



CITY PLANNING COMMISSION

November 3, 2021/Calendar No. 5

N 210409 ZRM

IN THE MATTER OF an application submitted by RXR SL Owner LLC and Terminal Fee Owner LP, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing Subarea K within the Special West Chelsea District (Article IX, Chapter 8), and modifying other related Sections.

This application (N 210409 ZRM) for a zoning text amendment was filed by RXR SL Owner LLC and Terminal Fee Owner LP on May 11, 2021. This application, in conjunction with the related zoning map amendment action (C 210408 ZMM), would facilitate the long-term adaptive reuse of the existing Starrett-Lehigh building, located at 601 W 26th Street, and the Terminal Warehouse building, located at 261 Eleventh Avenue, within Manhattan Community District 4.

RELATED ACTIONS

In addition to the zoning text amendment that is the subject of this report (N 210409 ZRM), the proposed action also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

C 210408 ZMM Zoning map amendment to change an M2-3 zoning district to an M2-4 zoning district and expand the Special West Chelsea District.

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment action (C 210408 ZMM).

ENVIRONMENTAL REVIEW

This application (N 210409 ZRM), in conjunction with the applications for the related action (C 210408 ZMM), was reviewed pursuant to the New York State Environmental Quality Review

Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 21DCP103M. The lead agency for the environmental review is the City Planning Commission.

A summary of the environmental review, including the Final Environmental Impact Statement issued on October 22, 2021, appears in the report for the related zoning map amendment (C 210408 ZMM).

PUBLIC REVIEW

This application (N 210409 ZRM) was duly referred to Manhattan Community Board 4 and the Manhattan Borough President on June 21, 2021, in accordance with procedures for non-ULURP matters, along with the application for related action (C 210408 ZMM) which was certified as complete by the Department of City Planning and duly referred in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Manhattan Community Board 4 held a public hearing on this application (N 210409 ZRM) and the related action on June 21, 2021, and on August 6, 2021, by a vote of 35 in favor, none against, and none abstaining, adopted a resolution recommending approval of the application with conditions. The full recommendation is attached to this report.

Borough President Recommendation

This application (N 210409 ZRM), in conjunction with the related action, was considered by the Manhattan Borough President, who, on September 7, 2021, issued a recommendation to approve the application with conditions. The full recommendation is attached to this report.

City Planning Commission Public Hearing

On September 1, 2021 (Calendar No. 9), the CPC scheduled September 22, 2021 for a public hearing on this application (N 210409 ZRM) and the related action. The hearing was duly held

on September 22, 2021 (Calendar No. 37). There were five speakers who testified in support and none in opposition, as described in the report for the related zoning map amendment action (C 210408 ZMM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 210409 ZRM), in conjunction with the related action, is appropriate. A full consideration and analysis of the issues and reasons for approving this application appears in the report for the related zoning map amendment action (C 210408 ZMM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 8, 2021, with respect to this application (CEQR No. 21DCP103M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
2. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic, and other factors and standards, that form the basis of the decision, pursuant to section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Coastal Commission finds that the action will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;
 Matter ~~struck-out~~ is to be deleted;
 Matter within # # is defined in Section 12-10;
 * * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE I – GENERAL PROVISIONS

Chapter 4 – Sidewalk Cafe Regulations

* * *

14-44

Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes# however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
* * *	* * *	* * *
West Chelsea District	No	Yes ⁵

* * *

⁵ #Unenclosed sidewalk cafes# are allowed only on #wide streets# except they are not allowed on the west side of Ninth Avenue between West 15th Street and West 16th Street. #Unenclosed sidewalk cafes# shall also be allowed on West 27th Street between Eleventh Avenue and Joe DiMaggio Highway.

* * *

ARTICLE IX – SPECIAL PURPOSE DISTRICTS

Chapter 8 – Special West Chelsea District

**98-00
GENERAL PURPOSES**

* * *

**98-04
Subareas and High Line Transfer Corridor**

In order to carry out the provisions of this Chapter, Subareas A through J K and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

* * *

**98-10
SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST
CHELSEA DISTRICT**

* * *

**98-12
Modification of Use Regulations**

The #use# regulations of the underlying districts are modified by the provisions of this Section, inclusive.

* * *

**98-122
~~Location within buildings~~
In Subarea K**

[Relocated to Section 98-124 below]

~~In any C6 District in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial uses#:~~

- ~~(a) — are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and~~
- ~~(b) — are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
 - ~~(1) — #residential# lobby space below or on the same #story# as #commercial uses#; or~~~~

(2) — a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

In Subarea K, the provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT), inclusive, shall be modified as follows:

- (a) The following additional #uses# shall be permitted, provided that the floor space allocated to such #uses# does not exceed 25 percent of the total #floor area# of the #building#:
- (1) from Use Groups 3 and 4, all #uses#, not otherwise permitted by the underlying regulations, other than those with sleeping accommodations;
 - (2) from Use Group 6A, food stores, including supermarkets, grocery stores or delicatessen stores, larger than 10,000 square feet;
 - (3) from Use Groups 6C, 9A, and 12B, all #uses# not otherwise permitted by the underlying regulations; or
 - (4) from Use Group 10A, all #uses#, not otherwise permitted by the underlying regulations, provided that the floor space allocated to such #uses# does not exceed 15 percent of the total #floor area# of the #building#.

98-123

Adult establishments

* * *

98-124

Location within buildings

[Relocated from Section 98-122 above]

In any C6 District the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial uses#:

- (a) are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
- (b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
 - (1) #residential# lobby space below or on the same #story# as #commercial uses#; or

- (2) a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

* * *

**98-15
Signs**

* * *

98-151
Modification of sign regulations in Subarea K

Within Subarea K, the #sign# regulations of the underlying district shall apply. However, within 15 feet of the intersection of two #streets#, the provisions of Section 42-562 (Restriction on angle and height above curb level) shall not apply.

* * *

98-17
Modification of Parking and Loading Regulations in Subareas H

[Relocated to Section 98-171 below]

~~#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:~~

- ~~(a) — such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;~~
- ~~(b) — the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and~~
- ~~(c) — no more than 377 spaces are provided within such facility. For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.~~

The underlying provisions of Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall apply within the #Special West Chelsea District#, subject to modification by the regulations of this Section, inclusive.

98-171
Parking regulations in Subarea H

[Relocated from Section 98-17 above]

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

- (a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;
- (b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and
- (c) no more than 377 spaces are provided within such facility.

For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

98-172

Waiver of accessory off-street loading berths in Subarea K

In Subarea K, the provisions of Section 44-52 (Required Accessory Off-street Loading Berths) shall not apply to changes of #use#.

* * *

98-20

FLOOR AREA AND LOT COVERAGE REGULATIONS

* * *

98-22

Maximum Floor Area Ratio and Lot Coverage in Subareas

For all #zoning lots#, or portions thereof, located in Subareas A through J K, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the table in this Section. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and no maximum #lot coverage# shall apply to any #corner lot#. For the #conversion# to #dwelling units# of non-#residential floor area# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in this Section, such excess #residential floor area# shall only be permitted pursuant to Section 98-26 (Modifications of Inclusionary Housing Program).

