



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JOHN WEIS
Chair

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

January 18, 2011

Steering Committee
Friends of 20th Street Park
Old Chelsea Station, P.O. Box 1025
New York, NY 10011

Re: 20th Street DOS Site

Dear Steering Committee:

I am in receipt of your January 11, 2011 "Open Letter to CB4" regarding the 20th Street DOS Site and the desire for a pocket park instead of the development of permanent affordable housing for moderate/middle income families. CB4 is well aware of the difficulty of choosing between two public benefits. Hard choices often lead to hard votes.

The development of publicly owned land into additional parkland for the Community District is a goal we share. However, the Board's support for permanently affordable housing at the 20th Street DOS Site was reaffirmed by a vote of 35 in favor, 4 against, 2 abstentions, and 0 present but not eligible. This overwhelming majority is dispositive.

Your first formal presentation and request before the Waterfront and Parks Committee occurred on November 10, 2010; you also addressed the Executive Committee on November 22, 2010. On December 1, 2010 your group participated in the Full Board public session and your group again presented during the January 5, 2011 Full Board public session; the January 5, 2011 Full Board vote reaffirmed the use of the DOS Site for permanently affordable housing.

The matter has been fully debated, voted on, and will not be reconsidered.

At the same time, CB4 was heartened to see that the outreach that began in September 2010 from residents of 139 West 19th Street concerning the future obstruction of their views¹ grew into an active community organizing movement for a pocket park. CB4 remains committed to working with your group to find creative alternatives to park space.

¹ For example, we received telephone calls and emails concerned that: at "a July (sic) community board meeting the city proposed changing the zoning to build a much taller building than would normally be permitted."

We hope you'll reconsider our invitation to attend a Waterfront and Parks Committee² meeting to discuss alternative green space solutions now that the 20th Street DOS Site has been reaffirmed for use as permanent affordable housing. We were surprised to receive on January 6, 2011 by email an outright rejection from Matt Weiss to this invitation to discuss other proposed park alternatives. Again, we hope you reconsider.

CB4 will also respond to certain other matters raised in your letter³, you noted the Board had distorted the following facts:

1). *"CB Member Lee Compton's assertion that the Board's position on this lot has been "crystal clear" in support of housing."*

That fact is accurate. CB4 first proposed the site for permanent affordable housing for moderate/middle income families during the Hudson Yards and West Chelsea Rezonings in 2004 and 2005. Commitments were achieved for the redevelopment of other public sites (e.g. parking lots at the Fulton Houses, Elliot-Chelsea Houses, and Harborview Houses). The 20th Street DOS Site was not included because the DOS would not agree to vacate the premises. However, in the West Chelsea Points of Agreement reached in June 2005 between the Mayor and the NYC Council at the time of the West Chelsea rezoning, Section 1. Affordable Housing, c) Public sites reads in part:

"In the event that in the future the Department of Sanitation should determine that its lot located on 20th Street between 6th and 7th Avenues is no longer needed for operational purposes, the Administration will pursue the development of affordable housing on the site."

Periodically, over the years, discussions were held about this site for affordable housing in the Chelsea Preservation and Planning Committee, in the Housing Health and Human Services Committee, and the Housing Development Task Force. In addition, this use of this site for affordable became an issue with the Clinton/Hell's Kitchen Land Use Committee in 2009 during the discussion of CB4's Western Rail Yard's (WRY) resolution and later during the WRY negotiations. The July 2009 resolution for the WRY requests the site be used for permanent affordable housing for moderate/middle income families, this request was agreed to during WRY negotiations and the commitments from these negotiations were referenced in the FY 2011 Statement of District Needs (passed unanimously in July 2010).

Although a proposal that a park be placed at that site has appeared in prior Statement of District Needs, so has affordable housing. The fact that both have appeared over the years

² The letter refers to subcommittees; CB4 has no subcommittees. In addition, it refers to an invitation to the Transportation Planning Committee. There was no such invitation; the group was invited to the Waterfront and Parks Committee.

