



## CITY PLANNING COMMISSION

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December 17, 2014 / Calendar No. 9

C 150101 ZMM

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**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, by establishing a Special West Chelsea District (WCh) bounded by West 15th Street, Ninth Avenue, a line midway between West 15th Street and West Fourteenth Street, a line 325 feet easterly of Tenth Avenue, West Fourteenth Street, and Tenth Avenue, Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated September 2, 2014, and subject to the conditions of CEQR Declaration E-350.

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The application for an amendment of the Zoning Map to expand the Special West Chelsea District to include a portion of an M1-5 district bounded by West 15th Street, Ninth Avenue, a line midway between West 15th Street and West Fourteenth Street, a line 325 feet easterly of Tenth Avenue, West Fourteenth Street, and Tenth Avenue was filed by the Department of City Planning on August 27, 2014. The application, along with a related text amendment, would expand the Special West Chelsea District, modify bulk regulations in the rezoning area, amend street wall regulations for some corner lots, clarify rear yard provisions, correct maximum building heights permitted in Subarea C and allow unenclosed sidewalk cafés on wide streets in the Special West Chelsea District in Manhattan Community District 4.

### **RELATED ACTIONS**

In addition to the zoning map amendment (C 150101 ZMM), which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**N 150102 ZRM:** Amendment to Appendix A of Article IX, Chapter 8 to expand the Special West Chelsea District map to include the rezoning area; to Appendix B of Article IX, Chapter 8 to expand the High Line Transfer Corridor Location map to include the rezoning area; to Section 98-423, Street wall location, minimum and maximum base heights and maximum building heights, to strengthen street wall requirements for corner lots with narrow street frontages, and to correct the maximum building height permitted in Subarea C for zoning lots with Tenth Avenue frontage; to Section 98-41,

Special Rear Yard Regulations, to clarify provisions concerning rear yard equivalents; and to Section 14-44, Special zoning districts where certain sidewalk cafes are permitted, to allow sidewalk cafes on wide streets in the Special West Chelsea District.

## **BACKGROUND**

The Special West Chelsea District was mapped in 2005 between West 16th and West 30th streets, and Tenth and Eleventh avenues, with two partial blocks at the southern end of the district on the east side of Tenth Avenue (N 050161A ZRM et al). Long characterized by light manufacturing, storage, and auto-related uses, West Chelsea experienced a proliferation of galleries, restaurants, bars and nightclubs beginning in the 1990s. The opening of Chelsea Piers and the Hudson River Park further strengthened the area as a destination and prospective residential district. The purpose of the Special District is to encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood; encourage the development of residential uses along appropriate avenues and streets; encourage and support the growth of arts-related uses; facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space; ensure that the form of new buildings relates to and enhances neighborhood character and the High Line open space; and create and provide a transition to the lower-scale Chelsea Historic District to the east and the higher-density Hudson Yards area to the north.

The Special District was expanded in 2012 to include the full-block Chelsea Market complex between West 15th and West 16th streets, and Ninth and Tenth avenues (N 120142 ZRM, C 120143 ZMM), immediately north of the Rezoning area. In addition to extending the district, the zoning map and text amendments established a Subarea to include the site, allowed an increase in permitted density in the subarea and established bulk controls to govern the form of any expansion of the site.

This application, and the related application, are the result of a continued, collaborative effort with Community Board 4 to identify appropriate areas for expansion of the Special West Chelsea

District.

The rezoning area is situated at the border between the Gansevoort Market Historic District to the south and the Chelsea neighborhood to the north, east, and west. One building in the rezoning area, High Line Stages at 440 West 15th Street, is included in the Gansevoort Market Historic District. To the south, the Gansevoort Market Historic District (an area often referred to as the Meatpacking District) was developed in the 19th and early 20th centuries with six- or fewer-story wholesale meatpacking businesses and loft buildings that supported the Hudson River commercial waterfront. The historic value of this area was recognized by the Landmarks Preservation Commission in 2003 with designation of the Gansevoort Market Historic District. Many buildings have been adaptively reused for retail and office uses. The rezoning area is additionally included in the 2007 State and National Register-listed Gansevoort Market Historic District.

Blocks to the north, east and west of the rezoning area represent a variety of building types and uses, which contribute to West Chelsea's dynamic character. Immediately to the north of the Rezoning area are several large, full-block loft buildings, originally built for industrial purposes that have largely been converted to ground floor retail and offices on upper floors. Blocks further north and east are predominantly residential and mixed residential-commercial buildings. These comprise attached townhouses, older elevator apartment buildings, more recently constructed residential buildings along Tenth Avenue and the Robert Fulton Houses. Ninth Avenue is host to a concentration of commercial uses nearest its intersection with West 14th Street, but becomes increasingly residential with ground floor retail uses on blocks to the north and south. Tenth Avenue continues to transition away from manufacturing and parking uses to office and retail uses.

With the adoption of the Special West Chelsea District in 2005, portions of the Special District that were designated for residential and commercial growth continue to undergo active redevelopment. An example is the Caledonia at 450 West 17th Street. The conversion and expansion of existing buildings to include office space has also been prevalent among recent

construction in the southern portions of the surrounding area, particularly loft buildings in the Meatpacking District, 111 Eighth Avenue, the High Line Building at 450 West 14th Street, and the approved expansion of the Chelsea Market.

The High Line elevated park extends from its southern terminus at Gansevoort Street to West 34th Street. It crosses from the east side to the west side of Tenth Avenue at West 17th Street. Hudson River Park runs along the west side of Route 9A; Piers 57 and 54 are currently in development.