MAXIMUM FLOOR AREA RATIO BY SUBAREA

Sub-area	Basic #floor area ratio# (max)	Increase in FAR from #High Line Transfer Corridor# (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	Inclusionary Housing		Permitted #floor area ratio# (maximum)
				FAR required to be transferred ¹ (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
A	6.5	2.65	— ²	2.65	2.85	12.0
B	5.0	2.5	— ²	1.25	1.25	7.5
C	5.0	2.5	NA	1.25	1.25	7.5
D ⁵	5.0	2.5 ³	2.5 ³	1.25	1.25	7.5
E	5.0	1.0 ³	1.0 ^{2,3}	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0 ³	1.0 ³	NA	NA	6.0
H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.25	1.25	7.5
I ⁴	5.0	NA	2.5	NA	NA	7.5
J ⁶	5.0	NA	2.5	NA	NA	7.5
K	<u>5.0</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>5.0</u>

- ¹ Minimum #floor area ratios# required to be transferred pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized
- ² In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus)
- ³ For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject to the provisions of Section 98-241 (In Subareas D, E and G)
- ⁴ For #zoning lots# over which the #High Line# passes
- ⁵ For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted
- ⁶ Bonus contribution subject to provisions of Section 98-25 governing first contribution to Affordable Housing Fund

* * *

**98-40
SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS**

* * *

**98-42
Special Height and Setback Regulations**

* * *

98-423

Street wall location, minimum and maximum base heights and maximum building heights

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through ~~(g)~~ (h) of this Section.

* * *

(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any #development# or #enlargement# that utilizes the provisions of Section 98-25. In lieu thereof, the provisions of this paragraph (g) shall apply.

* * *

(3) Tenth Avenue Zone

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet, provided that any portion of a #building# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue #street line#. Any portion of a #building# located above a height of 185 feet shall be set back at least 10 feet from the West 15th and West 16th Street #street lines#, and at least 25 feet from the Tenth Avenue #street line#. Any portion of a #building# above a height of 200 feet shall be set back at least 25 feet from the West 15th and West 16th Street #street lines#, and at least 35 feet from the Tenth Avenue #street lines#, and any portion of a building located above a height of 215 feet shall be set back at least 75 feet from the Tenth Avenue #street line#. Permitted obstructions allowed pursuant to Section 33-42 shall be permitted.

(h) Subarea K

The provisions set forth in paragraph (a) of this Section shall not apply. In lieu thereof, the provisions of the underlying zoning districts shall apply.

**MINIMUM AND MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT
BY DISTRICT OR SUBAREA**

District or Subarea		Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	_____ ¹
	between 50 and 100 feet of a #wide street#	15	85	_____ ¹

	for #zoning lots# with only #narrow street# frontage	40	60	— ¹
Subarea B		60	95	135
Subarea C	for #zoning lots# with only #narrow street# frontage	60	110	110
	for #zoning lots# with Tenth Avenue frontage	105 ²	125 ²	125 ²
	for #zoning lots# with Eleventh Avenue frontage	125 ²	145 ²	145 ²
Subarea D		60	90	250 ¹
Subarea E		60	105 ³	120 ³
Subarea F		60 ²	80 ²	80 ²
Subarea G	for #zoning lots# with only #narrow street# frontage	60	95	95
	for #zoning lots# with #wide street# frontage	105 ²	120 ²	120 ²
Subarea H		60 ⁴	85 ⁴	— ⁴
Subarea I	within 300 feet of Tenth Avenue between W. 16th St. & W. 17th St.	60	85	120 ⁵
	all other areas	60	105	135
Subarea J	Midblock Zone	NA	110 ⁶	130 ⁶
	Ninth Avenue Zone	NA	130 ⁶	135 ⁶
	Tenth Avenue Zone	NA	185 ⁶	230 ⁶
<u>Subarea K</u>		<u>NA⁷</u>	<u>NA⁷</u>	<u>NA⁷</u>

¹ See Section 98-423, paragraph (b)

² See Section 98-423, paragraph (c)

³ See Section 98-423, paragraph (d)

⁴ See Section 98-423, paragraph (e)

⁵ See Section 98-423, paragraph (f)

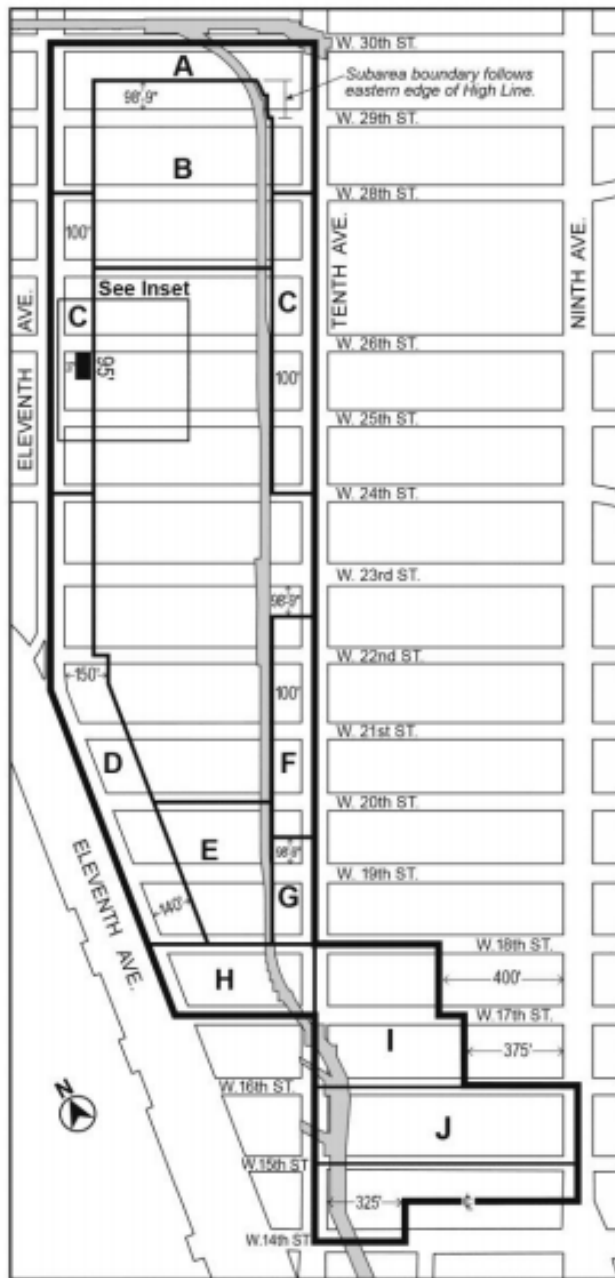
⁶ See Section 98-423, paragraph (g)

⁷ See Section 98-423, paragraph (h)

