



Council of Chelsea Block Associations
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New York, NY 10011



Greenwich Village Society for Historic Preservation
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January 22, 2013

Hon. Christine C. Quinn
Speaker, New York City Council
224 West 30th Street, Suite 1206
New York, NY 10001

Dear Speaker Quinn:

We write to follow up on our recent meeting with your office to discuss the terms of the agreement under which Jamestown Properties was granted an upzoning of Chelsea Market to allow the construction of 300,000 square feet of space above the existing complex.

We have several very serious concerns about the terms of these agreements and the misleading or inaccurate way in which they have been presented. While Jamestown has been granted their zoning change upfront, allowing them to reap millions of dollars in profits, we are deeply troubled that there is absolutely no enforcement mechanism for many of the supposed givebacks and agreements made in conjunction with the City Council approval, leaving Jamestown or any successor owner with no obligation to follow these agreements, long after they have enjoyed the benefits of the approvals they have received.

Our concerns are as follows:

- 1) **Lack of Enforceability of City Council Points of Agreement With Jamestown:** It is our understanding that there is absolutely no enforcement mechanism for most of the points of agreement made between Jamestown and the City Council in their [October 24, 2012 letter to you](#) aside from the small number of points which are also included in the City Planning Commission's legally enforceable [Restrictive Declaration of October 25, 2012](#). This means that in spite of your [October 25, 2012 announcement](#), there is no legal enforcement mechanism for agreements by Jamestown or any successor owner of Chelsea Market, and no way to rescind the approvals granted to them if the following "agreements" are abridged, including:
 - a. "Not less than 75% of the existing retail tenant space on the ground floor of Chelsea Market...be dedicated to food related uses [and] no space in the retail area will be leased to food-related regional or national chain stores and restaurants." The legally enforceable restrictive declaration only requires "not less than 60% of the [retail concourse] shall be occupied primarily by retail uses," but contains no prohibition on chain stores or restaurants, and only requires that

60% of the frontages be used “primarily” for retail use, with no mention of food uses. In other words, if Jamestown or a successor decided to close down 40% of the concourse to retail use and fill the remaining 60% with chain clothing stores or other non-food related retail uses, there would be no recourse to prevent them from doing so, and no rescission of the lucrative upzoning granted to them.

- b. “Jamestown affirms that it will not locate any open air eating or drinking establishments...on the Chelsea Market block other than permitted sidewalk cafes.”

Additionally, agreements from Jamestown in its letter to the City Council to support educational programs on technology and wellness, provide a “food incubator space,” provide public artwork in its concourse, and place a link to job openings on the Community Board #4 website, similarly do not appear to have any enforcement mechanism attached to them, providing the public with no legal recourse, and no rescission of the approvals granted, if these commitments are not met. As you will no longer be a member of the City Council after this year, we find this lack of an enforcement mechanism particularly disturbing, although regardless of your office, there would be no way to force compliance with these ‘agreements’ and no way to rescind the zoning changes granted.

- 2) **Lack of Inclusion of Community Groups in Chelsea Market “Community Advisory Group”:** We were deeply disappointed that no representative of any group which had opposed the Chelsea Market upzoning was included in the “Community Advisory Group” which is charged with overseeing (although given no enforcement power over) the compliance with these points of agreement. As the currently composed group consists entirely of staff of elected officials and their appointees to the Community Board, we feel the group is lacking in true community representation.
- 3) **Revelation that Jamestown Had Other Options for Office Space Expansion:** Throughout the public review and approval process for the Chelsea Market upzoning, it was argued that the large additions to the historic complex which so many opposed were necessary in order to accommodate growing tech companies in Chelsea Market and an increased need for office space in the lower Chelsea/Meatpacking District area. However, shortly after the approvals were granted, we became aware that Jamestown Properties had in fact already purchased a large office building directly across the street from Chelsea Market at 450 West 15th Street, as well as an adjacent development site, upon which such space could easily be located. Additionally, it also became public information that among Jamestown Properties’ vast holdings in New York was 1 Times Square, a strategically located office building atop one of New York’s largest transportation hubs and in the middle of one of New York’s most robust office markets, which Jamestown has kept almost entirely empty for more than fifteen years. Both these highlight the lack of transparency and candor in both the application and approval process for this zoning change, and the lack of consistency between the arguments and justifications for these approvals and the facts on the ground.

As you know, we felt strongly that the large-scale upzoning of this already overdeveloped area, and the traffic and congestion it would bring and the compromise of the integrity of a historic landmark and district it would result in, was not worth the supposed givebacks secured in exchange. However, we are now even more troubled having learned that many of these agreements will likely not stand the test of time, having no basis for legal enforcement. We remain deeply concerned about the future of our neighborhood and the negative impact this zoning change will have upon it.

Sincerely,



Bill Borock, President
Council of Chelsea
Block Associations



Andrew Berman, Exec. Dir.
Greenwich Village Society for
Historic Preservation



Lesley Doyel, Co-President
Save Chelsea

Cc: City Planning Commission Chair Amanda Burden
Borough President Scott Stringer
Congressman Jerrold Nadler
Former State Senator Tom Duane
State Senator Brad Hoylman
Assemblymember Deborah Glick
Assemblymember Richard Gottfried
Members of the New York City Council
Community Board #4
Historic Districts Council
Tenants Political Action Committee
Lower Chelsea Alliance
Chelsea Coalition on Housing
100 West 16th Street Block Association
Fulton Houses Tenants Association
Hudson Guild
Chelsea Village Partnership
London Terrace Tenants Association
Chelsea Reform Democratic Club
Greenwich Village Community Task Force