



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

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

May 20, 2014

Mr. Gary Spindler
22-23 Corporation
c/o Park It Management
250 West 26th Street
New York, NY 10001

Re: Proposed Zoning Text Amendment for 510-512 West 23rd Street

Dear Mr. Spindler:

At a presentation by your representative to Manhattan Community Board 4's (CB4) Chelsea Land Use Committee on April 21, 2014, and in a letter dated April 22, 2014 (attached), you asked the board to reaffirm its support for a Zoning Text Amendment affecting the transfer of floor area from the High Line Transfer Corridor (HLTC) in the Special West Chelsea District (SWCD) that you first presented to us in 2008. We reaffirm our support subject to the three conditions set out in our letter of support of January 8, 2009, listed below, and subject to the further condition that the Department of City Planning (DCP) review any proposed text change with us before beginning the review process.

You propose to change "#commercial use#" to "#commercial or residential use whichever is greater#" in the first paragraph of ZR 98-33(b):

The maximum amount of #floor area# transferred from a granting site located outside of a subarea shall not exceed the maximum #floor area ratio# permitted for a **#commercial or residential use whichever is greater#** on such granting site, less any existing #floor area# to remain on such granting site.

We believe that a better wording would be "...#commercial use# or #residential use#, whichever is greater...", but we will leave the details to the wordsmiths at DCP.

The effect of this change would be to increase the amount of transferable floor area on your site at 510-512 West 23rd Street, and at 509-511 West 23rd Street, both located in the HLTC, from 6.0, the maximum commercial floor area, to 7.52, the maximum residential floor area.

When we first reviewed your request in 2008, DCP told the board that their intent with the existing text was to prevent the transfer of FAR from community facilities, not to prevent a property owner from being able to transfer the greater residential FAR from property with

commercial zoning. DCP indicated that while they were not prepared to initiate the process for a text amendment, they would be receptive to one from an owner seeking to correct this oversight.

Based on DCP's assurances, CB4 supported your proposed text amendment in its letter of January 8, 2009. We reaffirm this support subject to our original three conditions set out in that letter:

- i. that DCP certify that the change conforms to DCP's original intent;
- ii. that DCP certify that the change would apply to the two properties in the HLTC on the north and south sides of West 23rd Street and to no other properties in the SWCD, as the board believes from its own analysis; and
- iii. that DCP draft appropriate language limiting the amount of transferred floor area to the maximum floor area for an as-of-right permitted use at the time the SWCD was created. The board notes that "#conforming use#", as you propose, is not defined in the Zoning Resolution.

We also impose the further condition that DCP review any proposed text change with CB4 before beginning the review process.

Sincerely,



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee

cc: Edith Hsu-Chen
Adam Wolff
Manhattan Borough President Gale Brewer
Councilmember Corey Johnson
Assemblymember Richard Gottfried
Senator Brad Hoylman