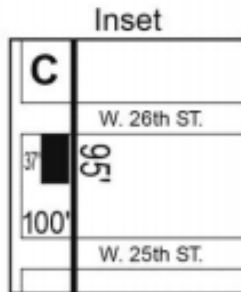
* * *

**Appendix A
Special West Chelsea District and Subareas**

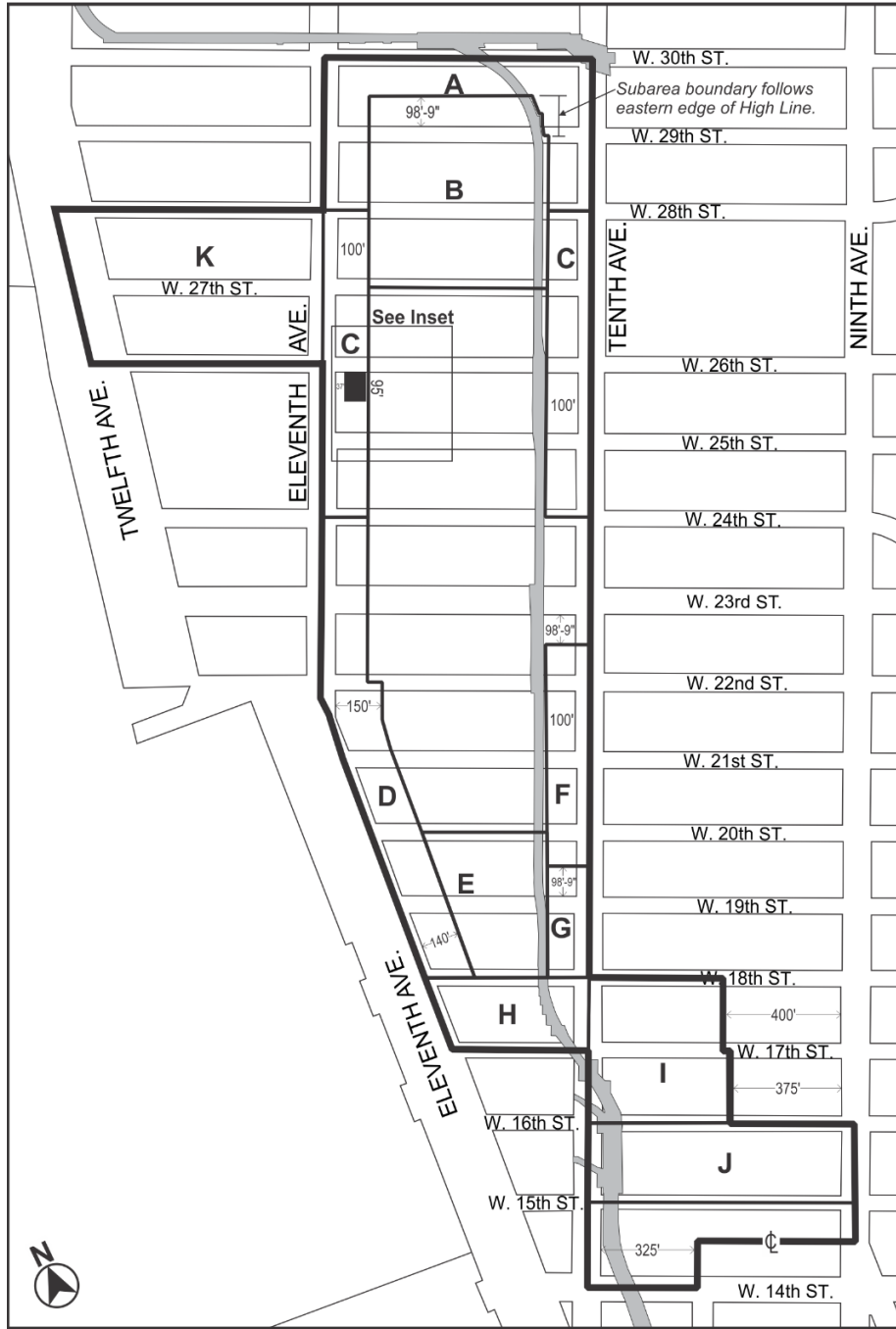
[EXISTING MAP]







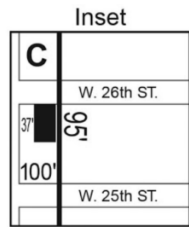
- Special West Chelsea District boundary
- Subarea boundary
- High Line
- Transit Facility



[PROPOSED MAP]



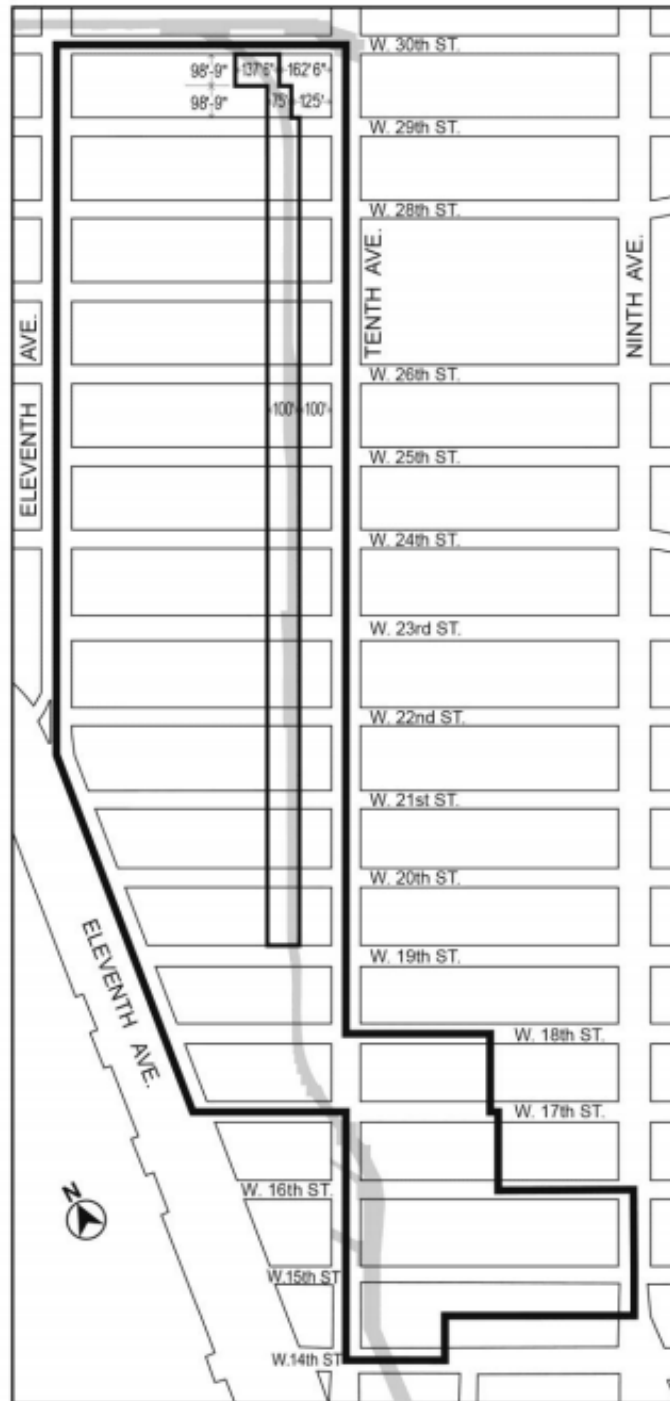
-  Special West Chelsea District boundary
-  Subarea boundary
-  High Line
-  Transit Facility



