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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 14th and West 15th 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,¹ 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 14th and West 15th 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 15th and 30th 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

¹ Subarea C is mapped along Tenth and Eleventh Avenues from West 24th Street to West 28th 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 19th 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 15th 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 15th and West 16th 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 15th Street. Three of these properties also front on West 14th Street. At Ninth Avenue is 400-404 West 15th 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 15th Street, a 4.85 FAR, five-story loft building. Next is 412-414 West 15th 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 15th Street, a six-story loft building that is currently being enlarged and converted to office use. 436 West 15th 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 15th 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 15th Street, that houses several media and other creative industry firms.

Proposed Actions

DCP proposes to include the buildings along the south side of West 15th 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 14th and West 16th 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 15th 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 14th and West 16th 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 14th and West 15th 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 15th 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