

August 25, 2004

Hon. Amanda Burden
Director
Department of City Planning
22 Reade Street
New York, NY 10007

Re: West Chelsea Rezoning

Dear Chair Burden:

Manhattan Community Board No. 4 thanks you and members of the Manhattan Office for coming to the public meeting July 22 on the West Chelsea Rezoning and for staying to the end of the testimony on the community's vigorous concern for affordable housing. We would also like to thank you for the work and thought you and the Department have put into the proposal and the remarkable design guidelines for the High Line corridor that the staff has produced.

We are disappointed, however, by the lack of movement on resolving the outstanding issues concerning the rezoning proposals and the apparent willingness of the Department to wait until the ULURP process resolves them. Leaving unresolved issues until after certification risks in some cases running into disabling problems of scope, whether environmental or directly involved in ULURP. The Board considers it essential that all unresolved issues be calendared or otherwise carried along at every stage of the process to ensure a full consideration of all such issues, many of them closely interrelated, at all levels of review.

Affordable Housing

This Board recognizes that the West Chelsea rezoning is an extraordinary event that will shape this community for the indefinite future. The issues summarized in this document have not just been a matter of discussion for more than a year; the principles behind them have been a central concern of the Board and the community since the time of developing the Chelsea Community 197-a Plan. The Board reaffirms these principles: the rezoning and development of West Chelsea, as of the rest of Chelsea before it, must be done in a manner that preserves the character of Chelsea by maintaining both its historic built scale and its identity as a community of people with a broad range of incomes.

Despite more than a year of meetings and discussions with the city, and receiving expressions of general agreement with the goal of providing significant affordable housing, there has been no assurance that the current rezoning process combined with active pursuit of current mechanisms can and will achieve this goal, or that new programs or mechanisms will be available in time to meet this

objective. The Board believes that retaining economic diversity is crucial for both the social and economic health of the Chelsea community.

The Board has developed positions on non-market-rate, or affordable, housing. In summary:

- The Board's overall goal is for 30% of newly constructed residential units in the West Chelsea Special District to be permanently non-market-rate.
- The Board supports the use of currently available programs - including 80/20, 421-a, NewHOP (extended to include the WCSD), LAMP and Inclusionary Housing - as long as the affordability of the units can be made permanent.
- The Board wishes to ensure that there will be significant amounts of housing available for people earning moderate and middle incomes who are excluded from low-income programs. Therefore, 20% of all affordable units should be available to people with incomes up to 80% of the Area Median Income (AMI), 50% to people with incomes up to 125% of AMI and 30% to people with incomes up to 165% of AMI.
- The Board encourages the transfer of suitable city-owned sites to HPD for the immediate development of affordable housing in Chelsea, and urges that the city initiate and pursue discussions with state, federal and quasi-governmental agencies regarding other publicly owned sites. The Board notes that the city plans to acquire the lot on the east side of Eleventh Avenue between 25th and 26th streets for the No.7 subway extension as part of the Hudson Yards rezoning. The Board requests that if the the city acquires this lot, it commit to its transfer to HPD once it is no longer needed for subway construction.

Zoning and related city actions, such as the creation or improvement of public amenities - e.g., a High Line park - in former industrial neighborhoods such as West Chelsea vastly increase the value of land and existing properties. At the same time there is a citywide affordable housing crisis and urgent calls for creative new mechanisms to generate affordable housing. Since it is unlikely that significant supplies of affordable housing will be built otherwise in West Chelsea in the foreseeable future, the rezoning offers a one-time opportunity that must be seized.

The Board has three concerns about the application of current affordable housing programs to West Chelsea: i) even full implementation would not achieve the 30% goal; ii) the programs primarily address the needs of low income households; and iii) the units created are not necessarily permanently affordable. On the third point, the expiration of earlier affordable housing covenants has dramatically highlighted the problems with temporary programs, reaffirming the need for permanent solutions.

While we appreciate the complexities involved, the urgent need combined with the significant new value that would be created by city actions lead us to conclude that the city must broaden its approaches beyond voluntary programs and consider mandatory inclusionary zoning as a viable mechanism to produce permanent affordable housing.

