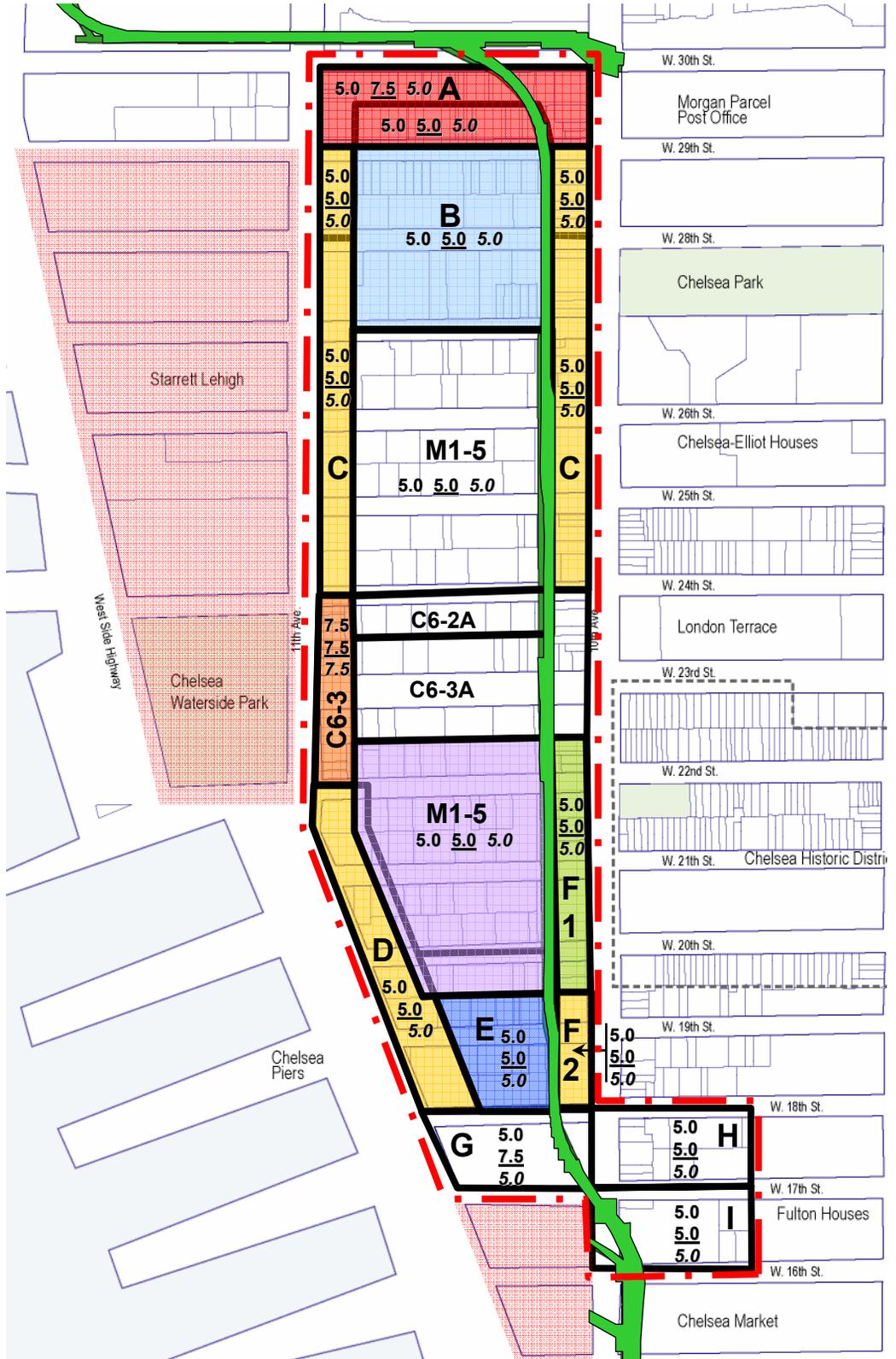
 Proposed by DCP
(black outlines)

 CB4 recommendations
(colored fill)

Special District Boundaries

 DCP Proposal
(red dotted line)

 CB4 recommended extension area
(shaded area)



MAXIMUM DENSITY

West Chelsea Rezoning

Maximum FAR

Current: 5.0
(normal type)