The area surrounding the rezoning area includes a segment of the Special West Chelsea District. The district is mapped over approximately 17 blocks and includes the block immediately to the north of the area proposed to be rezoned. It comprises ten Subareas with bulk regulations that respond to the unique conditions along the High Line and surrounding streets. Portions of the Special District outside of Subareas are also subject to special bulk and use controls that supersede the controls of the underlying zoning districts.

An M1-5 zoning district is mapped over the rezoning area as well as a large part of the surrounding area. Other zoning districts in the surrounding area include C6-2A (an R8A equivalent district) and R8B along West 14th Street and on residential blocks to the east of the rezoning area, and R8 mapped over the Fulton Houses campus. There are two Special West Chelsea District Subareas within the surrounding area. Subarea J encompasses the Chelsea Market complex and prescribes a building envelope with a 135-foot height cap on Ninth Avenue, 130-foot maximum height in the midblock and a maximum 230 feet on the Tenth Avenue portion. Immediately north is Subarea I, which also prescribes a specific building envelope that resulted in the construction of the Caledonia at 450 West 17th Street.

The rezoning area is bounded by West 14th and West 15th streets, and Ninth and Tenth avenues, but excludes the segment of the block beyond 325 feet east of Tenth Avenue and south of the block centerline. The block (Block 712) is occupied by seven properties, all of which have frontages on West 15th Street. Among the seven properties, 400-404 West 15th Street (Lots 36

and 38) is built to less than half the permitted density; 412-414 West 15th Street (Lot 42) is being constructed with an approximately 24-story hotel; 422 West 15th Street (Lot 46) is being converted and enlarged from a six-story parking garage and auto repair facility to an office building; 436 West 15th Street (Lot 51) has distributed unbuilt floor area to another segment of the zoning lot; 440 West 15th Street (Lot 11) is included in the Gansevoort Market Historic District; and 450 West 15th Street and 461 West 14th Street (Lots 1R and 6), comprising one zoning lot, include a non-complying 111-foot tall office building and new single-story retail space beneath the High Line. The latter two properties are through-lot sites with frontages on West 14<sup>th</sup> Street as well as West 15<sup>th</sup> Street.

Additionally, there are small portions of three properties (Block 712, Lots 26, 27 and 29) that front along West 14th Street that will be included in the expanded Special District. These segments are adjacent to the block centerline and, as they are small, present no effective change to the regulations that govern the larger lots.

The entire rezoning area is in the M1-5 zoning district. As currently mapped outside of the Special West Chelsea District, M1-5 allows 5.0 FAR for permitted commercial and light manufacturing uses, or 6.5 for some community facility uses, with a base height maximum of 85 feet, or 6 stories, whichever is less, and an overall height dictated by the sky exposure plane. Above the building base, buildings are required to set back by 20 feet on narrow streets and 15 feet on wide streets. Residential uses are not permitted.

The Rezoning area is proposed to remain in the M1-5 zoning district, but be included in the Special West Chelsea District. In the Special District, M1-5 does not alter underlying densities or limit permitted uses. The envelope regulations are modified to require a base height of between 50 and 95 feet, and a maximum building height of 135 feet. Above the building base, buildings are required to set back by 15 feet on narrow streets and 10 feet on wide streets. The extension will permit museum and non-commercial gallery uses without a limitation on size as-of-right. This use provision was included in the 2005 Special West Chelsea District rezoning to help bolster the growth of the established gallery district in the area's midblocks.

The zoning map amendment, with related zoning text amendment, are proposed to implement bulk regulations in the area proposed to be rezoned that are not only consistent with the existing building stock, but are also in line with the built character and regulations governing adjacent West Chelsea and Gansevoort Market Historic District buildings. Therefore, the amendment to the zoning map would extend the Special West Chelsea District, but the underlying zoning district designation will remain M1-5. In an M1-5 zoning district, without any additional regulations, there is no maximum height currently stipulated. The rezoning area's loft buildings retain much of the historic industrial waterfront character that contributed to the landmark designation of blocks to the south. The Special West Chelsea District's M1-5 envelope is consistent with bulk regulations prescribed to the Chelsea Market to the north, where the midblock portion of the building is limited to 130 feet in height and the segment fronting Ninth Avenue is limited to 135 feet. The proposed zoning map and text amendments would not increase non-compliance or non-conformance of existing buildings.

The text amendment to Section 98-423 (N 150102 ZRM) is proposed to reinforce a strong and consistent street wall on corner lots with narrow and wide street frontages outside of subareas. Currently, beyond 50 feet of an intersection with a wide street, street walls on narrow streets can rise to a minimum of 15 feet, rather than the minimum base height, for 50 feet. Beyond these 100 feet from an intersection with a wide street, the text is unclear about the proximity of the street wall to the street line. The amendment will ensure that the street wall meets the street line for the first 50 feet and extends along the street line for at least 70% of narrow street frontage up to at least the minimum base height.

The text amendment to allow unenclosed sidewalk cafes on wide streets is proposed to animate segments of Ninth Avenue, Tenth Avenue, Eleventh Avenue and West 23rd Street in the Special West Chelsea District where, until now, unenclosed sidewalk cafés have been prohibited. Specific changes to the text would be:

- to Appendix A of Article IX, Chapter 8 to expand the Special West Chelsea District map to include the rezoning area, as described above
- to Appendix B of Article IX, Chapter 8 to expand the High Line Transfer Corridor Location map to include the rezoning area, as described above
- to Section 98-423, Street wall location, minimum and maximum base heights and maximum building heights, to strengthen street wall requirements for corner lots with narrow street frontages by requiring that beyond 50 feet of an intersection with a wide street, street walls extend along the street line for at least 70% of narrow street frontage of the zoning lot up to at least the minimum base height in areas outside of a subarea; and to correct the maximum building height permitted in Subarea C for zoning lots with Tenth Avenue Frontage from 145' to 125'
- to Section 98-41, Special Rear Yard Regulations, to clarify that where rear yard equivalents are required, they shall be provided at the mid-block, except in certain situations
- to Section 14-44, Special zoning districts where certain sidewalk cafes are permitted, to allow sidewalk cafes on wide streets in the Special West Chelsea District

## **ENVIRONMENTAL REVIEW**

The subject application (C 150101 ZMM), in conjunction with the application for the related action (N 150102 ZRM), was reviewed pursuant the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations (NYCRR), Section 617.00 et seq. and the New York City Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 15DCP037M. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on September 2, 2014. A Revised Negative Declaration was issued on December 17, 2014.