The Board notes that the City has shown considerable political will and creativity in pursuing the conversion of West Chelsea's High Line to a park. The Board believes that the City must apply similar determination in seeking solutions to the affordable housing crisis, and that they must be applied to the West Chelsea Rezoning.

Community Character and Scale

The Board's other major goal, preserving the character of the community through maintenance of its historic scale and urban form, has been the subject of repeated discussions over an even longer period; but we find that the situation as a whole and our position on it are still best summed up in our letter of June 6, 2003. Although most details of this position are unchanged since that communication of more than a year ago, this letter contains new suggestions and modifications developed as the City's proposals have been worked out. It lists the outstanding issues as parts of a unified vision for the area rather in simple geographical order.

In these discussions the Board has accepted a significantly higher scale in West Chelsea than we have thought truly appropriate in the hope that it would enable the provision of a significant proportion of affordable housing; but, as our comments above make clear, we have been disappointed. Indeed, the Board sees the scale proposed in the West Chelsea Rezoning proposals as in many ways inconsistent with the historic form and scale of the community.

Taken in isolation, the proposed urban form of the West Chelsea Special District is a unified piece of urban design; but the bulk proposed along its edges isolates it from the very different areas that are its context, above all the largely low-and mid-rise traditional area of Chelsea to the east with a higher spine along 23rd Street. The form does not provide the carefully scaled transition to higher buildings on the waterfront devised in other recent rezonings. Near the south end of the West Chelsea Special District the form creates a cluster of very high towers without precedent in Chelsea. Our comments on the details of the relevant issues follow.

Along the west side of Tenth Avenue the proposals for transferring bulk from the High Line threaten to create the perception of a wall dividing West Chelsea from the community to the east. A line of buildings ranging from 12 to 14 stories between Tenth Avenue and the High Line directly to its west also risks destroying much of the views and ambiance of the proposed promenade as well as threatening the character of Tenth by leading to the replacement of many of its traditional residential buildings. The concerns of the Board and community are particularly strong opposite the Chelsea Historic District, which lies on the east side of Tenth Avenue between the midline of 19th/20th Streets and 23rd Street.

- The west-side blockfronts opposite the Historic District should not be a receiving area and should retain the current maximum FAR of 5 but with a height limit of 80 feet. The proposed maximum height of 120 feet is inconsistent with the District's low-rise character and will shadow the interior campus of the General Theological Seminary.
- Along the entire strip between the High Line and Tenth Avenue, the Board proposes a recasting of the proposed design requirement that 25% of a development extending along more than 85% of a blockfront must be no higher than 45 feet. Retention of existing residential buildings between the High Line and the avenue should be considered as fulfilling this requirement on development properties meeting these criteria. Most such buildings along Tenth Avenue reach less than 55 feet in height and are located on or close to corners. They would thus fit the modified requirements quite well. This change would not only help preserve the historic ambiance of the High Line but would through retaining such buildings reinforce the provisions against harassment and displacement called for later in this statement. The Friends of the High Line are aware of this proposal.

South of 18th Street the crossing of Tenth Avenue by the High Line and other pressures have led to complex zoning proposals nearby that would produce a cluster of towers without precedent or parallel in Chelsea. The towers reaching to heights of 290 and 390 feet proposed on the lot now used for parking by the DEA between 17th and 18th Streets and Tenth and Eleventh Avenues, combined with other towers in the immediate neighborhood, would break the effective maximum height of something over 200 feet that has been set for Chelsea by such buildings as London Terrace, Penn South, and by Fulton Houses just to the east of this area. These would create a precedent that examples citywide suggest is likely to become taken as a new maximum for Chelsea. Such a change would bring additional long-term pressures for development in Chelsea at a high scale inconsistent with the historic scale of the community.

- The Board proposes a maximum height for towers on the DEA lot of 280 feet over a base of not more than 70 to 90 feet high. This would match the allowable base height in the blocks directly to the north and east and would both fit this block reasonably well into the neighborhood context and avoid creating canyon-like streets on the approaches to the river. This context is discussed in greater detail in later sections.