Appendix B

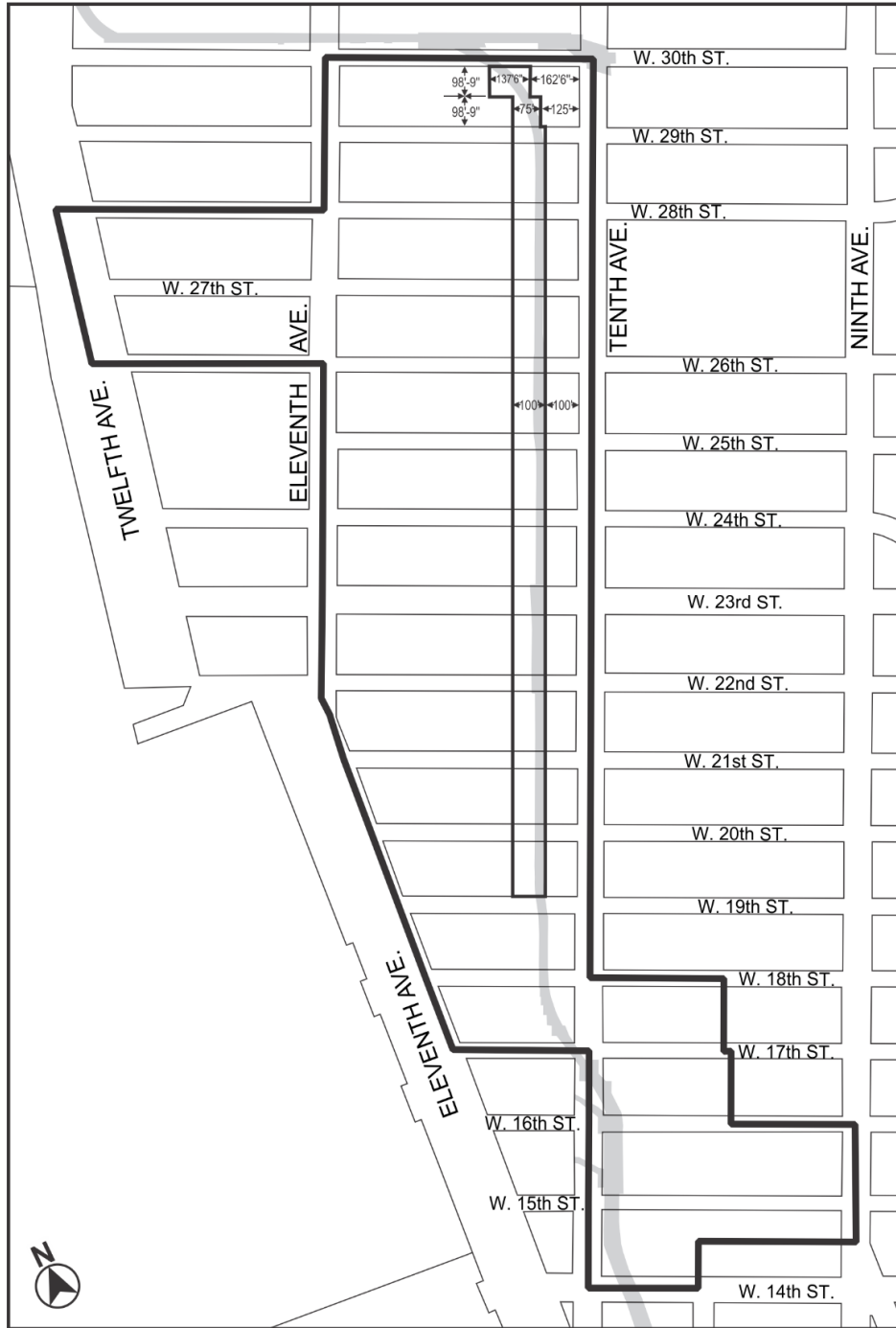
High Line Transfer Corridor Location




[EXISTING MAP]



- Special West Chelsea District
- High Line Transfer Corridor
- High Line

[PROPOSED MAP]



-  Special West Chelsea District boundary
-  High Line Transfer Corridor
-  High Line

* * *

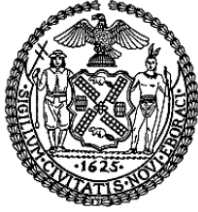
ANITA LAREMONT, *Chair*

KENNETH J. KNUCKLES, *Esq., Vice-Chairman*

DAVID BURNEY, ALLEN P. CAPPELLI, *Esq.*, ALFRED C. CERULLO, III,

JOSEPH I. DOUEK, RICHARD W. EADDY, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

P.O. Box 2622
New York, NY 10108

tel: 212-736-4536
www.nyc.gov/mcb4

LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

August 6, 2021

Marisa Lago, Chair
New York City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

**Re: Starrett-Lehigh and Terminal Warehouse Rezoning
ULURP No. C210408 ZMM and N 210409 ZRM**

Dear Chair Lago:

On the unanimous recommendation of its Chelsea Land Use Committee, following a duly noticed public hearing at the Committee's meeting on June 21, 2021, Manhattan Community Board 4 (MCB4), at its regularly scheduled meeting on July 28, 2021, voted, by a vote of 35 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote, to recommend approval of the proposed zoning map change and zoning text amendment with conditions:

- Reduce proposed Use Group 10A uses or designate a minimum area (square feet) for specific uses to preclude big box retail, and encourage local employment and neighborhood scale uses. Such uses might include light manufacturing with showrooms, incubator space, special education programs, and art production/retail sales.
- Provide solution(s) to improve pedestrian safety on West 26th Street;
- Involve MCB4 in the study of delivery operations to develop plan to minimize conflicts between trucks, pedestrians and cyclists;
- Involve MCB4 in discussions with Hudson River Park Friends to connect the Hudson River Park to the project site;
- Mitigate adverse impact for pedestrians on West 25th Street between Eighth and Ninth Avenues;
- Install outdoor restaurants and cafes only in parking lanes, not on sidewalks;

- Place bike racks on parking lanes, not sidewalks; consider opening bike storage rooms to the public; and,
- Install street trees on east end of West 26th Street and on Eleventh Avenue.

Background

The Starrett-Lehigh Building and the Terminal Warehouse are located between West 26th and West 28th Streets, Eleventh and Twelfth Avenues and are in the West Chelsea Historic District. The Starrett-Lehigh Building was designated a New York City Individual Landmark in 1986.

Neither building is currently located in the nearby Special West Chelsea District (SWCD) which was adopted in 2005. The goals of the SWCD are to facilitate new residential and commercial development and the reuse of the High Line. The SWCD retains manufacturing zoning on the mid-blocks to protect the area’s many galleries. The district encompasses the area generally bounded by West 14th and West 30th Streets between Tenth and Eleventh Avenues.

When the SWCD proposal was finalized, MCB4 stated that DCP excluded areas that were important for the integrity of West Chelsea. MCB4 continued to advocate for an expanded SWCD. We asked that the blocks with the Starrett-Lehigh Building and the Terminal Warehouse be included. We recommended that the current zoning be replaced with M2-4 (5 FAR) – the same zoning district that this application proposes. In 2013, DCP conducted a study about excluded areas, including the subject site, and concluded that only the Chelsea Market site should be added at that time to the district.

The SWCD currently has 10 sub-areas with specifically tailored zoning for each. In 2013 SWCD subarea J was added to facilitate an expansion of Chelsea Market between West 16th and West 17th Streets. In 2018 the eastern portion of Block 675, between West 29th and West 30th Streets, Eleventh and Twelfth Avenues, (one block away from the subject site) was rezoned from M2-3 to C6-4X to facilitate mixed-use development.

Description of the Proposal

Zoning Action Overview:

The goal of the proposed zoning actions is to facilitate the adaptive reuse of two buildings and to integrate them into the nearby neighborhood.

- A zoning map amendment to add the project area to the Special West Chelsea District and to create a new subarea (Subarea K), and a rezoning from M2-3 to M2-4 to facilitate a broader range of uses.
- A zoning text amendment to modify certain use, bulk, loading, and signage requirements.

Effects of the extension of the Special West Chelsea District and the change in the underlying zoning district of M2-3 to M2-4:

- FAR would increase from 2.0 to 5.0.

- Applicants could lease space to a more diverse range of tenant types such as local and destination retail, academic or university space, and medical offices.
- Owners could reconstruct more of their buildings in the event of a catastrophic loss.
- Buildings are currently built at approximately 14.79 FAR at Starrett-Lehigh and 7.3 FAR at Terminal Warehouse; both exceed the existing 2.0 FAR and the proposed 5.0 FAR.
- Loading requirements would be eliminated for change of use.

The proposed M2-4 zoning would be modified to:

- Include uses permitted in a C6-3 district with some restrictions while retaining M2 uses.
- Include no residential uses, hotels, or uses with sleeping accommodations.
- Include:
 - All Use Groups 3 and 4 uses (except for those with sleeping accommodations) such as academic and medical office uses
 - All Use Group 6A uses such as food stores, grocery stores, or delicatessen stores, larger than 10,000 square feet
 - All Use Groups 6C, 9A, and 12B such as bookstores, retail clothing stores
 - Use Group 10A uses such as department stores (with FA restrictions in the aggregate)

Restrictions for certain uses in both buildings:

- The aggregate floor area for all uses in Use Group 10A will not be permitted to exceed 15 percent of the total floor area for each building.
- The total maximum floor area of all Use Group K uses (Use Groups 3A, 4A, 6C, 9A, and 10A) that are not already allowed in the ~~M3~~ M2 District will not be permitted to be greater than 25 percent of the existing floor area of the existing buildings.

