



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**COREY JOHNSON**  
Chair

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District Manager

August 9, 2013

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

**Re: Proposed Special West Chelsea District Expansion**

Dear Chair Burden:

Manhattan Community Board 4 (CB4) has advocated the expansion of the Special West Chelsea District (SWCD) since the original boundaries were set. As a result of an agreement between Deputy Mayor Steele and Speaker Quinn in 2012, the administration committed the Department of City Planning (DCP) to conducting a study and issuing a report on the possible expansion by June 30, 2013.

Manhattan Community Board 4's (CB4) Chelsea Land Use committee (CLU) held several well-attended public meetings beginning in the fall of 2012 on the expansion of the SWCD, generated a set of preliminary recommendations and presented them to DCP in the spring of 2013. DCP completed their study and shared their report with CLU at its July meeting.

CB4 wishes to thank the DCP team for the work they put into preparing the study, and in particular Karolina Hall who attended the earlier CLU meetings when the committee was preparing its recommendations. While the Board appreciates DCP's recommendation that the ULURP process be started this fall for the inclusion of one additional area in an expanded SWCD, it disagrees with the other recommendations. In this letter, we compare the CLU and DCP recommendations and propose an interim step to expand the SWCD to encompass the entire study area. We look forward to continued discussions with the community and with DCP.

**Background**

Following more than three years of work by CB4 and DCP, the City Council approved three ULURP applications on June 23, 2005 that created the SWCD. The three adopted actions included Zoning Map and Zoning Text amendments, and Site Selection and Acquisition of the High Line elevated rail line for public open space. As created, the SWCD included nine subareas with specifically tailored zoning for each and a mechanism for transferring development rights from the High Line corridor to receiving sites throughout the district.

[Purposes of SWCD]

CB4's original recommendation for the area to be included in the SWCD encompassed all blocks west of Tenth Avenue between West 15<sup>th</sup> and 30<sup>th</sup> Streets, West 16<sup>th</sup> and West 18<sup>th</sup> Streets between Ninth and Tenth Avenues excluding the Fulton Houses, the Chelsea Market block between West 15<sup>th</sup> and West 16<sup>th</sup> Streets between Ninth and Tenth Avenues, and the south side of West 15<sup>th</sup> Street between Ninth and Tenth Avenues.

The area recommended by DCP for inclusion in the SWCD and adopted by the Council excluded the blocks west of Eleventh Avenue, the two blocks west of Tenth Avenue between West 15<sup>th</sup> and West 17<sup>th</sup> Streets and the blocks south of West 16<sup>th</sup> Street between Ninth and Tenth Avenues.

CB4 believed that the areas excluded from the SWCD by DCP and the Council were important for the integrity of West Chelsea and that excluding them invited block-by-block rezoning that the SWCD rezoning in part was created to avoid. Since the fall of 2005 CB4 has advocated for the study of the excluded areas and their inclusion in an expanded SWCD.

The 2012 inclusion of the Chelsea Market block in the SWCD accomplished one of the Board's goals, but it did so at the expense of the broader planning approach the Board advocates. DCP's current recommendation that the south side of West 15<sup>th</sup> Street be included in the SWCD would accomplish another of the Board's goals, but again in lieu of the broader planning approach we believe the excluded areas warrant. We continue to believe that the expansion of the SWCD to include all of the originally proposed areas would be the preferred approach.

## **CLU Recommendations - DCP Recommendations**

For their study, CB4's CLU committee divided the proposed study area into five subareas and developed preliminary recommendations for each. These recommendations are presented below for each of the five subareas along with DCP's recommendations,.

