



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JEAN-DANIEL NOLAND
Chair

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

June 8, 2009

Hon. Amanda M. Burden, Director
New York City Department of City Planning
22 Reade Street
New York, NY 10007-1216

Re: Application No. N 090243 ZRM – Application for a Zoning Text Amendment to the Special West Chelsea District

Dear Chair Burden:

On the recommendation of the Chelsea Preservation and Planning Committee, Manhattan Community Board 4 voted to recommend the conditional approval of the application for a Zoning Text Amendment to the Special West Chelsea District for Zoning Lots Located Partly Within Subarea C and Partly Within M1-5 Districts.

The applicant owns 246-260 Eleventh Avenue, 549-559 West 26th Street and 550-558 West 27th Street, collectively known as the 246 Eleventh Avenue Project, or 246 Eleventh Avenue. The three properties span Block 698 Lots 1 and 6, and lie entirely within both the Special West Chelsea District and the West Chelsea Historic District. The Eleventh Avenue frontage is occupied entirely by the Otis Elevator Building, a beloved local landmark. There is a second building on West 26th Street and a parking lot on West 27th Street where the applicant wishes to build.

The Otis Elevator Building lies largely in Subarea C of the SWCD, which is zoned C6-3, and partially in the adjacent M1-5 district to the east. The Otis Elevator Building is built to approximately 6.84 FAR within subarea C, which exceeds the permitted base FAR of 5.0 but is less than the maximum permitted FAR of 7.5 achievable through the transfer of development rights from the High Line Transfer Corridor (ZR 98-30) or a combination of such a transfer and participation in the Inclusionary Housing Program (ZR 98-26). The Department of City Planning has determined that under the current zoning text the approximately 37,256 sq. ft. that comprises the excess 1.84 FAR of the Otis Elevator Building in Subarea C must be offset against the approximately 54,415 sq. ft. available in the adjacent M1-5 district. The practical result of this determination would be a two story building of approximately 17,159 sq. ft. on West 27th Street that interrupted the street wall and was otherwise non-contextual.

The applicant proposes a zoning text amendment for lots spanning Subarea C and an adjacent M1-5 district in the SWCD that, on the contribution to the High Line Improvement Fund as set forth in ZR 98-25, would increase the permitted FAR in the Subarea C portion to that existing on June 23, 2005, the date the SWCD was created. The proposed amendment would permit the applicant to build a contextual 5.0 FAR building on West 27th Street adjacent to the Otis Elevator Building.

While in general we disapprove of narrow zoning such as the applicant proposes, we agree that the SWCD text creates an anomaly disadvantageous to both the applicant and the community, and that it should be corrected. A primary concern of any proposed solution is its applicability to other properties and lots. In order for a building to qualify under the proposed amendment a zoning lot must meet three criteria: i) it must lie in SWCD Subarea C, ii) it also must lie in an adjacent M1-5 district, and iii) an existing building on the lot on June 23, 2005 must have exceeded the 5.0 base FAR permitted in Subarea C. The applicant has identified ten zoning lots within Subarea C other than 246 Eleventh Avenue and has shown that each of them fails to meet at least one of the other proposed criteria. Therefore, only 246 Eleventh Avenue would meet the criteria imposed by the proposed amendment. We believe this analysis to be correct, but we condition our recommendation of approval on DCP's confirmation that only 246 Eleventh Avenue would be affected by the proposed amendment.

The applicant's primary argument to the community in favor of the amendment is the preservation of context. From our perspective this has two components. First, the permitted FAR for the C6-3 portion of the zoning lot may be increased only to the FAR existing on that portion of the lot on June 23, 2005. This means that the permitted FAR of the Otis Elevator Building would be the current 6.84 rather than 7.5 as permitted in Subarea C, and that the building could not be enlarged. We enthusiastically support the preservation of this building in its current form.

Second, the West 27th Street portion of the lot may be built to the 5.0 FAR of the M1-5 district in which it is located. Although there are no specific building plans yet, the applicant has provided illustrative renderings showing a six story building with a uniform 90 foot street wall. While we welcome the building form, we believe contextuality would be better served by mandating a lower building with a street wall matching the adjacent buildings to the east. Because the lot is located in the West Chelsea Historic District, the applicant will require the approval of the Landmarks Preservation Commission. We look forward to continued discussions with the applicant during finalization of plans for the building and for application to the LPC.

Sincerely,



Jean-Daniel Noland, Chair
Manhattan Community Board 4



J. Lee Compton, Chair
Chelsea Preservation and Planning

cc: NYC Council Speaker Christine Quinn
Manhattan Borough President Scott Stringer
G & R 11th Avenue Associate, LLC
NYC Department of Consumer Affairs
NYC Department of Buildings