Other proposed changes:

- Sidewalk Cafes:
The Special West Chelsea District allows sidewalk cafes only on wide streets, not narrow streets. Including the Project Area in the SWCD as proposed would not allow sidewalk cafes on West 27th Street which is a narrow street. The applicant's proposed text amendment would permit sidewalk cafes on West 27th Street. (A citywide text amendment on "Open Restaurants" which removes zoning restrictions is under public review; it would absorb sidewalk cafes into the permanent Open Restaurants Program. If approved the applicant's proposed text amendment would be unnecessary.)
- Loading Berths
Amendment to eliminate the need for new loading berths for changes of use.
- Physical culture establishments (PCEs)

Amendment would permit PCEs such as gyms and fitness facilities to be as-of-right without requiring a special permit approval from the Board of Standards and Appeals. (A citywide text amendment under public review would eliminate the special permit required for PCEs. If approved the applicant's proposed amendment would be unnecessary.)

- Signage
 - All M2 signage regulations would remain in effect except for a new regulation which only applies to the corners of Eleventh Avenue. Only the Starrett-Lehigh Building will utilize this new corner regulation due to its chamfered corners. (A chamfered corner is a design embellishment -- a slope at right angled edges.)
 - The current regulation for indirect illumination for the Eleventh Avenue corners would be impractical because of positioning angle rules.
 - To enhance the visibility of the signs, the proposed text would increase the height of indirectly illuminated signs from 58 feet to 75 feet and remove limitations on the angle of projection on Eleventh Avenue.
 - There is no signage proposed for the Terminal Warehouse Building that would make use of this proposed sign text amendment.

Analysis and Recommendations

Both the Starrett-Lehigh and Terminal buildings are important iconic buildings in West Chelsea. Both applicants have embarked on thoughtful master plans to preserve the buildings' historic features while updating spaces to accommodate current user demands. Their proposed inclusion in the Special West Chelsea District is a much-welcomed, long-awaited measure that MCB4 supports. We do however have major concerns on specific topics that we ask the applicants to address.

Destination Retail Uses:

MCB4 is concerned that the proposed zoning could allow too many "destination retail" uses (also known as "big box" uses). These are uses that could alter the unique character of West Chelsea by attracting large chain stores. The Reasonable Worst-Case Scenario (RWCS) shows the possibility of 446,331 square feet of destination retail uses. We understand that the RWCS analysis is not a market plan and is used to estimate the worst impacts that might occur. But the 15 percent cap could allow five destination retail stores such as Target, Walmart, Home Depot, Lowe's, and Bed Bath & Beyond.

A June 18, 2021 letter from the applicants said they were "... assessing the potential to reduce the current proposed 15% cap on Use Group 10A floor area and other approaches..." We urge the applicant to quickly pursue this assessment and/or consider other approaches. At the June 21, 2021 Chelsea Land Use Committee meeting, there were several suggestions in addition to the reduction or capping of retail floor area (store size) to preclude large scale big box retail and encourage neighborhood scale retail.

- Keeping light manufacturing uses in the community and local job creation like Industry City, Brooklyn Navy Yards and Greenpoint/Williamsburg

neighborhoods-- showrooms or retail storefronts for items being made/manufactured in the building.

- Facilitating educational uses including schools/colleges, special school programs.
- Accommodating art production and retail sales. One of the goals of the SWCD is to preserve the area's many art galleries by keeping the manufacturing zoning on the mid-blocks. Art galleries have continued to thrive. In keeping with that intent, MCB4 asks that space be reserved in one or both buildings for artists at below-market rents. We are pleased that the applicant supports local artists by presenting their works in various spaces in the Starrett-Lehigh Building.

The proposed zoning would allow the above suggested uses. The proposal would continue to allow manufacturing uses in the entire building. If 25% of the building were to convert to Use Group K uses, 75% of the building would remain available for those uses. For educational uses, the proposal would permit up to 25% of each building's floor area for such uses.

To permit fewer mall-like stores, we ask that the applicant commit to either a reduced restriction of Use Group 10A uses from 15 percent to 10 percent of the total floor area for each building; or designating specific square feet for the identified uses as suggested above.

West 26th Street Pedestrian Safety Issue:

Many pedestrians walk on West 26th Street; if the new uses in the Starrett-Lehigh Building are successful, a major increase in pedestrians would be expected. A continuing problem has resulted from parked trucks that extend into West 26th Street, blocking the sidewalk. Pedestrians are forced to cross West 26th Street to the south side mid-block – a dangerous situation, made worse because it is difficult to see on-coming traffic. One solution could be creating a marked mid-block pedestrian crosswalk. The New York City Department of Transportation (DOT) has so far rejected this idea.

Some other suggestions to improve pedestrian safety on West 26th from the Chelsea Land Use Committee include the addition of a flag person posted to direct pedestrians away from the West 26th Street truck loading area; scheduling truck deliveries for early morning and late-night, times when high pedestrian volumes are not expected; and establishing and enforcing limited truck parking times.

The Starrett-Lehigh applicant stated, in a June 18/2021 letter, an aim to:

“...improve the pedestrian experience on West 26th Street by diverting pedestrians away from the loading area by one or more to the following methods: requesting signage from NYC Department of Transportation (DOT), revisiting with DOT whether a mid-block crosswalk is feasible, and attracting pedestrians to an improved, pedestrian-friendly West 27th Street...”

MCB4 urges the applicant to vigorously pursue these potential solutions.

Loading:

The proposed rezoning will not lead to new loading berths. We are pleased that both applicants have voluntarily reduced the number of loading areas in the two buildings.

Loading will be taken off the perimeter of the Terminal Warehouse Building and relocated to a central internal loading area accessed from West 28th Street. The Starrett-Lehigh building is to have four berths eliminated from West 26th Street; one berth would be added to two existing berths inside the building on Twelfth Avenue; and one berth added to the inside of the building on West 27th Street. As a result, loading berths will be reduced from 17 to 14; and eventually long trucks will not be using West 26th Street regularly. Even after this change, vans however may block part of the West 26th Street sidewalk, hindering pedestrians' clear path, forcing them to walk in the street. We look forward to the applicant-funded study of delivery operations to develop a plan to minimize conflicts between trucks, pedestrians, and cyclists. In addition to the applicant consulting with DOT, there should be consultation with MCB4.

Activation of West 27th Street:

Both the Starrett-Lehigh and Terminal Warehouse buildings share West 27th Street between Eleventh and Twelfth Avenues. MCB4 is pleased that the applicants have been discussing activating this street. Both buildings will have entrances at the midblock on West 27th Street. Some of the ground floor retail uses will have entrances from West 27th Street, including restaurants with sidewalk cafes.

Because there are fewer loading bays and no long trucks on West 27th Street, it is a much safer pedestrian and bicycle route than West 26th Street. To direct pedestrians away from using West 26th Street, signage could be installed to encourage them to walk on West 27th Street instead. Signs could be posted on Eleventh and Twelfth Avenues, and within Hudson River Park (HRP).

Outdoor cafes and restaurants should be installed in parking lanes, not on sidewalks, so they do not obstruct pedestrian flow.

The applicants have been in dialogue with Hudson River Park Friends (HRPF) regarding possible connections with both buildings. In a June 21, 2021 letter, HRPF stated support for the application by Starrett-Lehigh and Terminal Warehouse for a rezoning and text amendment. HRPF is particularly supportive of streetscape improvements which would create a link to Hudson River Park on the west and to the High Line on the east. MCB4 looks forward to joining this discussion connecting HRP with both buildings to enliven West 27th Street and to improve pedestrian safety.

We are pleased that the applicant for the Terminal Warehouse has confirmed that the historic train tunnel in the building will be available to the public during business hours and provide access between Eleventh and Twelfth Avenues.