## **UNIFORM LAND USE REVIEW**

This application (C 150101 ZMM) was certified as complete by the Department of City Planning on September 2, 2014, and was duly referred to Manhattan Community Board 4 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); along with the related non-ULURP action (N 150102 ZRM), which was referred for information and review in accordance with the procedures for non-ULURP matters.

### **Community Board Review**

Community Board 4 held a public hearing on this application (C 150101 ZMM) and on the application for the related action, on October 1, 2014, and on that date, by a vote of 34 in favor and 0 opposed, adopted a resolution recommending approval of the application with the condition that unenclosed sidewalk cafes not be permitted on Ninth Avenue in the Special West Chelsea District.

### **Borough President Recommendation**

This application (C 150101 ZMM), in conjunction with the related action, was considered by the President of the Borough of Manhattan who issued a recommendation approving the application on November 13, 2014.

### **City Planning Commission Public Hearing**

On November 5, 2014 (Calendar No. 1), the City Planning Commission scheduled November 19, 2014, for a public hearing on this application (C 150101 ZMM). The hearing was duly held on November 19, 2014 (Calendar No. 9) in conjunction with the public hearing on the application for the related action. There were seven speakers in favor and none in opposition.

A representative of the Council Member representing the 3<sup>rd</sup> District spoke in favor of the application, stating that applying bulk regulations along this portion of 15<sup>th</sup> street was appropriate to protect the low-rise character of the blocks south of the Chelsea Market, to help spur mixed-use development, and to preserve the integrity of West Chelsea's commercially

zoned properties. It was also stated that the bulk controls along West 15<sup>th</sup> Street served as an appropriate transition between the Meatpacking District and West Chelsea.

The legal counsel for the developer of 510 West 22<sup>nd</sup> Street spoke in favor of the application, but proposed that the text amendment be modified to allow the enlargement of an existing building on the property. The architect for 510 West 22<sup>nd</sup> Street also spoke in favor of the application with modification. He stated that the building proposed for the site had been designed as an enlargement, retaining an existing non-complying streetwall and the rear yard equivalents. He requested a modification to the text so that the proposed building would not be required to be split into two towers, resulting in a significant reduction in the efficiency of the building. The developer of 510 West 22<sup>nd</sup> Street also spoke in favor of the requested modification to the application, reiterating the testimony by his counsel and architect.

Both co-chairs of Community Board 4's Chelsea Land Use Committee spoke in favor of the application, with the condition that it be modified to exclude unenclosed sidewalk cafes on Ninth Avenue in the Special West Chelsea District. The first co-chair spoke about the sidewalk café condition, citing concern with pedestrian congestion along the west side of Ninth Avenue between West 15<sup>th</sup> and West 16<sup>th</sup> streets, in front of the Chelsea Market building as the main reason why the board felt that sidewalk cafes were not appropriate in this portion of the district. The second co-chair stated that high-rise development currently permitted along 15<sup>th</sup> Street without the bulk controls proposed by the expansion of the Special West Chelsea District needed proactive planning to prevent tall out-of-character buildings.

A representative of the Greenwich Village Society for Historic Preservation also spoke in favor of the application stating that it would help prevent out-of-character development from adversely affecting the historic district immediately to the south.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the zoning map amendment (C 150101 ZMM), in conjunction with the related application for a zoning text amendment (N 150102 ZRM), as modified, is appropriate.

The proposed changes to the zoning text would amend height and setback regulations on a portion of the block bounded by West 14<sup>th</sup> and West 15<sup>th</sup> streets, Ninth and Tenth avenues in West Chelsea, to better correspond to the rezoning area's existing building stock and more effectively harmonize with the built fabric of adjacent streets. Currently, in an M1-5 district, there is no maximum building height prescribed in the rezoning area. The proposed zoning text change would apply a base height of between 50 and 95 feet, and maximum building height of 135 feet by including the rezoning area in the Special West Chelsea District, which already stipulates these requirements in M1-5 districts. The proposed zoning map amendment does not alter currently permitted densities or significantly modify currently permitted uses.

The Commission recognizes the industrial character of structures in the rezoning area; this building typology is emblematic of West Chelsea and the Meatpacking District. A comparable stock of loft buildings is found in the midblocks of the M1-5 districts mapped in the Special West Chelsea District. Similarly, the existing buildings generally range in height from one- to eight-stories, rise without setback and occupy large footprints. The M1-5 districts in the midblocks between West 20<sup>th</sup> and West 22<sup>nd</sup> streets, and West 24<sup>th</sup> and West 27<sup>th</sup> streets, were prescribed height and setback regulations that supersede underlying requirements in order to help maintain the distinctive, low-rise lofts.

In 2012, the Special West Chelsea District was expanded to include the Chelsea Market, a former manufacturing complex occupying the block to the north of the rezoning area. While the actions allowed for increased height on Tenth Avenue, heights governing the midblock and Ninth Avenue segments of Chelsea Market were capped at 130 and 135 feet, respectively. Given the comparable qualities of buildings in existing Special West Chelsea District M1-5 districts and analogous height controls placed on Chelsea Market to the north, the Commission believes

that the inclusion of the rezoning area in the Special District in order to apply the proposed height and setback regulations is appropriate.