### **I. Block 712 - South Side of West 15<sup>th</sup> Street, Ninth - Tenth Avenues; CLU Subarea I; DCP Area A; zoned M1-5 with no bulk controls, building heights subject to sky exposure plane.**

- CLU has long been concerned that the lack of bulk controls on this block could result in inappropriately large buildings through the accumulation of development rights. It also has been concerned about the proliferation of hotels in the district; in 2008 there were proposals for four hotel developments on or adjacent to this block. CLU recommended that the zoning be changed to M2-4, which maintains the present FAR of 5 but excludes hotel uses, and that street-walls and height limits be imposed.
- DCP recommends that this block be rezoned, maintaining the current M1-5 zoning with required street walls between 50 feet and 95 feet and with building height limited to 135 feet. DCP found that there have not been an excessive number of hotels built in the area

and project that none will be built in the next several years; they also believe that the proposed height limit will be sufficient to discourage future hotel development

**II. Blocks 687 & 688 - West 15<sup>th</sup> – West 17th Streets, Tenth - Eleventh Avenues; CLU Subarea II; DCP Area B; zoned M1-5 with FAR 5.0, currently built to FAR 12.0.**

- CLU is concerned that the combination of the location of these blocks on the waterfront and development pressure from a transition to an increasingly popular commercial office district could result in the full or partial demolition of the buildings and the construction of inappropriately tall buildings. CLU recommended that the zoning be changed to M2-4, which maintains the present FAR of 5 but excludes hotel use, and that building heights be limited to 165 feet.
- Based on the current strong demand for large-footprint office loft conversions in Chelsea and the existing tenancies in these buildings, DCP recommends no actions to amend bulk or use controls.

**III. Blocks 674 and 675 - West 28th – West 30th Streets, Eleventh - Twelfth Avenues; CLU Subarea III; part of DCP Area C; zoned M2-3 and M1-6, much of it currently built to less than 25% of permitted FAR.**

- CLU believes that the proximity of these blocks to the future Western Rail Yard development and the High Line to the north, Subarea A of the SWCD to the east and the Hudson River to the west, make them prime commercial/residential development sites. CLU has had discussions with ConEd, which owns Block 674, and believes that it intends to develop the block eventually to provide power to the west side of Manhattan.

However, CB4 had an earlier experience with ConEd where they sold a lot after similar statements and believes that proactive rezoning of the block in anticipation of that possibility would protect the community were the block to be sold but would not preclude ConEd from developing the block to suit their future needs. CLU recommended that these two blocks be rezoned with zoning similar to Subarea A of the SWCD, with an affordable housing component and with special design considerations in the northwest corner of Block 675 to preserve views from the High Line.

- DCP believes that it is impractical to consider a change in the zoning of Block 674 without a firm understanding of ConEd's plans and needs, and that a future study should be undertaken of Block 675 when current legal agreements terminate in the next decade. DCP recommends that no action be taken at this time.

**IV. Blocks 671, 672 and 673 - West 25th – West 28th Streets, Eleventh - Twelfth Avenues; CLU Subarea IV; part of DCP Area C; zoned M2-3 and M1-5; currently built to FAR greater than permitted.**

- CLU believes that it is unlikely that the existing buildings - B&O, Starrett-Lehigh and Terminal Stores - would be demolished, but believes that changes to form and use are

possible, including partial demolition and hotel use. CLU also believes that there will be a continuing need for municipal facilities such as the Department of Sanitation Vehicle Maintenance Facility but believes that proactive rezoning is appropriate, as it is for the ConEd site on Block 674. CLU recommended that the zoning be changed to M2-4 to exclude hotel use, that building height limits be established and that language similar to that developed for Hudson Square permitting ground floor retail but limiting "big box" stores.

- DCP notes that the B&O, Starrett-Lehigh and Terminal Stores buildings are located in the West Chelsea Historic District and that landmark properties have access to a special permit allowing uses not permitted as-of-right, such as hotels. DCP recommends that no action be taken.