DCP: 7.5
(underlined)

CB4: *5.0*
(italic)

* *Additional 2.0 FAR available only through Inclusionary Housing Program*

Sub-area Boundaries

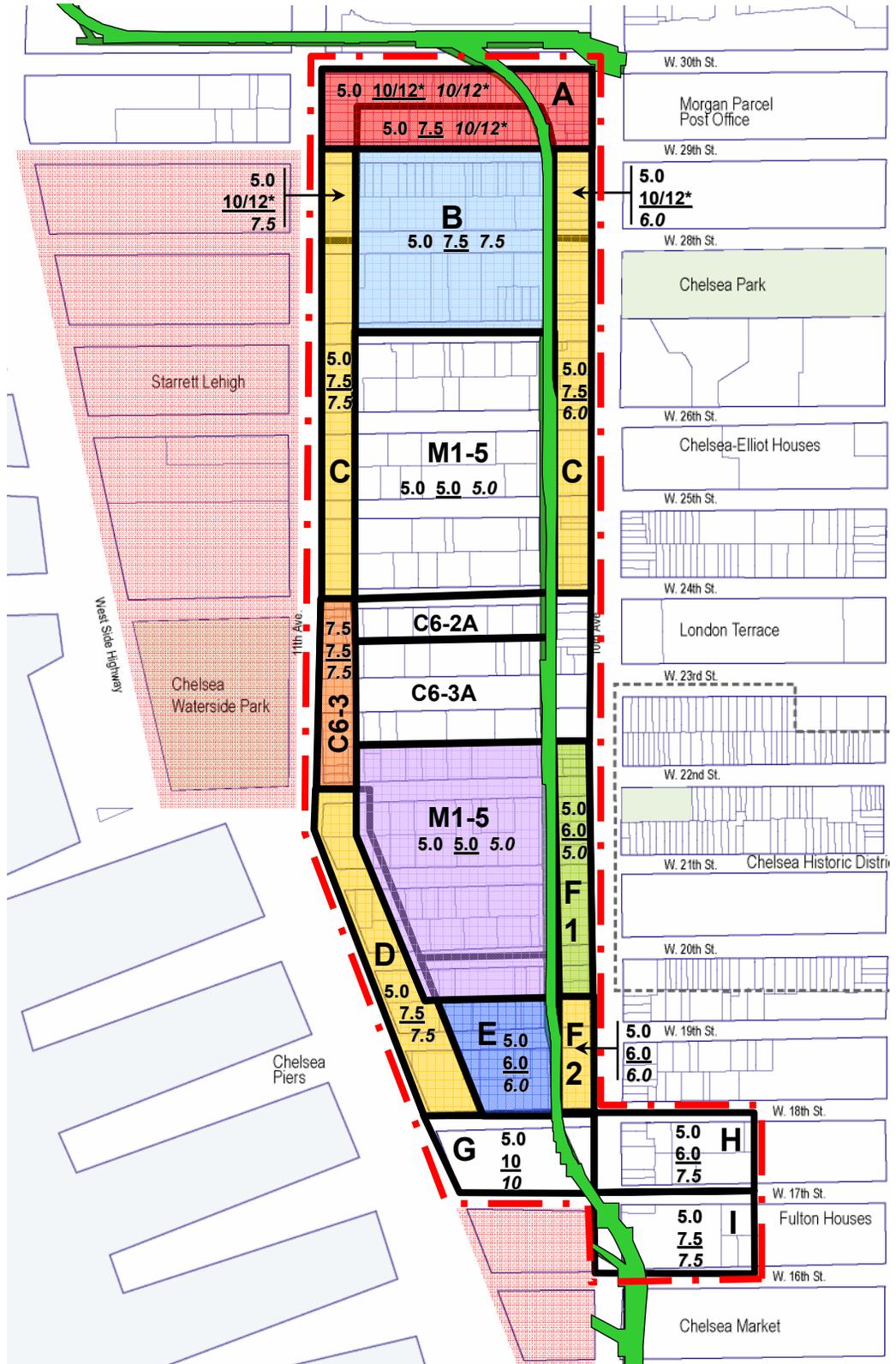
 Proposed by DCP (black outlines)

 CB4 recommendations (colored fill)

Special District Boundaries

 DCP Proposal (red dotted line)