Further, the rezoning area immediately borders the Gansevoort Market Historic District to the south. The Landmarks Preservation Commission-designated historic district is dominated by two- to six-story commercial loft conversions, largely comprising office and retail uses. The Commission believes that the expansion of the Special West Chelsea District to include the rezoning area will not only require building envelope controls that provide a suitable transition between the historic district to the south and special district to the north, but will also reinforce the boundary between the commercial Meatpacking District and more residential West Chelsea.

The Commission believes that the proposed text amendments are appropriate. The amendment to strengthen and clarify street wall requirements for some wide and narrow street corner lots will aid in reinforcing street walls at the street line that are prevalent in West Chelsea and required throughout the Special District. The amendment to clarify that rear yard equivalents for through-lots shall be located at the block centerline, is also suitable. The Commission finds that the location of a rear yard equivalent at the street line is both unusual and unfitting in West Chelsea.

The Commission acknowledges the concerns of the owner of the property at 510 West 22<sup>nd</sup> Street, who plans to enlarge and convert an existing building to office use. In this instance, the existing structure on a through-lot includes rear yard equivalents at the street line on both its West 21<sup>st</sup> and West 22<sup>nd</sup> street frontages. The property owner has pursued plans to enlarge the building while maintaining these rear yard equivalents. Although compliant under the existing zoning, the rear yards would become non-compliant if the proposed text is adopted and the site is included in the Special West Chelsea District. As demonstrated in testimony by the property owner and his representatives, the retention of the rear yard equivalents to be used as accessory, landscaped outdoor amenity space for office tenants neither conflicts with surrounding uses nor presents an incompatible built condition. The terraces afford increased light and air from the midblock to the High Line and correspond visually to the verdant landscaping of the park. The

Commission believes that the circumstances of the site at 510 West 22<sup>nd</sup> Street are unique and that the proposed text amendment does not present such a conflict elsewhere. The Commission is also assured that the roofs above the rear yard equivalents will not be used for locating the building's critical or mechanical systems. Therefore, the Commission modifies the proposed text to allow, in M1-5 Districts within the Special West Chelsea District, buildings existing prior to the effective date of this amendment, to be enlarged and maintain rear yard equivalents at the street line, provided that such building is on a zoning lot located entirely within 150 feet of the west side of the High Line. Following the public hearing, Community Board 4 reviewed the requested modification and unanimously voted in favor of the request.

The Commission appreciates the level of support for this application by Manhattan Community Board 4. The proposal to expand the Special West Chelsea District to include the south side of West 15<sup>th</sup> Street between Ninth and Tenth avenues is the culmination of a long effort by the Community Board, with the Department, to find opportunities to appropriately reinforce and extend the objectives of the 2005 special district adoption. Since its mapping nine years ago, the special district has successfully steered growth, introduced residential development and supported the reuse of the High Line as a park. The Commission believes that the inclusion of the rezoning area in the Special District to effect more appropriate bulk controls is consistent with the goals of the Special District. In its recommendation and testimony, Community Board 4 asked that the zoning text amendment to allow unenclosed sidewalk cafes on wide streets in the special district be modified to exclude Ninth Avenue. The Board is particularly concerned with pedestrian congestion along the west side of Ninth Avenue between West 15th and West 16th streets, in front of the Chelsea Market building. The Board cites burdensome drop-offs by tourist buses on a stretch that already sees considerable foot traffic. While the Commission understands the concerns of the Board, it notes sidewalk cafes are permitted today along the entirety of both sides of Ninth Avenue to the north and south of the Chelsea Market and along many midblocks immediately to the south. The Commission believes that the exclusion of this one blockfront would be unlikely to affect pedestrian conditions in the broader pedestrian network. Moreover, the Commission recognizes that Chelsea Market is a significant commercial destination with

food service and dining as integral parts of its identity, and that sidewalk cafes are complementary uses to its identity.

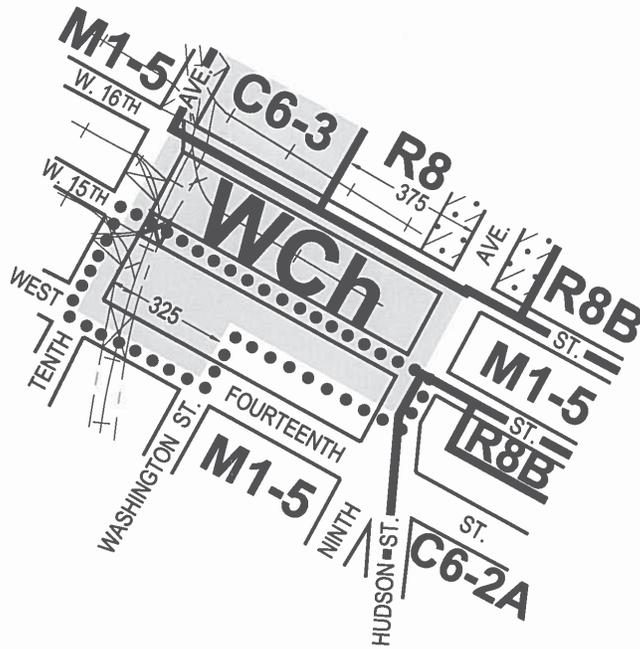
## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8b, by establishing a Special West Chelsea District (WCh) bounded by West 15th Street, Ninth Avenue, a line midway between West 15th Street and West Fourteenth Street, a line 325 feet easterly of Tenth Avenue, West Fourteenth Street, and Tenth Avenue, Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated September 2, 2014, and subject to the conditions of CEQR Declaration E-350.

