

1 **Chelsea Land Use Committee**

Item #: 1

2
3 September XX, 2013

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5 Amanda M. Burden, Chair
6 City Planning Commission
7 22 Reade Street
8 New York, NY 10007
9

10 **Re: ULURP Applications Nos. 140001 ZMM and N 140002 ZAM**
11 **Block 716, Lot 17; 429-433 West 18th Street**
12 **Fulton Houses Parking Lot Development**

13
14 Dear Chair Burden:

15
16 At its regularly scheduled Board Meeting on September 3, 2013, Manhattan Community Board 4, on the
17 recommendation of its Chelsea Land Use Committee and following a duly noticed public hearing, voted
18 by roll call XX for, XX against, XX abstaining and XX present not eligible to recommend approval,
19 with the conditions noted below, of applications 1400001 ZMM for a zoning map amendment and N
20 1400002 ZAM for a zoning authorization to enable the construction of the affordable housing project
21 described below.

22
23 **Background**

24
25 During their 2003-2004 preparations for the West Chelsea and Hudson Yards rezonings, CB4's land use
26 committees developed two unprecedented positions designed to spur the development of housing
27 affordable to families and individuals threatened by rising market rents, and especially those earning too
28 much to qualify for traditional low income housing. The committees proposed that in both the West
29 Chelsea and Hudson Yards rezonings 30% of new housing units should be permanently affordable, and
30 that these units should be affordable to people with a range of low, moderate and middle incomes.

31
32 When the proposed West Chelsea rezoning reached the City Council, negotiations resulted in a
33 document, West Chelsea - Points of Agreement, increasing the projected percentage of affordable units
34 from the 17% included in the proposal approved by the City Planning Commission to 26%. In order to
35 reach this goal, the Administration committed, subject to HUD and other public approvals, to develop
36 affordable housing on sites in the New York City Housing Authority (NYCHA) Elliott-Chelsea and
37 Fulton Houses, anticipating the creation of 128 and 100 units of permanently affordable housing,
38 respectively. Following an RFP by NYCHA and the Department of Housing Preservation and
39 Development (HPD), Artimis Construction, Inc. (Artimis) was selected to develop affordable housing
40 buildings on existing parking lots in each NYCHA development. The Elliott-Chelsea project was
41 completed in 2011 with 168 permanently affordable housing units. The Fulton project proved to be
42 more difficult financially and was delayed.

43
44 The 2012 Chelsea Market rezoning included a contribution to the West Chelsea Affordable Housing
45 Fund as a condition of utilizing the floor area bonus granted by the rezoning. The Administration
46 committed to using the expected funds for the Fulton project, and after taking into account these funds

1 NYCHA and HPD concluded that the number of affordable units on the Fulton site could be increased to
2 at least 150, enhancing the financial feasibility of the project. In addition, in order to advance the
3 project, the Administration agreed to commit the necessary funds, up to approximately \$4.7 million, if at
4 the time of the anticipated closing in June 2014 the Chelsea Market contribution to the West Chelsea
5 Affordable Housing Fund had not yet been made.

6
7 Based on this assurance, Artimus, NHCHA and HPD proceeded with the Fulton project. The current
8 proposal calls for an 18 story building with 158 permanently affordable units, including one supervisor
9 unit. The building of the proposed development requires the requested actions that are the subject of this
10 letter.

11 **Project Description**

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14 The Proposed Development consists of an 18 story, 172 foot tall building with a footprint of
15 approximately 7,200 sq. ft. on sited located in the middle of the block bounded by West 18th and 19th
16 Streets and by Ninth and Tenth Avenues (Block 716, Lot XX). The building will include a 4,300 sq. ft.
17 community facility on the ground floor, and adjacent ground level areas will include a 1,275 sq. ft. space
18 for the community facility, 1,986 sq. ft. of tenant space with a play area, and 115 sq. ft. of open space.
19 Artimus also has proposed improvements for two Fulton outdoor areas:

- 20
21 - To an existing play area, Artimus will provide a children's basketball hoop, benches, a
22 hopscotch area and planters and plantings. Artimus has also prop; and
23
- 24 - To an existing basketball court, Artimus will resurface and repaint the basketball court, and
25 provide new basketball backboards and hoops.
26

27 The building site currently is used for parking and for a fenced-in dumpster. Artimus and NYCHA have
28 developed a plan to relocate the dumpster and the parking spaces that currently occupy the site in a
29 manner that does not reduce the number of current parking permits.