**V. Block 670 - West 24th - 25th Streets, Eleventh - Twelfth Avenues; CLU Subarea V; part of DCP Area C; zoned M2-3; permitted FAR 2.0, currently built to FAR 1.79.**

- CLU believes that this block, currently the site of a US Postal Service (USPS) Vehicle Maintenance Facility, is vulnerable to redevelopment. USPS is running a deficit and cutting back services, and is closing or proposing the closing of postal facilities, including James Farley, Bronx General and Old Chelsea Station. The site has unobstructed river views and is adjacent to both Hudson River Park and Chelsea Waterside Park. CLU recommended proactive rezoning to C6-3, allowing commercial and residential uses at higher FAR. Specifically CLU recommended that the frontage along Twelfth Avenue be rezoned to the equivalent of SWCD Subarea D, FAR 7.5, if a bonus is used, maximum building height of 250', slender buildings and an affordable housing component. CLU recommended that the remainder of the block be rezoned to the equivalent of SWCD Subarea C with a maximum building height of 110-145 feet.
- DCP agrees with CLU that the USPS site is both vulnerable and valuable, and believes that it is prudent to begin setting a context for its future. DCP recommends that a study should be prepared in consultation with USPS to advance a framework for the development of this block in the future. They recommend that such a study should not be undertaken until the USPS informs DCP of its formal plans to relocate the facility.

## **CB4 Recommendations**

Since the creation of the SWCD in 2005, West Chelsea has become a rich, varied, vibrant commercial and residential community, fulfilling the stated general purposes of the SWCD. The Board believes strongly, however, that the SWCD should encompass all blocks west of Tenth Avenue between West 15<sup>th</sup> and West 30<sup>th</sup> Streets, and because of the High Line, the blocks between Ninth and Tenth Avenues between West 14<sup>th</sup> and West 18<sup>th</sup> Streets, exclusive of the Fulton Houses. The Board is grateful for the expansion of the SWCD in 2012 to include the Chelsea Market block and the proposed expansion to include the south side of West 15<sup>th</sup> Street across from Chelsea Market, but would prefer a broader approach that considers the study area as a whole.

CB4 is particularly concerned about potential development on Block 670 (USPS Vehicle Maintenance Facility), Block 671 (DOS Maintenance Facility), Block 674 (ConEd site) and Block 675 (West 29th - 30th Streets west of Eleventh Avenue). DCP has recommended that no current actions be taken on these blocks, but that Blocks 670 and 675 be studied to develop a framework for future zoning changes when USPS declares its intention to move its facility or when current legal obligations terminate in the next decade, respectively.

Although the Board has proposed zoning for these blocks that we believe is appropriate in the context of the neighboring SWCD subareas, we respect DCP's desire to conduct further studies before deciding on what they believe to be the appropriate zoning. We believe, however, that there would be significant value in proceeding to include these blocks now in an expanded SWCD.

The recent revision of the Hudson River Park Act to permit the transfer of unused development rights from the park's piers to any site one block inland from the park between (9<sup>th</sup> and 59<sup>th</sup> Streets) increases the importance of considering West Chelsea within the context of the SWCD. While the specific impact of the transfer provisions are not yet known, there appear to be a limited number of potential receiving sites, including Blocks 670, 671, 674 and 675. CB4 will consider any proposed transfer of development rights from the piers to these blocks, or to any other block in CD4, when a specific proposal is made, but we would prefer to have the consideration of any transfer to a site in West Chelsea made in the context of the SWCD.

CB4 therefore recommends that the SWCD be expanded as follows:

- **Block 712 - South Side of 15<sup>th</sup> Street, Ninth - Tenth Avenues.** Include the block in the SWCD and amend the current zoning to include streetwall and building height limits as proposed by DCP. While we would prefer to exclude hotel uses, we accept DCP's analysis that the proposed limits would make hotel uses unattractive to potential developers.
- **Blocks 670-675 and Blocks 687-688.** Include these seven blocks in the SWCD without changing the current. This would permit DCP to defer decisions on final zoning until they have completed their studies while simultaneously placing the blocks under the general purposes of the SWCD. We believe that this will make it more likely that individual blocks will be rezoned within the context of the entire SWCD rather than individually, leading to better zoning for the entire community. In the case of the DOS and ConEd sites, we agree with DCP that these serve necessary functions and are unlikely to be redeveloped for other purposes, but we believe that their inclusion in the SWCD reinforces the fact that they are important components of West Chelsea.

Sincerely,



Corey Johnson  
Chair



J. Lee Compton  
Co-Chair  
Chelsea Land Use Committee



Betty Mackintosh  
Co-Chair  
Chelsea Land Use Committee