The above resolution (C 150101 ZMM), duly adopted by the City Planning Commission on December 17, 2014 (Calendar No. 9), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**CARL WEISBROD**, Chairman  
**KENNETH J. KNUCKLES, ESQ.**, Vice Chairman  
**RAYANN BESSER, ALFRED C. CERULLO, III,**  
**MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,**  
**CHERYL COHEN EFFRON, BOMEI JUNG, ANNA HAYES LEVIN,**  
**ORLANDO MARIN, LARIZA ORTIZ**, Commissioners



CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP

**8b**  
 BOROUGH OF  
**MANHATTAN**

New York, Certification Date  
 SEPTEMBER 02, 2014

*Gene Sadko, P.E.*  
 For J. Miraglia, Director  
 Technical Review Division



- NOTE:**
- Indicates Zoning District Boundary.
  - The area enclosed by the dotted line is proposed to be rezoned by establishing a Special West Chelsea District (WCh).
  - Indicates a C2-5 District.
  - Indicates a Special West Chelsea District.



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**CHRISTINE BERTHET**  
Chair

**NELLY GONZALEZ**  
Acting District Manager

October 3, 2014

Carl Weisbrod, Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: ULURP Applications Nos. C 150101 ZMM and N 150102 ZRM  
Special West Chelsea Expansion**

Dear Chair Weisbrod:

At its regularly scheduled Full Board Meeting on October 1, 2014, Manhattan Community Board 4, on the recommendation of its Chelsea Land Use Committee (CLU) and following a duly noticed public hearing, voted by roll call 34 in favor, 0 opposed, 0 abstaining and 0 present not eligible to recommend approval, with the condition regarding sidewalk cafes noted below, of the applications to incorporate portions of Block 712 into the Special West Chelsea District (SWCD) and to make clarifying amendments to portions of the Zoning Resolution.

**Background**

The SWCD was created in 2005 to facilitate the transformation of the High Line elevated rail line into a public park, to ensure that the form of new buildings enhanced neighborhood character, to provide a transition to the lower-scale Chelsea Historic District to the east and to the higher density Hudson Yards to the north, and for the general revitalization of West Chelsea. Nine years after its creation, the general purposes for which the SWCD was created are being fulfilled. West Chelsea is a dynamic mixed-use neighborhood. Residential development is vibrant, the arts community is flourishing and the third section of the High Line park has opened to enthusiastic reviews and large crowds.

During the public process that culminated in the June 2005 West Chelsea rezoning, CB4 advocated for the inclusion of adjacent areas of West Chelsea in the new special district, including:

- The areas between Eleventh and Twelfth Avenues between West 27<sup>th</sup> and 30<sup>th</sup> Streets;
- The Chelsea Market block;
- 85 and 99 Tenth Avenue; and
- The south side of West 15<sup>th</sup> Street between Ninth and Tenth Avenues.

Since 2007 the Board has included a request in its annual Statement of District Needs for a study by the Department of City Planning (DCP) of these areas for future actions appropriate for the neighborhood, including their incorporation into the SWCD.

As part of the 2012 Chelsea Market rezoning, which mapped the Chelsea Market block as Subarea J of the SWCD, DCP committed to studying the expansion of the SWCD. Over the course of two years CB4's CLU committee held several public meetings and developed recommendations for presentation to DCP. In June 2013 DCP released its report, "study for the potential expansion of the Special West Chelsea District." While declining to take action on the other areas proposed by the Board for inclusion in the SWCD, the study recommended the incorporation of the south side of 15<sup>th</sup> Street between Ninth and Tenth Avenues into the M1-5 district of the SWCD.

### **Requested Actions**

- **Proposed Zoning Map Amendment**

Include block 712, bounded by West 14<sup>th</sup> and West 15<sup>th</sup> Streets, and Ninth and Tenth Avenues, excluding the segment of the block beyond 325 east of Tenth Avenue and south of the block centerline - the Project Area - in the M1-5 district of the SWCD.

- **Proposed Zoning Text Amendments**

- Amend ZR 98 Appendices A and B to expand the SWCD map to include the Project Area in the SWCD M1-5 district.
- Amend ZR 98-423 to strengthen street wall requirements for corner lots with narrow street frontages.
- Amend ZR 98-41 to clarify that where rear yard equivalents are required they shall be provided at the mid-block.
- Amend ZR 14-44 to allow unenclosed sidewalk cafes on wide streets in the SWCD.

### **CB4 Recommendations**

- **Proposed Zoning Map and Zoning Text Amendments Related to Block 712**

CB4 welcomes the proposed inclusion of the south side of 15<sup>th</sup> Street between Ninth and Tenth Avenues, and across from Chelsea Market, in the M1-5 district of the SWCD and recommends approval of these actions.

The incorporation of the block into the SWCD does not change existing permitted density but does change permitted building form. Currently, maximum building heights are subject only to sky exposure plane limitations, which can produce buildings in excess of 250 feet tall. Under the new zoning, buildings will be restricted to minimum and maximum base heights of 50 and 95

feet, respectively, and a maximum height of 135 feet. This will preclude the transfer of development rights from adjacent properties for the purpose of building taller than 135 feet. CB4 agrees with DCP that the inclusion of the Project Area in the SWCD M1-5 district provides an appropriate transition from the three to six story buildings in the Gansevoort Market Historic District to the south to the buildings with varied heights to the north.