30
31 The proposed building would provide 158 permanently affordable housing units as detailed in the
32 following tables.
33

Total 157 units (plus 1 Superintendent)	Number
20% of units at 50% AMI	32
20% of units at 80% AMI	31
20% of units at 130% AMI	31
40% of units at 165% AMI	63
	158

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1 **Income at 50% of Area Median Income (*)**

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Unit Size	Unit Count	Rent	Maximum Income
Studio	10	\$696	\$30,065
One Bedroom	14	\$748	\$34,360
Two Bedroom	8	\$907	\$38,655
	32		

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4 **Income at 80% of Area Median Income (*)**

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Unit Size	Unit Count	Rent	Maximum Income
Studio	16	\$1,146	\$48,104
One Bedroom	11	\$1,230	\$54,976
Two Bedroom	4	\$1,486	\$61,848
	31		

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7 **Income at 130% of Area Median Income (*)**

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Unit Size	Unit Count	Rent	Maximum Income
Studio	9	\$1,900	\$78,169
One Bedroom	14	\$2,038	\$89,336
Two Bedroom	8	\$2,455	\$100,503
	31		

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10 **Income at 165% of Area Median Income (*)**

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Unit Size	Unit Count	Rent	Maximum Income
Studio	14	\$2,427	\$99,215
One Bedroom	30	\$2,602	\$113,388
Two Bedroom	19	\$3,132	\$127,562
	63		

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13 (*) Rents and incomes are based on 2013 HUD AMI guidelines and are subject to change annually.

14

15 The units in the building would be marketed with the preferences for a number of specific groups. The
 16 current marketing plan includes the following preferences:

17

Preference	Percentage of Units
Disability, Mobility	5%
Disability, Visual	2%
Municipal Employees	5%
Community District 4	50%
NYCHA Residents	20%
	82%

18

1 **Requested Actions**

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- 3 • **1400001 ZMM - Zoning Map Amendment.** The zoning on Block 716, between West 18th and
4 19th Streets and Ninth and Tenth Avenues, is divided evenly between R8A on the western half
5 of the block and R8 on the Eastern half of the block. The requested action would rezone the
6 area between 400' west of the Ninth Avenue block front and 450' west of the Ninth Avenue
7 block front, between West 18th Street and the midpoint of the block between West 18th and
8 19th Streets, from R8A to R8 .
9
 - 10 • **N 1400002 ZAM - Zoning Authorization.** The requested action would waive base height,
11 building height, front and rear setbacks and sky exposure plane requirements as follows:
12
 - 13 - The street wall would be 124 feet instead of the required 85 feet, with a setback of 10 feet at
14 124 feet instead of 20 feet at 85 feet;
 - 15 - The building would penetrate the required sky exposure plane ratio of 2.7; and
 - 16 - The building would rise to 172 feet 4 inches without the required 20 foot rear setback at 125
17 feet.
 - 18
 - 19

20

21 **CB4 Recommendations**

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23 In 2004 CB4 identified this Fulton Houses parking lot as one of several city-owned parcels on which
24 affordable housing could be developed in order to fulfill the Board's requirement that 30% of all new
25 housing units resulting from the West Chelsea rezoning be affordable. To date the West Chelsea
26 rezoning has resulted in 899 affordable units, including those in public review, and the preservation of
27 317 units through the demolition restriction, as summarized in the table below.
28

Description	Units
40% of AMI	6
50% of AMI	509
80% of AMI	157
125% of AMI	20
130% of AMI	31
165% of AMI	121
195% of AMI	55
Preserved	317
Total	1,216
Total West Chelsea Units	2642

29

30 CB4 strongly supports the proposed development and is pleased that the Chelsea Market contribution to
31 the West Chelsea Affordable Housing Fund will result in nearly 60% more affordable units than
32 originally expected. However, our recommendation to approve the two proposed zoning actions is
33 subject to Artimus agreeing to the conditions outlined below.
34