On Eleventh Avenue south of 22nd Street the tower provisions proposed, even with corner setbacks and tower coverage requirements, risk creating tall slabs on blockfront assemblages. Transfers of bulk to this desirable strip are likely to produce a high visual barrier to the waterfront reinforcing the potential wall along Tenth Avenue. The Board proposes three measures to mitigate this problem.

- Reducing the width of the Eleventh Avenue corridor between 22nd Street and the south end of the retained M1-5 district to the normal width of 100 feet proposed north of 24th Street. This fits the boundaries of individual lots in this area as well as or better than the 150-foot width that is proposed for the entire corridor south to 18th street and that is actually appropriate at the south end. The resulting smaller building sites would encourage development at a more appropriate scale. The shallower corridor and somewhat lower buildings would also reduce pressures on the midblocks to the east that form the heart of the gallery district and so work to mitigate the Board's concerns about the viability of the gallery district.
- Establishing a height limit in this area of 160 feet. Higher than that would allow a height seriously inconsistent with the current 145-foot limit at the major intersection of 23rd Street and Eleventh Avenue and shadow literally and figuratively the low midblocks to the east.
- Restudying the existing zoning along Eleventh Avenue between 22nd and 24th Streets. This zoning of R-9A along 23rd Street between Tenth and Eleventh Avenues is producing an unattractive uniform corridor of envelope-filling structures in this block of this major crosstown street. If the Eleventh Avenue frontage on the block-fronts at the intersection of 23rd St. were remapped with a form based on that just to the south but with somewhat higher tower heights reflecting the higher developments along 23rd street to the east such as London Terrace, it would create an opportunity for creating a more attractive approach to Chelsea from the West Side Highway and possibly enable creating more receiving sites for transferred bulk. Changes to the current zoning on this frontage would be acceptable only if lower tower heights were required in the corridor directly to the south.

Aspects of the rezoning create threats to the art galleries that have become a defining element of West Chelsea and an important part of the city's cultural life. One of the originally stated goals of the West Chelsea Rezoning was the enhancement of this art gallery district, but the limited area in the midblocks close to the 23rd Street corridor that remains protected by manufacturing zoning effectively threatens the feel of the district and severely limits expansion for a business where unconventional spaces are considered desirable. Converting existing spaces of all kinds rather than new construction has been the approach followed by most galleries. Few ground-floor spaces remain vacant long in the area except in new apartment buildings.

Some modifications of the proposed rezoning would reduce the pressures that threaten gallery expansion and loss of desirable character without impeding the other goals of the rezoning. Among them is the previously suggested narrowing of part of the residential corridor along Eleventh Avenue and thus enlarging the midblocks preserved for arts galley and traditional uses. Others are more varied approaches that would also contribute to attaining other goals.

- Cut back the number of midblocks north of 18th Street between Tenth and Eleventh Avenues that are scheduled to be rezoned for residential uses by setting its north boundary at the midline of 19th and 20th Streets rather than at 20th Street. This would protect this important gallery street from loss of its traditional character and the resulting indirect displacement pressures as well as keeping open the possibility of new gallery conversions.
- Establish limits of 10,000 square feet of retail on side streets and Tenth Avenue and 20,000 square feet elsewhere. This would reduce competition for ground-floor spaces desirable for art galleries, reduce pressures on traditional businesses, and support the special character of these blocks and those along Tenth Avenue under the High Line.
- Require a renewable special permit procedure for the clubs with occupancy of more that 199 persons that are establishing some sections of the area as "clubland." Such uses pay well but they compete for desirable spaces for galleries and are incompatible with a flourishing residential area.

The character of West Chelsea depends not only on maintaining appropriate scale, but also on preserving the architecture of handsome historic buildings. While the retention of existing zoning in some midblocks will slow the course of change, a number of exceptional buildings survive in West Chelsea from its largely industrial past, mostly on the streets not scheduled for rezoning, and will be in danger of unsympathetic alteration or even replacement.

- Designating a small area roughly following 26th Street west of Tenth Avenue as a New York City Historic District would preserve the history and enrich the character of the area as it develops. The most handsome buildings, some of which are called out in the Hudson Yards EIS, are concentrated close to this street and include the striking waterfront warehouses near the Starrett Lehigh Building and buildings and streetscapes extending toward the High Line and Tenth Avenue.