³ The letter states that: "The debate was conducted without any opportunity for rebuttal by the public in attendance." This was a debate of the Full Board. Under our Bylaws, debate by the public after the public session is restricted in order to provide Board members an opportunity to discuss and vote on matters which have previously been discussed and debated by the public at open committee meetings.

proves that CB4 has been grappling with these two issues for some time and that those supportive of either outcome have been advocating and heard. However, the fact that in July 2009 and again in July 2010 CB4 voted to support permanent affordable housing for moderate and middle income families on this site indicates the ongoing overall support since the 2004 West Chelsea Rezoning proposal.

2). *“CB4 Member Joe Restuccia’s manipulation of WRY affordable housing statistics downplayed the Board’s success in nearly achieving its full 30% affordable housing goals of all residential units at WRY.” and “Doesn’t Mr. Restuccia’s professional work in the affordable housing industry necessitate recusal from votes on the issue of this lot, past and present?”*

The 20th Street Park Project confuses information presented concerning affordable housing for low-income families versus moderate and middle income families. CB4’s Housing, Health, and Human Services Co-Chair, Joe Restuccia, discussed the production of offsite permanent affordable housing for moderate and middle income families, not low income families. Your letter discusses 80/20 housing; the affordable portion of that type of housing is income restricted to low income families not moderate and middle income. Thus, 80/20 housing cannot be substituted for the moderate/middle income apartments proposed for the 20th Street DOS Site.

Further commitments for affordable housing do not equal production of affordable housing, namely not a document with a promise but a real home in which a family can live. Mr. Restuccia’s statistics were regarding the actual production to date based upon the written commitments.

The charge that Mr. Restuccia failed to recuse himself is without merit. Mr. Restuccia and his employer, Clinton Housing Development Company (CHDC), have no financial interest in the 20th Street DOS Site. The New York City of Housing Preservation and Development will issue a Request-For-Proposal (RFP) for development associated with the 20th Street DOS Site. That process will be public and transparent as have other RFP’s for other public sites in Community District 4. Mr. Restuccia has stated he and CHDC will not respond to such an RFP.

Lastly, in any matter in front of CB4, in which CHDC has an interest, Mr. Restuccia regularly discloses such interest and is present not eligible to vote. Such recusals are footnoted in all our letters of support for him and any other member with a conflict of interest.

3) *“The resolution was introduced and discussed as a lot that will support permanently affordable housing for middle income families in a range of 80%-125% AMI.”*

The July 27, 2009 resolution to Department of City Planning regarding the WRY states that the permanently affordable units for moderate/middle income families are as follows:

- 20% of the affordable units shall be available to people with incomes up to 80% of the Area Median Income (AMI);
- 50% of the affordable units shall be available to people with incomes up to 125% of AMI; and
- 30% of affordable units shall be available to people with incomes up to 165% of AMI.

This breakdown applied to sites of offsite housing CB4 believed could be developed and the 20th Street DOS Site was one of those sites. However, CB4 has a strong policy preference that the moderate/middle income range is between 80%-125% AMI. We point out that no RFP process has begun and during preparation for that process much discussion and negotiation will occur regarding the income affordability bands for this site.

In conclusion, CB4 remains committed to working with you to find suitable options for green space elsewhere in Chelsea. We remain impressed by your ability to galvanize your neighbors for the benefit of the community and hope for your willingness to continue working for open space amenities that benefit the entire Community District. We urge you to reach out to the Board Office and schedule a date to appear before the Waterfront and Parks Committee to discuss alternatives for new park space in Chelsea.

Sincerely,



John Weis
Chair

Robert K. Steel, Deputy Mayor for Economic Development
NYC Council Speaker Christine Quinn
NYS Senator Thomas K. Duane
NYS Assemblyman Richard Gottfried
Congressman Jerrold Nadler
Manhattan Borough President Scott Stringer
Manhattan Community Board 5
Chelsea-Flatiron Coalition
Madison Square Park Conservancy
Flatiron Alliance
Flatiron/23rd Street Partnership
Save Chelsea
The Council of Chelsea Block Associations