1 • **Unit Distribution, Preferences and ADA accessibility**

- 2
- 3 - CB4 generally encourages the development of larger units for families and asks Artimus to
- 4 investigate and report on the financial feasibility of adding three-bedroom units to the project.
- 5
- 6 - Artimus will work with HPD to increase the NYCHA preference from 20% to 25%.
- 7
- 8 - Artimus will provided ADA-compliant units.
- 9

10 • **Community Facility and Outdoor Areas**

- 11
- 12 - Artimus and CB4 will establish a working group comprised of representatives from Artimus,
- 13 CB4, the Fulton Houses Tenants Association and our local electeds. The working group will be
- 14 tasked with determining the use for the community facility space and deciding on the design
- 15 and improvements for the playground and the basketball court. A recommendation on the
- 16 community facility must be made prior to the start of construction, and open space design and
- 17 improvements must be decided prior to CPC action on the applications. Based on the
- 18 increased need caused by the closing of St. Vincent's Hospital, CB4 would prefer a health
- 19 related use for the community facility.
- 20
- 21 - The work on the playground and the basket ball court improvements must start no later than
- 22 when construction starts on the building and must be completed within 90 days.
- 23
- 24 - Artimus will develop the building to include a green roof.
- 25
- 26 - Artimus will work with NYCHA to improve adjacent NYCHA landscaping.
- 27
- 28 - In relocating the dumpster NYCHA and Artimus will select a site that has the least possible
- 29 impact on neighboring buildings and will meet and work with owners and tenants of adjacent
- 30 properties during the site selection process.
- 31

32 • **Jobs**

- 33
- 34 - Artimus will make a concerted effort to employ Fulton Houses residents in both construction
- 35 and operating jobs, including the use of the CB4 website to post job openings.
- 36

37 • **Façade**

- 38
- 39 - Artimus will present a façade design at the September 16 meeting of the Chelsea Land Use
- 40 committee; Artimus and CB4 will agree on the final façade design before the CPC hearing on
- 41 the project.
- 42

43 CB4 is pleased with the proposed development and the 158 permanently affordable units it will create.

44 We believe that the scale of the building is appropriate in the context of the adjacent Fulton Houses and

45 thus that the requested zoning actions are reasonable.

46

1 While we welcome the new affordable units, we wish that equivalent funds were available for repairs
2 and refurbishment of the existing Fulton Houses. We believe that in order to protect and expand
3 affordable housing building new units must be accompanied by effective upkeep of current units.
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5 Sincerely,
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DRAFT

1 **Executive Committee (EXEC)**

Item #: 2

2
3 September XX, 2013

4
5 Amanda M. Burden, Director
6 Department of City Planning
7 22 Reade Street
8 New York, New York 10007

9
10 James Miraglia, Director
11 Department of Consumer Affairs
12 42 Broadway
13 New York, New York 10004

14
15 **Re:** ULURP # N 120358 ECM
16 DCA # 1141700
17 23rd & 9th Restaurant Corp
18 DBA: Chelsea Square Restaurant
19 368 West 23rd Street
20

21 Dear Director Burden and Director Miraglia:

22
23 On the recommendation of its Chelsea Land Use Committee, Manhattan Community Board 4, having
24 held a duly noticed public hearing on ULURP application number N 120358 ECM, recommends
25 approval of the application by 23rd & 9th Restaurant Corp/DBA: Chelsea Square Restaurant to renew an
26 enclosed sidewalk café license for 40 tables and 80 seats to be operated at 368 West 23rd Street, the
27 southeast corner of the intersection of West 23rd Street and Ninth Avenue.
28

29 Our recommendation of approval not-with-standing, we are fundamentally opposed to enclosed
30 sidewalk cafes for three reasons:

- 31
- 32 i. They are permanent structures that appropriate public property for private use without providing
33 a public benefit;
 - 34
 - 35 ii. Unlike unenclosed sidewalk cafes which can add to community ambiance and create more
36 vibrant streetscapes, enclosed sidewalk cafes isolate diners from sidewalk activity and the
37 community; and
 - 38
 - 39 iii. Since they are permanent structures, they are difficult to remove should that be warranted.
40

41 There have been no alterations to the enclosed sidewalk face since the last renewal and CB4 has
42 received no complaints about the establishment. We therefore recommend approval in the expectation
43 that Chelsea Square Restaurant will continue to be the successful, well-run restaurant it has been for
44 many years.