We have received requests from developers of proposed new and altered buildings taller than would be permitted by the current application to consider changes that would allow them to proceed with their projects. Their arguments include references to larger nearby buildings such as 111 Eighth Avenue and the future Tenth Avenue frontage of Chelsea Market, as well as to 412-414 West 15<sup>th</sup> Street where a 250+ foot hotel is under construction. We believe that the building form established by the SWCD M1-5 district is appropriate for this block and reject the argument that the out-of-scale midblock hotel under construction should establish the new context for the block. We only regret that this action comes too late to prevent that particular building.

The inclusion also does not change existing permitted uses. The Board recommended that hotels be excluded from the West 15<sup>th</sup> Street block, either by changing zoning to M2-3 or by text amendment, but DCP declined, saying that they believed that the bulk restrictions in the SWCD M1-5 district and the strong demand for office space would be sufficient to discourage hotel uses. As we have written elsewhere, the Board supports the general proposal to require a special permit for a hotel.

- **Proposed Zoning Text Amendments to ZR 98-423 and ZR 98-41**

The proposed amendments to ZR 98-423 and to ZR 98-41 address ambiguities in the SWCD text related to requirements for street walls for corner lots and for rear yard equivalents. The Board recommends their approval.

- **Proposed Zoning Text Amendment to ZR 14-44**

ZR 14-44 governs sidewalk cafes in special zoning districts. Currently, unenclosed sidewalk cafes are not permitted in the SWCD. After receiving requests from restaurant owners and holding public meetings on the issue, the Board recommended to DCP that the text be amended to permit unenclosed sidewalk cafes on wide streets in the SWCD. However, based on further review of sidewalk widths, traffic and the nearby mid-street seating area, we now believe that sidewalk cafes should not be permitted on the west side of Ninth Avenue between West 14<sup>th</sup> and West 16<sup>th</sup> Streets.

The board recommends approval of the amendment to ZR 14-44 on the condition that it be modified to exclude unenclosed sidewalk cafes on Ninth Avenue in the SWCD.

CB4 wishes to thank the members of the Department of City Planning who worked with us on the expansion of the Special West Chelsea District to include Block 712. We look forward to ongoing discussions on our other recommended areas and hope that their rezoning and inclusion

can be completed in advance of development inconsistent with the purposes of the special district.



Christine Berthet  
Chair



J. Lee Compton  
Co-Chair  
Chelsea Land Use Committee



Betty Mackintosh  
Co-Chair  
Chelsea Land Use Committee



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Gale A. Brewer, Borough President

November 13, 2014

**Recommendation on  
ULURP Application Nos. C 150101 ZMM and N 150102 ZRM  
Special West Chelsea District Expansion  
By the Department of City Planning**

**PROPOSED ACTIONS**

The New York City Department of City Planning (“DCP”) seeks approval of a zoning map amendment and a zoning text amendment to expand the Special West Chelsea District to include portions of the block bounded by West 14<sup>th</sup> and West 15<sup>th</sup> Streets, and Ninth and Tenth Avenues, in the Chelsea neighborhood of Manhattan Community District 4. The rezoning area is mapped as an M1-5 district, and the proposed map amendment would retain this designation but would subject the area to the height and setback controls of the Special West Chelsea District. DCP seeks amendments to the text of Sections 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes are Permitted) and 98-00 (Special West Chelsea District) of the Zoning Resolution (“ZR”). The proposed text amendments would modify street wall regulations for some corner lots in the rezoning area, clarify rear yard provisions throughout the district, correct the maximum building heights in Subarea C,<sup>1</sup> and would allow unenclosed sidewalk cafes on wide streets throughout the district.

**PROJECT DESCRIPTION**

DCP seeks to include the north side of the block bounded by West 14<sup>th</sup> and West 15<sup>th</sup> Streets, between Ninth and Tenth Avenue in the Special West Chelsea District (“WCh”) in order to implement height and setback controls that are more consistent with the regulations governing adjacent blocks and the existing built context. In addition, DCP seeks by text amendment to clarify some existing provisions of the special district and to allow sidewalk cafes on wide streets in the neighborhood.

**Background**

Adopted by the City Council in 2005, the Special West Chelsea District was designed to promote residential and commercial development, facilitate the transformation of the elevated rail structure into the High Line Park and fortify the area’s art gallery district. It is generally bounded by Tenth and Eleventh Avenues to the east and west and West 15<sup>th</sup> and 30<sup>th</sup> Streets to the north and south. Through both building envelope controls and incentive mechanisms, the WCh was designed to move bulk away from the High Line to provide views, light, and air to and from the

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<sup>1</sup> Subarea C is mapped along Tenth and Eleventh Avenues from West 24<sup>th</sup> Street to West 28<sup>th</sup> Street.

park, as well as preserve the low-scale character of the neighborhood. The special district was expanded in 2012 to include the full-block Chelsea Market complex immediately north of the proposed rezoning area in order to facilitate an expansion of the market (N 120142 ZRM and C 120143 ZMM). During the approval process for the Chelsea Market project, DCP committed to studying the further expansion of the special district to include the proposed rezoning area as well as many blocks to the west of the special district, to which no change is proposed at this time.

### **Area Context**

The subject block sits at the threshold of the Meatpacking District to the south and Chelsea to the north. The Meatpacking District, which includes the historic Gansevoort Market, maintains a low-rise character with many 19<sup>th</sup> century industrial buildings still intact, yet repurposed for office and retail uses. The neighborhood was designated as a historic district by the Landmark Preservation Commission in 2003. One building in the project area, the Highline Stages Building at 440 West 15<sup>th</sup> Street, is included in the Gansevoort Market Historic District. The blocks south of the rezoning area include a mixture of commercial and manufacturing uses including boutique retail, restaurants, bars, hotels, office space, creative studios, parking lots and garages, and gas stations. The Chelsea neighborhood to the north is distinctly more residential, with the exception of the Chelsea Market immediately to the north. North of the market sits the Robert Fulton Houses, a four-block apartment complex managed by the New York City Housing Authority. Blocks to the east consist of row houses, apartment buildings and schools, with the exception of the Port Authority Commerce Building, a 2.9 million square foot office building across Ninth Avenue between West 15<sup>th</sup> and West 16<sup>th</sup> Streets. The blocks between Tenth Avenue and the Hudson River are occupied by industrial warehouses with large footprints that have been converted to offices and mini storage.