Pedestrians:

The DEIS (Draft Environmental Impact Statement) has disclosed that there is an unmitigated adverse impact on pedestrians on West 25th Street between Eighth and Ninth Avenues north sidewalk. West 25th Street has been an open street in the past and could remain so permanently to allow pedestrians to use its full width. Alternatively, it is a wide street where it would be easy to build a sidewalk extension to alleviate the problem. We request that one of these options be implemented to mitigate the adverse pedestrian conditions.

Bicycles:

MCB4 is pleased that the Starrett-Lehigh Building will provide storage for 300 bikes, and the Terminal Warehouse will provide bike storage for 500 bikes. The Landmarks Preservation Commission (LPC) has approved 26 bike racks on the sidewalks around the Terminal Warehouse for 50 to 100 bikes. MCB4 has a policy of restricting bike racks to parking lanes exclusively; they should not be on sidewalks because they hinder pedestrian flow. We ask that our policy be followed.

The applicant states that LPC discouraged any bicycle racks on the sidewalks adjacent to the Starrett-Lehigh Building. The applicant plans to revisit this with LPC. Given the ongoing conflicts with truck and van loading/unloading on West 26th Street, we ask the applicant not to pursue bike racks for West 26th Street with LPC. We recommend that applicant consider opening the inside bike storage space in the Starrett-Lehigh Building to the public.

Street Trees:

MCB4 appreciates the important benefits of street trees. They are good for the environment and good for people. MCB4 is glad that the Terminal Warehouse Building has four existing street trees that will remain and that an approved Builder's Pavement Plan shows 22 new street trees.

LPC has discouraged street trees on the sidewalks adjacent to the Starrett-Lehigh Building. We do not believe that street trees will distract from the historic character of the building. We recommend that street trees be placed on the eastern end of West 26th Street, away from loading berths, and if feasible on Eleventh Avenue, and that the applicant re-visit this issue with LPC.

Signage:

As described above, a modified sign height (from 58 feet to 75 feet) for indirectly illuminated signs for the Eleventh Avenue chamfered corners is proposed for the Starrett-Lehigh Building. Because there are no residential units in any buildings diagonally or directly across Eleventh Avenue from the Starrett-Lehigh Building (on the east side of Eleventh Avenue between West 25th Street and West 28th Street), we support this signage proposal.

Restoration of parapets on Eleventh Avenue Façade of Terminal Warehouse Building:

Historic photos show high parapets simulating corner towers on the north and south corners of the Eleventh Avenue façade of the Terminal Warehouse Building. The complex was designed at a time when New York architects routinely modeled new buildings on medieval or Renaissance precedents. MCB4 has recommended that the applicant restore these two parapets on the east facade of the Terminal Warehouse building and that no measures be taken that would preclude this restoration.

The Terminal Warehouse applicant has considered this recommendation but will not pursue it because the parapets "were present on the building for only about 20 years of

the 130-year history of the Terminal Warehouse." DCP has advised that if desired by the Terminal Warehouse owner (or future owner), a special permit (Zoning Resolution Section 74-711) would be the appropriate mechanism for the restoration of the parapets.

Conclusion

MCB4 strongly recommends the approval of the proposed zoning map change and zoning text amendment with conditions. These historic buildings, originally intended for maritime shipping and warehouse uses, have been carefully preserved and are now ready for a broad range of as-of-right uses that will allow them to contribute to the revitalization of the West Chelsea area. We welcome the opportunity to facilitate this transformation and have made several recommendations to better address community needs.

Sincerely,



Lowell D. Kern
Chair
Manhattan Community Board 4



Betty Mackintosh
Co-chair
Chelsea Land Use Committee



Paul Devlin
Co-chair
Chelsea Land Use Committee

Enclosure

cc: Hon. Corey Johnson, Speaker, City Council
Hon. Gale A. Brewer, Manhattan Borough President
Representatives of Starrett-Lehigh (601 West 26 Street) and Terminal Warehouse
(261 11th Avenue)

GOLDMANHARRIS LLC

Attorneys at Law

475 Park Avenue South
New York, New York 10016
www.goldmanharris.com

T. 212.935.1622
F. 212.935.2651
charris@goldmanharris.com

Caroline G Harris

June 18, 2021

Via Email

Chelsea Land Use Committee
Manhattan Community Board 4
c/o Jesse Bodine, District Manager
P.O. Box 2622
New York, New York 10108
Attn: Ms. Betty Mackintosh and Mr. Paul Devlin – Co-Chairs

Re: **Starrett-Lehigh + Terminal Warehouse Rezoning**
ULURP No. C 210408 ZMM and N 210409 ZRM

Dear Co-Chairs Mackintosh and Devlin:

This letter is written by GoldmanHarris LLC, on behalf of RXR SL Owner LLC (“RXR”), the owner of the Starrett-Lehigh Building, and Kramer Levin Naftalis & Frankel LLP, on behalf of Terminal Fee Owner LP (“TFO”), the owner of the Terminal Warehouse (TFO, collectively with RXR, the “Applicants”). As you know, the referenced application affects the two blocks between W. 26th and W. 28th Streets and 11th and 12th Avenues which are occupied by the two buildings (the “Project Area”). We appreciate how much time and thought you have given to this application over the past four years. As you know, the goal of the zoning actions is to achieve a broad spectrum of as-of-right uses for the long-term financial viability of the two historic buildings and to revitalize the project area, integrating it into the exciting evolution of Chelsea.

The Applicants have taken your feedback seriously. This letter is an update on how the Applicants are progressing in addressing your written comments on the Draft Environmental Impact Statement (“DEIS”) Scope and those you shared in meetings. We look forward to discussing these matters with you further on Monday evening.

CHELSEA LAND USE COMMITTEE’S CONCERNS

It is our understanding that the two items of utmost importance identified by the Chelsea Land Use Committee (the “Committee”) are the percent of each building that may be converted to Use Group 10A use and pedestrian safety related to loading on the northern side of W. 26th Street, east of 12th Avenue. Other items of concern are: automobile traffic coming to the Project Area for shopping, support for local vendors, bicycle usage, other modes of transport to and from the Project Area and curb usage, support for artists, street trees, and restoration of parapets on the 11th Avenue façade of the Terminal Warehouse. Note that all of the transportation modes related to visitors to the building (pedestrians, bus, subway and taxi) are analyzed in the DEIS, except for bicycles.

DESTINATION RETAIL

Not a Mall Atmosphere

The Applicants acknowledge concerns raised by the W. Chelsea Land Use Committee that allowing Use Group 10A “destination retail” may have the potential to create a mall atmosphere, and its related

comments about traffic and local businesses. The Applicants believe the historic nature of the buildings and the desire to accommodate a vibrant and diverse set of tenants and uses are very unlikely to create this condition. Nevertheless, the Applicants understand the importance of this issue to the Committee and are assessing the potential to reduce the current proposed 15% cap on Use Group 10A floor area and other approaches to avoid the perception that a mall atmosphere would exist. The Applicants look forward to sharing their assessments with the Committee and Community Board during the review process.

Local Business

The Applicants share the Committee's goal of attracting local businesses. They are committed to marketing retail and other space in their buildings to local businesses and directing their real estate brokers to identify and encourage local companies to become tenants. For instance, at the Starrett-Lehigh Building, in addition to introducing a new flagship restaurant from the Marcus Samuelsson Group, an NYC-based minority-owned company, RXR's goal is to lease the stalls in its new ground floor food hall to local businesses.

Traffic

With respect to visitors to the Use Group 10A destination retail space, based on modal split projections consistent with projects within Manhattan, only 9% are projected to drive to the area. Moreover, the buildings inherently discourage automobile use since there is no public parking garage in either one.

