



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JOHN WEIS**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

June 7, 20011

Hon. Amanda M. Burden, Chair  
New York City Planning Commission  
22 Reade Street  
New York, NY 10007-1216

**Re: Proposed M1-6D Text Amendment**

Dear Chair Burden:

At its June 1, 2011 meeting, Manhattan Community Board 4 voted to approve the following comments on the proposed amendment to the New York City Zoning Resolution creating a new manufacturing district, M1-6D.

The proposed text amendment is occasioned by a private applicant seeking to develop residential uses in an M1-5 zoning district. The amendment would create a new high density manufacturing zone, M1-6D, permitting residential uses with certain restrictions, including the preservation of existing concentrations of commercial and light manufacturing uses.

Section 42-133(a) of the Zoning Resolution (ZR) prohibits new residential uses in M1-5 and M1-6 districts within the rectangle formed by West 23<sup>rd</sup> Street, Fifth Avenue, West 31<sup>st</sup> Street and Eighth Avenue (the "Rectangle"), an area shared by Community Districts 4 and 5. The proposed amendment would permit new residential uses in M1-6D districts, the first of which would be mapped within a CD5 portion of the ZR Section 42-133(a) Rectangle. CB4 has discussed both the specific development proposed for that site and the proposed text amendment with colleagues on CB5. CB4 takes no position on the development itself. We wish to comment, however, on the proposed text amendment which could affect CD4, as well as others, in the future. We also note that we are disappointed that the Department of City Planning (DCP) has chosen to "spot zone" rather than consider the zoning of the entire area in which the proposed development is located. It has been clear for several years that this area is changing and would benefit from a comprehensive review, but DCP has declined to do so.

The proposed M1-6D district would permit residential infill in a manufacturing zone and is similar to provisions permitting residential uses in M1-1D through M1-5D districts as set forth in ZR Section 42-47. The principal difference is the requirement that floor area for existing commercial and light manufacturing uses must be preserved if greater than 50,000 sq. ft. on a zoning lot. Having worked to preserve our manufacturing zones, especially the two M1-5 districts in the Special West Chelsea District, we applaud this goal but note five issues.

- The 50,000 sq. ft. threshold may be too high. If there is less than 50,000 sq. ft. of commercial/manufacturing floor area on a zoning lot, a developer may build a residential building, eliminating the commercial/manufacturing floor area. Our colleagues on CB5 have done a preliminary survey and calculation, and have determined that reducing the threshold to

40,000 sq. ft. would increase the commercial/manufacturing floor area that would be preserved in the area where it is to be applied by more than 25%. We request that DCP reevaluate the proposed threshold and its impact on the preservation of commercial/manufacturing floor area.

- ZR Section 42-483(a) of the proposed amendment permits a transient hotel with greater than 100 sleeping units only by certification that the residential development goal for the area in which the hotel is to be located has been met. We approve of this limit on the development of hotels, but would like to know how the goal of 865 dwelling units for the specified area was determined, and how goals for future areas would be determined. We believe that the amendment should at least provide a rationale as to how future residential development goals would be set.
- While we generally are supportive of both the residential infill and the commercial/manufacturing preservation aspects of the proposed M1-6D zoning in the Rectangle, we note that the new designation is to be applied to an M1-5 district, not an M1-6 district, thus doubling permissible FAR from 5 to 10. We are concerned that the size and form of buildings resulting from such a large increase may be inappropriate in other areas where the new zoning might be applied.
- We are concerned that the upzoning from M1-5 to M1-6D could create a precedent that will cause problems in the future in CD4 and elsewhere. Specifically, we ask for assurances that the new zoning district will not be applied to the M1-5 zones in the Special West Chelsea District.
- Finally, we believe that such a significant upzoning should be accompanied by a well-defined community benefit, and that tenant protection provisions, including anti-harassment and anti-demolition, be included for existing residents in an area to be rezoned. Our preferred community benefit is affordable housing, so we would want some form of mandatory, permanent affordable housing to be included in new residential development.

In summary, CB4 is generally supportive of the goals for which the M1-6D zoning was created, but requests that DCP conduct the study noted above, provide a rationale for the development of residential development goals and add protection for existing tenants. We also are concerned that the upzoning that would result from the first new zoning district sets a highly undesirable precedent that puts the M1-5 districts in CD4 and elsewhere at risk, and ask for assurances that it will not be used in the Special West Chelsea District M1-5 zones.

Sincerely,



John Weis, Chair



J. Lee Compton, Co-Chair  
Chelsea Preservation and Planning

[Signed 6/3/11]

Bret Firfer, Co-Chair  
Chelsea Preservation and Planning

cc: NYC Council Speaker Christine Quinn  
Manhattan Borough President Scott Stringer  
NYS Senator Thomas Duane  
Assembly Member Richard Gottfried  
Congressman Jerrold Nadler