### *Area Zoning*

The project area as well as much of the surrounding area is mapped M1-5. Outside of the special district M1-5 districts allow a floor area ratio (“FAR”) of 5.0 for commercial and light manufacturing uses and 6.5 FAR for some community facilities. Buildings are allowed to rise to a maximum base height of 85 feet or six stories, whichever is less, after which overall heights are dictated by a sky exposure plane. Above the building base, buildings must set back 20 feet on a narrow street and 15 feet on wide streets.

### *Existing Conditions in the Rezoning Area*

The rezoning area is occupied by seven properties, all of which front on West 15<sup>th</sup> Street. Three of these properties also front on West 14<sup>th</sup> Street. At Ninth Avenue is 400-404 West 15<sup>th</sup> Street, occupied by Prince Lumber in three one-story warehouse buildings with open storage at the intersection. To the west of this is 408 West 15<sup>th</sup> Street, a 4.85 FAR, five-story loft building. Next is 412-414 West 15<sup>th</sup> Street, where a 24-story hotel is being constructed. The property has been merged with adjacent lots to create a 110,000 square foot building that will rise to 264 feet. To the west of this is 422 West 15<sup>th</sup> Street, a six-story loft building that is currently being enlarged and converted to office use. 436 West 15<sup>th</sup> Street is a vacant one-story building

formerly occupied by a bar. The remaining unbuilt floor area has been distributed to the site of the future hotel. Next door is 440 West 15<sup>th</sup> Street, the historic High Line Stages Building, the only building in the rezoning area within the Gansevoort Market Historic District. Finally, at Tenth Avenue is the Milk Studios building, at 450 West 15<sup>th</sup> Street, that houses several media and other creative industry firms.

### **Proposed Actions**

DCP proposes to include the buildings along the south side of West 15<sup>th</sup> Street between Ninth and Tenth avenues in the WCh, while maintaining their M1-5 designation. Within the WCh, M1-5 districts provide the same FAR but are subject to different envelope requirements. Base heights between 50 and 90 feet are required, after which buildings must set back 15 feet on a narrow street and 10 feet on a wide street, instead of 20 and 15 feet, respectively, before reaching a maximum building height of 135 feet. The extension will also permit museum and non-commercial gallery uses without limitation on size as of right.

The bulk regulations for M1-5 districts within the Special West Chelsea District will be modified for the project area through the proposed text amendments. The text of ZR § 98-423 would be amended to provide that on corner lots that extend more than 50 feet along a narrow street from an intersection with a wide street, a street wall must be maintained for at least 70 percent of the narrow street frontage. The text amendment would also lower the maximum building height for buildings fronting on Tenth Avenue in Subarea C to 125 feet from 145 feet. These sites have rear yards under or facing the High Line, and 145 feet is inconsistent with sites facing the park. ZR § 98-41 (Special Rear Yard Regulations) is proposed to be altered to clarify that where rear yard equivalents are required they should be permitted at the mid-block. This locational requirement should serve to prevent owners of through-block sites from using rear yard equivalents to avoid street wall requirements. Finally, ZR § 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes are Permitted) would be modified to allow unenclosed sidewalk cafes on wide streets, defined in the ZR as any street equal to or greater than 75 feet in width, throughout the special district.

### **COMMUNITY BOARD'S RECOMMENDATION**

At its full board meeting on October 1, 2014, Manhattan Community Board 4 (“CB4”) voted on a resolution recommending *approval with conditions* of the application with a vote of 35 in favor, 0 opposed, and 0 abstaining. The resolution noted the long public engagement process that included much input from the community board that led to the proposed actions. CB4 requests that DCP modify the proposed zoning text to prohibit sidewalk cafes on the west side of Ninth Avenue between West 14<sup>th</sup> and West 16<sup>th</sup> Streets based on their analysis of sidewalk congestion issues in that area.

In the resolution, CB4 noted that it had requested that the proposed actions include provisions preventing the development of hotels and that this provision was not included. Approval of this application was not conditioned on this inclusion; rather the board reiterated its general support for a special permit for all hotels.

## **BOROUGH PRESIDENT’S COMMENTS**

This application represents a culmination of longstanding community efforts and engagement. During the 2005 public approval process around the creation of the Special West Chelsea District, Community Board 4 advocated for the district to include some blocks between Tenth and Eleventh Avenues, the Chelsea Market block, and the proposed rezoning area. Since 2007, CB4 has included a request in its annual Statement of District Needs for a study by DCP of these areas and the possibility of their inclusion in the Special West Chelsea District. The proposed actions will address many of these community concerns by applying appropriate bulk controls to this block that serves as an important transition between the historic Meatpacking District and the residential West Chelsea neighborhood.

The project area’s buildings, with the exception of the under-construction hotel, retain the loft character of the historic district to the south. Unfortunately, the existing bulk controls on the site will not preserve these characteristics in the future. The M1-5 bulk provisions of the special district are consistent with the bulk controls applied to the Chelsea Market to the north, which applies a maximum building height in the midblock of 130 feet and a maximum height along Ninth Avenue of 135 feet. Further, the additional bulk controls proposed in the text amendment will ensure that any development on the Prince Lumber site would maintain a street wall on its West 15<sup>th</sup> Street frontage. The additional corrective measures to the bulk requirements of the text amendment are also appropriate and necessary.