PEDESTRIAN SAFETY

The DEIS studies demonstrate that nearly all walk trips attributed to the Starrett-Lehigh Building would occur between the building's midblock entrance on W. 26th Street and areas to the east (away from the building's loading area on W. 26th Street near 12th Avenue). Nevertheless, RXR is sympathetic to the Committee's concern that pedestrians and truck loading may be in conflict. RXR has already taken steps to improve loading conditions, as described below. RXR would like to improve the pedestrian experience on W. 26th Street by diverting pedestrians away from the loading area by one or more of the following methods: requesting signage from NYC Department of Transportation ("DOT"), revisiting with DOT whether a mid-block crosswalk is feasible, and attracting pedestrians to an improved, pedestrian-friendly W. 27th Street, a goal shared with TFO.

Encouragement of pedestrian use of W. 27th Street not only improves pedestrian flow on W. 26th Street, it also promotes the activation of W. 27th Street and the establishment of a strong pedestrian connection between the High Line and Hudson River Park, which are planning goals for the Project Area. The plans for the ground floors of both buildings include midblock entrances on W. 27th Street, setting up a relationship between the two buildings and promoting a central role for W. 27th Street. During and after ULURP, the applicants will explore methods of facilitating activation of W. 27th Street, including options that might limit some types of traffic.

To further improve the pedestrian experience within the Project Area, RXR and TFO will maintain central trash rooms within each building.

LOADING

One premise of the rezoning from its inception has been that no new loading should be required upon a change of use within the buildings. As a practical matter, both applicants voluntarily have reduced the number of loading areas. TFO's complete renovation of the Terminal Warehouse, which was approved by the NYC Landmarks Preservation Commission ("LPC") and is underway on an as of right basis, takes all

loading off the perimeter of the building and relocates it to a central internal loading area accessed from W. 28th Street. RXR is near the end of a \$2.5 million process of revising the loading areas of the Starrett Lehigh Building. This process includes eliminating four berths from W. 26 Street, adding one berth to the two existing berths inside the building on 12th Avenue, and adding one berth inside the building on W. 27th Street, with a net reduction of three loading berths. from 17 to 14. Once the three berths on 12th Avenue are operational, long trucks will be directed to them and to W. 27th Street; long trucks and will not use W. 26th Street on a regular basis.

Further, on its own initiative, RXR commissioned a study of delivery operations. It has committed, in the DEIS, to exploring strategies that will further improve loading operations as part of a comprehensive freight and logistics management plan, with the goal of minimizing conflicts with pedestrians and cyclists balanced with their feasibility. RXR will consult with DOT to develop a freight and logistics management plan, which may include pedestrian circulation improvements to be approved or implemented by DOT. RXR will be responsible for all costs associated with the study, design and implementation of the plan.

BICYCLE USAGE

Both applicants are committed to encouraging bicycle use. The Starrett-Lehigh Building provides bicycle storage with a capacity of 300 bike spaces. The Terminal Warehouse will provide a bike room(s) with a capacity of 500 spaces. Together, they will provide bike spaces for 800 bicycles.

LPC approved 26 bicycle racks that hold 2 to 4 bikes each, affording 50-100 spaces on the sidewalks around the Terminal Warehouse. LPC discouraged any bicycle racks on the sidewalks adjacent to the Starrett-Lehigh Building. RXR will explore this with LPC again.

TRANSPORTATION TO AND FROM THE PROJECT AREA

All of the transportation modes related to visitors to the building --pedestrians, bus, subway and taxi-- are thoroughly analyzed in the DEIS, except for bicycles, consistent with the CEQR Technical Manual. As described in the previous section, ample provision will be made for bicycle usage by providing bicycle racks within the two buildings and outside the Terminal Warehouse.

RXR will investigate whether DOT will post "taxi stand" signage near one of the entrances to the Starrett-Lehigh Building in order to provide direct access and minimize potential double parking.

LOCAL ARTISTS

RXR currently supports local artists by presenting their works in various spaces in the building. It has engaged with various local art exhibitions, fair vendors, non-profit community organizations, and production teams for short-term event activations within the ground floor, that include: Future Fairs, TextWorld, Art Start, and The Estate of Basquiat. It will continue this initiative.

STREET TREES

The Terminal Warehouse has 4 existing street trees and an approved Builder's Pavement Plan (BPP) that depicts 22 new street trees for a total of 26 street trees. As with the bicycle racks, LPC discouraged street trees on the sidewalks adjacent to the Starrett-Lehigh Building. RXR will explore this with LPC again.

RESTORATION OF PARAPETS ON 11TH AVENUE FAÇADE OF TERMINAL WAREHOUSE

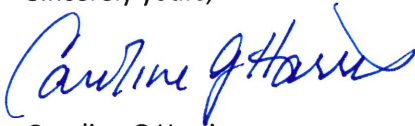
The Applicants relayed to the Department of City Planning ("DCP") the Committee's request to include a mechanism in the zoning text change that would allow for the restoration of the two parapets on the 11th Avenue façade of the Terminal Warehouse. DCP stated that the Section 74-711 special permit process is

the best mechanism to pursue such an action if desired by the Terminal Warehouse's ownership. At this time, TFO does not intend to restore the parapets as part of the current ongoing renovation. It carefully considered restoring the parapets, but decided not to pursue this since they were present on the building for only about 20 years of the 130-year history of the Terminal Warehouse.

CONCLUSION

Please accept this letter as part of our ongoing conversation about the proposed rezoning. We look forward to discussing our project and these items in greater detail at the W. Chelsea Land Use Committee meeting on Monday, June 21, 2021. Let us know if you need any other information in the meanwhile.

Sincerely yours,



Caroline G Harris



Elise Wagner
Kramer Levin Naftalis & Frankel, LLP
1177 Avenue of the Americas,
New York, New York 10036

cc: J. Bodine
E. Schlamuess
A. Staniforth
J. Nelson
R. Barth



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

September 7, 2021

**Recommendation on Non-ULURP Application Nos. C210408ZMM and N210409ZRM
Starrett-Lehigh and Terminal Warehouse
By RXR SL Owner LLC and Terminal Fee Owner LP**

PROPOSED ACTIONS

RXR SL Owner LLC and Terminal Fee Owner LP (the “Applicants”) seek approval for the following actions:

- A zoning map amendment to extend the Special West Chelsea District, including adding a new Subarea K to the District;
- A zoning text amendment to modify use, loading, and signage requirements as well as sidewalk café regulations; and
- A change in zoning for the Project Area from M2-3 to M2-4.

The actions would apply to the Starrett-Lehigh building, located at 601 West 26th Street (Block 672, Lot 1) and the Terminal Warehouse building located at 261 Eleventh Avenue (Block 673, Lot 1) (collectively, the “Project Area”). The Project Area is located in the Chelsea neighborhood in Manhattan Community District 4.

Changes to the zoning map should be evaluated for consistency and accuracy. Appropriateness for growth, improvement, and development of the neighborhood and borough should also be considered. Amendments to the Zoning Resolution should be evaluated based on appropriateness and benefits to the affected communities.

BACKGROUND

The Project Area is part of the West Chelsea Historic District, which was designated by the Landmarks Preservation Commission (LPC) in 2008. That designation noted area’s significance as an industrial neighborhood that was home to several prominent companies in the nineteenth and twentieth centuries. The Terminal Warehouse is a contributing building within the historic district, while the Starrett-Lehigh building received an individual designation from the LPC in 1986.

The Special West Chelsea district was established in 2005 with the purpose of guiding development and the activation of the High Line—specifically, encouraging residential and commercial development. In 2012, the special district was expanded to facilitate an office and hotel expansion in the Chelsea Market building. In 2013, the Department of City Planning (DCP) completed a study of three additional areas that could be annexed to the special district. In 2015, one of those areas, bounded by West 14th and West 15th Streets and Ninth and Tenth Avenues, was added to the District. Another one of the areas, which the report recommended further study

of, was an area bounded by West 24th and West 30th Streets and Eleventh and Twelfth Avenues—an area that includes the project Area.