45
46 Thank you.

RATIFICATION

1 Sincerely,

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3 Corey Johnson, Chair, Community Board 4

4 John Lee Compton and Betty Mackintosh, Co-Chairs, Chelsea Land Use Committee

5
6 cc: NYC DCP: Steve Gagliano, Project Manager

7 NYC Council Land Use: Division Danielle DeCerbo <TBC>

8 NYC Council Speaker: Christine Quinn

9 NYS Senator: Brad Hoylman

10 NYS Assemblyman: Richard Gottfried

11 MBP: Scott Stringer

12 MBPO: Brian Cook, Michael Sandler

13 Applicant: 23rd & 9th Restaurant Corp/DBA Chelsea Square Restaurant

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DRAFT

1 **Executive Committee (EXEC)**

Item #: 3

2
3 August 7, 2013

4
5 Shanti Nagel
6 Director of Community Cultivation
7 Clinton Housing Development Company
8 403 West 40th Street
9 New York, NY 10018

RATIFICATION

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12 **Re: West 39th Street Park (former “Bird Park”)**

13
14 Dear Ms. Nagel:

15
16 Manhattan Community Board 4 (MCB4) at its July 31st, 2013 Full Board meeting voted to support the efforts
17 of Clinton Housing Development Company (CHDC) and Cultivate HKNY to design a community green
18 space at West 39th Street between Ninth and Tenth Avenues. As of the time of this letter, Cultivate HKNY
19 partnering with community members and organizations has already begun work to revitalize this small lot.

20
21 On June 6, 2013 the Waterfront, Parks and Environment Committee (WATER) of MCB4 was presented with
22 the park design by CHDC as part of the work done by Cultivate HKNY. The triangular space is owned by
23 the Port Authority of NY/NJ and is leased by Hell’s Kitchen Neighborhood Association. HKNA leases
24 several lots throughout our District from the Port Authority making these spaces available to our community.
25 Formally known as Bird Park, as it was once coined an urban bird sanctuary by the Audubon Society, this
26 space was actively used by local residents until construction around the area forced the closure of the park.
27 The park design presented by Cultivate HKNY is both practical and thoughtful. MCB4 is pleased with the
28 proposed design and welcomes the promise of a much needed green space in this area.

29
30 This West 39th Street lot is newly named Theresa Park, honoring a long time resident gardener. The park
31 will have a tree and shrub lined parameter along a fence providing beauty, shade and privacy. The space will
32 include wooden benches, bistro tables and a picnic table. The design also calls for the placement of an
33 original Vera Lightstone piece. Ms. Lightstone was a long time resident of West 39th Street. The rear wall of
34 the Park provides perfect placement for the remnant signage of the Old Slaughterhouse formally 493
35 Eleventh Avenue. MCB4 envisions that this little park would cater to residents and visitors of all ages. This
36 green space will be an oasis in this park-starved part of the district.

37
38 MCB4 is grateful to CHDC and Cultivate HKNY for taking an active role in greening Hell’s Kitchen. They
39 have been transforming ordinary tree pits into sidewalk gardens along many blocks in the District. Cultivate
40 HKNY partnering with HKNA is continuing to bring together residents and businesses in the neighborhood
41 to promote this much appreciated beautification effort. Albeit a small part of Hell’s Kitchen, this project
42 reflects the power of community involvement. The concept and ideas around the design for this green space
43 come from community input gathered by Cultivate HKNY and the funding for this park comes directly from
44 the community as well. The eventual park construction will truly be a communal effort spearheaded by
45 Cultivate HKNY as residents are encouraged to “get dirty” and build this park. Theresa Park will showcase
46 the positive outcome of community based organizations, old and new, improving the quality of life of our
47 neighborhoods.

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1 MCB4 looks forward to the revival of this space on West 39th Street.

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Sincerely,

- cc: Steve Napolitano, New York & New Jersey Port Authority
- US Congressman Jerry Nadler
- NYS Senator Brad Hoylman
- City Council Speaker Christine Quinn
- Assembly Member Richard Gottfried
- Manhattan Borough President Scott Stringer

DRAFT