



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