A context of low or moderate scale residential buildings alternating with small businesses, some of long duration, has become established in some locations in West Chelsea. The most distinctive of these are the strip between the west side of Tenth Avenue and the High Line from 21st almost to 30th Street and the block of 29th Street between Tenth and Eleventh Avenues.

- Protections against harassment and demolition should be included in the West Chelsea Special District modeled after those in force in the Clinton Special District in order to prevent new upscale residential districts from destroying these long-standing mixed areas and displacing their residents.
- Loft tenants located on and near 26th Street between Tenth and Eleventh Avenues, many of them connected to the arts and often of long standing, should receive appropriate protection against displacement by the new fashionableness of the area and rising real estate prices.
- Local businesses displaced directly or indirectly should be relocated in the immediate area to keep their customers and the ties that bind communities.

Maintaining a reasonable margin of sites available for receiving bulk transferred from the High Line corridor is essential to the success of the proposed rezoning. Recognizing this, the Board repeats our recommendation for providing more such sites by zoning two transitional zoning districts in medium-scale areas near the southern end of the Special District at an maximum FAR of 7.5 (C6-3) from transfers rather than at the 6.02 FAR (C6-2) proposed by the Planning Department. At this bulk these areas would form an appropriate transition between the maximum heights in the south to the lower scale in the heart of Chelsea to the north.

- The half block between 17th and 18th Streets just east of Tenth Avenue should have the maximum FAR of 7.5 proposed for the block immediately to the south. With appropriate design controls it would fit well into the context of the large structure proposed for the DEA lot, the bulky buildings to the south, and the towers of Fulton Houses just to the east. It is the half-blocks just to the north of 18th Street that make the actual transition to the low-scale Chelsea Historic District.
- On these two half-blocks between 16th and 18th Streets design controls should reflect the varied contexts nearby, especially the Fulton Houses directly to the east. The street wall here should be no more than 70 feet and the towers no more than 220 feet. Possible concerns about undesirable sliver buildings could be met by requiring a minimum lot size for buildings with towers.
- On the midblocks between the High Line and the Eleventh Avenue corridor just north of 18th Street that are proposed for rezoning to allow residential use a maximum FAR of 7.5 would create a desirable loft-style transition between the major structure on the DEA lot just to the south and the midblocks to the north. A maximum height of 145 feet and a streetwall of 70 to 90 feet would mediate between the bulk controls to the south and east and the blocks to the north that are to remain at M1-5 with a maximum height of 90 feet.
- Special concessions are inappropriate for the midblock sites adjacent to the building designed by Frank Gehry that is now under construction on the Eleventh Avenue blockfront between 18th and 19th Street. In this area likely to be crowded with tall and bulky buildings concessions would risk diminishing the effect of the Gehry design by increasing the height and bulk of new construction on the block. The somewhat larger buildings allowed under the zoning the Board proposes and

the transfers of bulk allowed by zoning both midblocks and avenue corridor at C6-3 could provide some compensation to the developer, while the design controls would reduce undesirable visual impacts.

Finally the Board notes that the rezoning does not include the restudy of 14th Street between Seventh to Ninth Avenues in view of mapping appropriate zoning that was promised in connection with West Chelsea Rezoning. This has been waiting since at least the Chelsea Rezoning implementing the Chelsea Plan, and once more it has been put off. In the meantime development pressures are increasing; it may soon be too late.

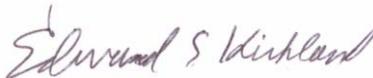
Sincerely,



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

This letter was passed at Manhattan Community Board No. 4's August 11, 2004 full board meeting.

cc: Hon. Michael Bloomberg, Mayor
Hon. C. Virginia Fields, Manhattan Borough President
Hon. Jerrold Nadler, United States Representative
Hon. Richard Gottfried, State Assemblymember
Hon. Christine Quinn, City Councilmember
Vishaan Chakrabarti, Director, Manhattan Planning Office
Jeff Mulligan, Manhattan Planning Office
Chair Tierney, Landmarks Preservation Commission
Mary Beth Betts, Landmarks Preservation Commission
Municipal Arts Society
Historic Districts Council