Community Board 4 requested that DCP include in this proposal the legalization of unenclosed sidewalk cafes on wide streets in the WCh. After further investigation of sidewalk widths and congestion, however, CB4 believes that a portion of Ninth Avenue, between West 14<sup>th</sup> and West 16<sup>th</sup> Streets, is not an appropriate place for sidewalk cafés. The sidewalk in front of Chelsea Market is indeed often congested, with many tour busses unloading. Additionally, there is a pedestrian plaza with café seating in the middle of Ninth Avenue between West 14<sup>th</sup> and West 15<sup>th</sup> Streets. The City Planning Commission (“CPC”) should evaluate whether these blocks are categorically different from other WCh blocks and whether this difference makes their exclusion from permitted sidewalk café areas appropriate.

M1-5 districts within the WCh allow hotel uses as of right, and a market for new hotels in this neighborhood is clearly shown by the out-of-context hotel already under construction on this block. While it is too late to stop this particular development at 412-414 West 15<sup>th</sup> Street, the CPC should look carefully at whether new hotel uses are appropriate in the neighborhood, and should consider whether restrictions, in the form of a citywide text amendment on new hotels, should be enacted in a wider area. Hotels bring traffic and noise nuisances to neighborhoods, and support other night-life more than residences or offices. On this particular block, there is not significant cause for concern over an additional hotel. The only large development site is the Prince Lumber site, and the bulk controls introduced by the proposed action would make this site much more conducive to office use.

**BOROUGH PRESIDENT'S RECOMMENDATION**

**Therefore, the Manhattan Borough President recommends approval of ULURP  
Application Nos. C 150101 ZMM and N 150102 ZRM.**

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style.

Gale A. Brewer  
Manhattan Borough President



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**CHRISTINE BERTHET**  
Chair

**JESSE BODINE**  
Acting District Manager

December 9, 2014

Carl Weisbrod, Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: ULURP Applications Nos. C 150101 ZMM and N 150102 ZRM  
Special West Chelsea District Expansion**

Dear Chair Weisbrod:

At its regularly scheduled Full Board Meeting on December 3, 2014, Manhattan Community Board 4 voted by roll call 36 in favor, 0 opposed, 0 abstaining and 0 present not eligible to approve the following comments on the cited ULURPs.

**Background**

At the November 19, 2014 City Planning Commission hearing on the cited ULURP applications, commissioners raised questions regarding the impact of the amendment of ZR 98-41 to clarify the location of rear yard equivalents on a proposed development at 510 West 21<sup>st</sup> Street, and on the impact of CB4's recommendation to exclude the west side of Ninth Avenue between West 15<sup>th</sup> and West 16<sup>th</sup> Streets from the amendment to ZR 14-44 to allow unenclosed sidewalk cafes on wide streets in the SWCD.

**CB4 Recommendation on the Amendment to ZR 98-41**

The board recognizes that the proposed amendment to ZR 98-41 to clarify that where rear yard equivalents are required they shall be provided at the mid-block would preclude the proposed enlargement at 510 West 21<sup>st</sup> Street. CB4 agrees with the staff of the Department of City Planning (DCP) that the proposed enlargement is appropriate, but is concerned that whatever remedy DCP decides to implement not permit inappropriate development at other sites in the SWCD as well as at sites in the other areas we have sought to include in the SWCD and that DCP studied for inclusion earlier this year.

DCP staff replied to this concern in the existing SWCD, "(Counsel) for the developer has indicated that the proposed modification would only apply to the subject building. We at DCP have further surveyed the M1-5 districts in WCh and have confirmed that this appears to be the case: applicability is limited to the 510 W 21 St property in question."

As we have noted, the two ULURPs under consideration would expand the SWCD to include only one of several blocks that CB4 has repeatedly asked to be included in the SWCD. Therefore, we must consider the potential effect of the proposed remedy on the blocks that have not yet been included in the SWCD. Since CB4 believes that the likely future rezoning of these blocks will be commercial rather than manufacturing in order to permit residential uses, we believe that they would not be adversely affected by the proposed text modifications.

CB4 has reviewed the proposed text modification and believes that it is appropriate for the existing SWCD, for the SWCD that would exist if the two ULURP actions are approved and for the fully expanded SWCD we will continue to advocate.

**CB4 Recommendation on excluding Ninth Avenue between West 15<sup>th</sup> and 16<sup>th</sup> from the Amendment to ZR 14-44**

CB4 continues to believe that because of the extremely high levels of pedestrian traffic on this block it is not an appropriate site for a sidewalk cafe.

At the public hearing, commissioners questioned whether CB4's recommendation would unfairly impact existing sidewalk cafes by changing the zoning. CB4 wishes to emphasize that its recommendation is to NOT change the existing zoning, but rather to retain it.

DCP reports that the existing cafe, Giovanni Rana, received its license from DCA in January 2013. Since the Chelsea Market block was incorporated into the SWCD in November 2012, the license for Giovanni Rana should have been precluded by the existing zoning; there have been no legal sidewalk cafes on this block since November 2012. CB4's recommendation to exclude this block from the amendment to ZR 14-44 would not be an unfair change, but rather would maintain the current status.

CB4 reaffirms its recommendation that the west side of Ninth Avenue between West 15<sup>th</sup> and 16<sup>th</sup> Streets be excluded from the proposed amendment.

Sincerely,



Christine Berthet  
Chair



J. Lee Compton  
Co-Chair  
Chelsea Land Use Committee



Betty Mackintosh  
Co-Chair  
Chelsea Land Use Committee