 CB4 recommended extension area (shaded area)



BUILDING HEIGHTS

West Chelsea Rezoning

Expected heights (in feet)

DCP: estimated heights
(underlined)

CB4: *recommended height limits*
(italic)

Sub-area Boundaries

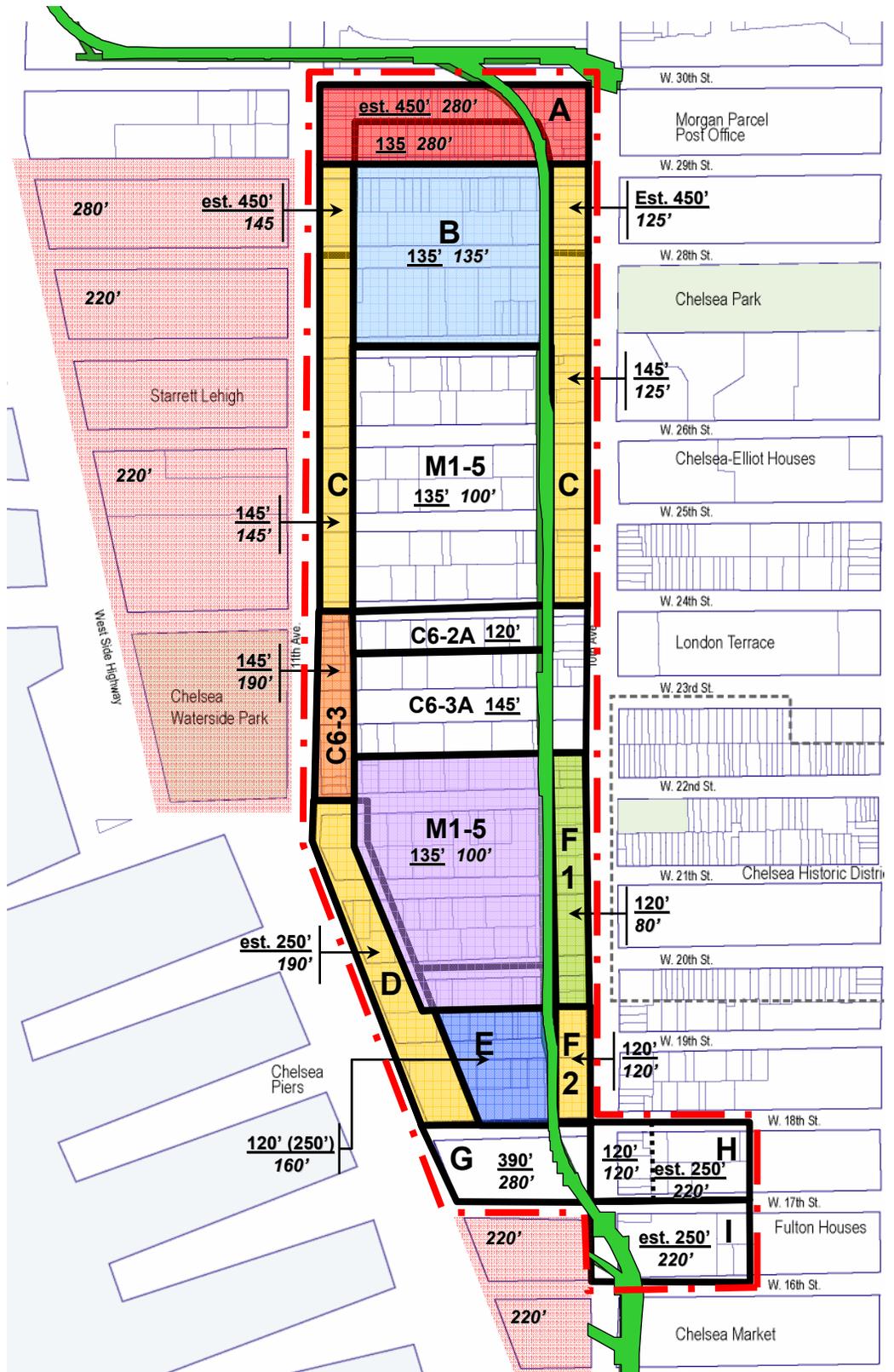
□ Proposed by DCP
(black outlines)

■ CB4 recommendations
(colored fill)