The 2015 action, which was undertaken by DCP, also included a provision to allow sidewalk cafes on wide streets within the District.

PROPOSED DEVELOPMENT

Area Context

The Project Area is located within a mixed-use district that includes new residential development alongside older manufacturing buildings as well as commercial and mixed-used buildings. The High Line is located to the north and east of the Project Area, while Hudson River Park is located to its west. While new development spurred by the creation of the Special West Chelsea District has brought more traffic and pedestrian activity, little pedestrian activity has made its way to the area immediately surrounding the Project Area.

Site Description

The Project Area includes two blocks bounded by West 26th and West 28th Streets and Eleventh and Twelfth Avenues. The two blocks in that area are each occupied by a building: the Starrett-Lehigh building on the block to the south, and the Terminal Warehouse on the block to the north. Both buildings are currently in an M2-3 zoning district and exceed the district's maximum FAR of 2.0. The Starrett-Lehigh Building is 19 stories and 269 feet in height with an approximate FAR of 14.8. The Terminal Warehouse is 9 stories and 85 feet in height and an approximate FAR of 7.3. The Starrett-Lehigh building includes some light manufacturing uses, storage and warehousing, as well as office spaces. While the Terminal Warehouse includes some office and eating and drinking establishments, the building is mostly vacant. That building is currently undergoing capital work that includes converting approximately 500,000 square feet into office space.

Buildings in M2 zoning districts may also be required to provide additional loading berths if they have a change in use. The Starrett-Lehigh building includes 10 loading spaces along West 26th Street. However, these spaces do not meet the loading berth requirements set forth in the Zoning Resolution. The Terminal Warehouse has removed all of its exterior loading spaces and created a single, indoor loading area that has access from West 28th Street.

Project Description

The proposed zoning text amendment would allow both of the buildings in the Project Area to convert up to 25% of their square footage into the new uses as part of a new, proposed Subarea K. Subarea K would not permit residential, hotel, or other sleeping accommodations. The following use groups would be allowed in the Subarea:

- Use Groups 3 and 4 (with the exception of those that include sleeping accommodations);
- Some Use Group 6A uses - larger than 10,000 square feet;
- Use Groups 6C, 9A, and 12B; and

- Some Use Group 10A uses, with restrictions on size. – only 15% of the building’s floor area

The Starrett-Lehigh building contains a total of 1,835,150 gross square feet, with a maximum 458,787 square feet permitted for conversion. The Terminal Warehouse contains a total of 1,140,387 gross square feet, with a maximum 285,096 square feet permitted for conversion.

Currently, the Special West Chelsea District allows sidewalk cafes only on wide streets. The proposed zoning text would also allow them on West 27th Street. The Applicants have represented that they are in discussion with the Department of City Planning to determine whether the agency’s Open Restaurants text amendment application would achieve the same goal as their proposed text provision, and whether it could be withdrawn from the application.

The Applicants also propose to modify certain requirements, including:

- Eliminating the need for new loading berths for changes of use that would require it;
- Allow for the placement of signage on the chamfered corners of the Starrett-Lehigh building and increase the maximum height of any illuminated signage from 58 feet to 75 feet¹;

The proposed new M2-4 zoning district would reduce the degree of noncompliance for both buildings by increasing the maximum FAR from 2.0 to 5.0.

Neither building would include a public parking garage. Additionally, collectively, they would provide 800 bicycle parking spaces.

COMMUNITY BOARD RESOLUTION

At its July 28, 2021 meeting, Manhattan Community Board 4 (MCB4) voted to recommend approval of the Application but listed conditions under its approval, including that the Applicants:

- Reduce proposed Use Group 10A uses or designate a minimum area (square feet) for specific uses to preclude big box retail, and encourage local employment and neighborhood scale uses. Such uses might include light manufacturing with showrooms, incubator space, special education programs, and art production/retail sales;
- Provide solution(s) to improve pedestrian safety on West 26th Street;
- Involve MCB4 in the study of delivery operations to develop plan to minimize conflicts between trucks, pedestrians and cyclists;
- Involve MCB4 in discussions with Hudson River Park Friends to connect the Hudson River Park to the project site;
- Mitigate adverse impact for pedestrians on West 25th Street between Eighth and Ninth Avenues;
- Install outdoor restaurants and cafes only in parking lanes, not on sidewalks;

¹ Placement of such signage would still require approval from the Landmarks Preservation Commission.

- Place bike racks on parking lanes, not sidewalks; consider opening bike storage rooms to the public; and
- Install street trees on east end of West 26th Street and on Eleventh Avenue.

In a letter dated June 18, 2021, the Applicants noted that they were working to address some of these concerns, including working with the Department of Transportation (DOT) to determine the feasibility of a midblock crossing and discussing the placement of street trees and bike parking with the LPC.

BOROUGH PRESIDENT'S COMMENTS

I believe that this application presents a good balance between honoring and preserving West Chelsea's manufacturing history while facilitating new uses that are harmonious with the area. West Chelsea has seen significant change since the 2005 rezoning, and this project will bring that change—and greater activity—farther west.

While I support this project, I believe that it should also plan for the increase in traffic and pedestrian flow. I understand that the Applicants have been in conversation with DOT regarding the loading berths on West 26th Street. However, Manhattan Community Board 4 has thoughtfully pointed to the fact that when trucks are loading into the Starrett-Lehigh building, they not only block the sidewalk and force pedestrians to cross West 26th Street; they also make it difficult for pedestrians to see oncoming traffic before crossing the street. While this may be a small issue now, the proposed actions would increase street activity on these two blocks, and I believe that the Applicants should work with the DOT to provide a safe solution for pedestrians. A good example is a mid-block crossing on West 65th Street between Broadway and Amsterdam Avenue that was created by Lincoln Center in order to address pedestrian safety between two sites on their campus. This crossing allows people a more direct route than going to the end of the block to cross the street, and then walking back to the midblock.

I am pleased to learn that RXR, the owner of the Starrett-Lehigh building, works with local artists and nonprofit groups to promote their work through various short-term events. Artists in our city need space but are often not able to afford it—especially in Manhattan. I believe that the availability of vacant space as both buildings go through their lease-up processes offers a great opportunity to attract short-term users. These users could include artists who need work and exhibit space, but it could also include nonprofits that need short-term programming and even storage space. Volunteers of America runs Operation Backpack, a program to provide students with grade-specific school supplies and uses different spaces within the Starrett-Lehigh building every year to do their work. I am hopeful that the Applicants can replicate this model wherever possible, including at the Terminal Warehouse, where most of the building is vacant.

Finally, I also hope that the Terminal Warehouse does not opt to implement a shuttle bus system for its building tenants. I believe users of both of these buildings should walk and make use of the hundreds of bike parking spaces and the bike concierge program that the Terminal Warehouse proposes to offer. There is also a Citibike station located at 11th Avenue and West 27th Street and the M23 and M12 buses, which take passengers to across Manhattan and north and south, respectively. Offering a private shuttle option would negate some of the benefits of

revitalizing these two buildings. Our city needs more people to walk, bike, and take public transportation and patronize businesses, galleries, and public spaces.

BOROUGH PRESIDENT'S RECOMMENDATION

I therefore recommend **approval of the application with the following conditions:**

- The Applicants agree to work with DOT to plan for and implement a midblock crossing at West 26th Street;
- The Applicants commit to providing space to artists and nonprofits, both on an ongoing basis for events, but also to make available untenanted vacant space in both buildings while the Applicants are going through their lease-up processes;
- The Terminal Warehouse agree not to offer bus shuttle service to its tenants, and that Starrett-Lehigh reduce or eliminate its service.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style.

Gale A. Brewer
Manhattan Borough President