Special District Boundaries

⌈ DCP Proposal
(red dotted line)

■ CB4 recommended extension area
(shaded area)



APPENDIX B - HISTORIC ARCHITECTURAL RESOURCES

A map illustrating our proposals is attached at the end of this appendix.

a) Buildings within the proposed historic district

Warehouse structures served by railroads from float bridges or the New York Central RR

Along the North River were piers and a concentration of the float transfer bridges that received freight cars from the railroads in New Jersey. The Hudson River Park Trust and the State Department of Transportation have recently raised and restored the Baltimore & Ohio float bridge, which served a rail freight yard enclosing the former B&O warehouse at Eleventh Avenue and 25th Street. Tracks at various times established connections between this float bridge and the landmarked Starrett Lehigh Building, the Central Terminal Stores Warehouse and many other industrial buildings East of Eleventh Avenue.

The New York Central Railroad came south to freight yards on the north side of the area that eventually became concentrated just north of 30th Street. From there trains came directly down Tenth Avenue—called “Death Avenue” from the frequent accidents.

Terminal Warehouse Central Stores; entire block between 11th and 12th Aves., 27th to 28th Sts. (1890-92. George Mallory, arch., Walter Katte, eng.; fine arches and interior space)

Starrett Lehigh Building; entire block between 11th and 12th Aves., 26th to 27th Sts. (1930-31. R.G. and W. M. Cory with Yasuo Matsui, archs., Purdy and Henderson, engs.)

Baltimore & Ohio Terminal Warehouse, southwest corner Eleventh Ave. & 26th St (1914, Maurice Long, arch; early large reinforced concrete building)

Williams Warehouse, west side 10th Ave., 25th to 16th Sts., (1927-28, Cass Gilbert, arch; distinguished architecture and served by a High Line platform)

Industrial buildings and associated offices

Offices of industrial companies were also built here for convenience. This area epitomizes the industrial history of Chelsea and much of the West Side in the later 19th and early 20th Centuries.

Berlin and Jones Envelope Co. Bldg; 548-552 W. 28th St., 547-553 W. 27th St. (1889-1900, handsome ironwork)

Merrill Spring Co. Bldg. 524-532 W. 28th St., 525-531 W. 27th St. (1872-1920, various archs.)

Otis Elevator Bldg. east side 11th Ave., W. 26th to W. 27th Sts. (1903-1911, Clinton & Russell, archs., fine Art Deco and cornice)

Wolff Bldg. and Annex; 506-528 W. 26th St. (1908, William Higginson; 1926, Frank Parker, archs.; used High Line for distribution but now an arts building))

Reynolds Metal Co. Bldgs., 521-539 W. 25th St., (1900, and later, Schickel & Ditmars, archs.; handsome offices and manufacturing: Reynolds Wrap)

Other Contributing Structures

North River Garage/Auto Showroom (1912; Early automotive building, expansive interior)

Baltimore & Ohio Float Transfer Bridge, Pier 66A in Hudson River Park; now restored)

Individual buildings in the study area

Cornell Iron Works, 551-555 W 25th St.; (1892, George Cornell, arch.; produced ornamental iron work on building and nearby)

Zinn Bldg./Royal Envelope Co. Bldg., southwest corner of 11th Ave. and 25th St. , now an arts building)

b) Significant buildings in extreme north of area to be rezoned

Hess Brothers Confectionary Factory, 502-504 West 30th St., (1894, Romeyn and Steever)

W. & J. Sloane Warehouse and Garage, northeast corner of 11th Ave. and W. 29th St. (1909, James B. Baker, arch.; 1913, John B. Snook, arch.; all in striking Renaissance style and motifs)

Charles P. Rogers & Co. Bldg., 513-515 West 29th Street (1903; fine cornice and design)

550 West 29th St bldg.; perhaps 1843; possible stable, has lifting beam above central windows)

c) Significant threatened buildings in far south of area affected by rezoning

461 West 18th Street. (Quaint stable and row house, ca. 1830, photographed by Berenice Abbott)

445 West 18th Street (Early Greek Revival row house with interesting details)

PROPOSED HISTORIC AREAS

WEST CHELSEA REZONING

-  Historic Building
-  Proposed Historic District
-  Proposed Study Area
-  West Chelsea Rezoning Area

