



CITY PLANNING COMMISSION

May 24, 2006/Calendar No. 3

C 060277 ZSM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development and Common Ground Community Housing Development Fund Corporation, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a proposed approximately 99,158 square-foot, 12-story Non-Profit Institution with Sleeping Accommodations (U.G. 3A), on property located at 133 Pitt Street (Block 345, Lots 56 & 58), in an R7-2 District, partially within the Pueblo Nuevo Urban Renewal Area, Borough of Manhattan, Community District 3.

The application for a special permit was filed by the Department of Housing Preservation and Development and Common Ground Community Housing Development Fund Corporation, Inc. on January 3, 2006 in order to facilitate the construction of a 12-story, 99,158 square-foot supportive housing facility that would house 263 individuals.

BACKGROUND

The project would be located on an irregular site located on the southwest corner of Houston and Pitt streets in the Lower East Side neighborhood of Manhattan. The property has 105 feet of frontage along Houston Street, a 125-foot wide arterial, and 150 feet of frontage on Pitt Street, a 50-foot wide street. The 15,300-square foot site contains a former Boy's Club which has been vacant since 2003 and would be demolished. The remainder of the block contains a 172-unit, six-story residential building, a parking lot and open space. The site lies in an R7-2 zoning district and is partially located on sites 2 and 3 of the Pueblo Nuevo Urban Renewal Area.

The blocks to the north and west of the site are characterized by four- to six-story residential buildings, many of which contain ground floor retail uses. Some commercial buildings are located along Houston Street and the East Village avenues to the north. Building heights along the Houston Street corridor vary from single story structures to towers of 200 feet or more. The area to the east and south of the site is dominated by public open spaces and large residential buildings (140 feet or more in height) constructed in the 1950s and 1960s. Hamilton Fish Park lies across Pitt Street directly east of the site.

The proposed building would be developed with a three-story base, 30 feet in height, fronting directly on Houston Street. The 12-story tower portion of the building would be set back from all sides of the property (at least 15 feet from Houston Street). The project would be set back 22 feet from narrower Pitt Street to provide a large landscaped communal garden with seating for residents to compliment Hamilton Fish Park. The project would provide the required 30-foot rear yard where additional landscaped courtyard would be provided for residents.

Nonprofit institutions with sleeping accommodations are limited to the residential floor area ratio of 3.44 in R7-2 districts, therefore the maximum floor area permitted as-of-right for the proposed supportive housing project would be 52,632 square feet. With the requested special permit, the site could be developed at the permitted community facility FAR of 6.5, allowing for the proposed 99,158 square-foot structure.

The building, as proposed, would house 29 youths aging out of foster care and 26 formerly homeless youths in a mixture of suites and individual units on the second and third floors. 207

individual units on the fourth through twelfth stories would house working adults with low incomes and persons with mental illness, AIDS or substance abuse issues. All supportive services would be provided in the building.

The M9, M14, M21 and B39 MTA bus routes run within three blocks of the site. The property is also within a 10-minute walk of stops on the F, V, J, M and Z trains.

The Pueblo Nuevo Urban Renewal Area requires that the site be developed only with residential facilities for families with low to moderate incomes or neighborhood facilities for community purposes.

ENVIRONMENTAL REVIEW

This application (C 060277 ZSM) 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 05HPD022M. The lead is the Department of Housing Preservation and Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on January 6, 2006.

UNIFORM LAND USE REVIEW

This application (C 060277 ZSM) was certified as complete by the Department of City Planning on January 9, 2006, and was duly referred to Community Board 3 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 3 held a public hearing on February 14, 2006, and on February 28, 2006, by a vote of 30 in favor, 2 opposed and 1 abstaining, adopted a resolution in favor of the application with the following condition:

To approve this ULURP (# C 060277 ZSM) upon the representation by Common Ground that it will use its best efforts to enable applicants from within the Community Board #3 area to occupy all of the 104 units that will be available for working adults.

Borough President's Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on April 5, 2006.

City Planning Commission Public Hearing

On April 5, 2006 (Calendar No. 2), the City Planning Commission scheduled April 26, 2006, for a public hearing on this application (C 060277 ZSM). The hearing was duly held on April 26, 2006 (Calendar No. 14). There were three speakers in favor of the application and none in opposition.

A representative of Common Ground discussed the need for the project and explained the proposed program. The project architect described the proposed building, explained how its design

reflected the bulk characteristics of the surrounding neighborhood and how the building's massing would minimize effects on surrounding lots. The architect also discussed proposed façade materials and fenestration of the proposed building. The Borough President's Land Use Director reiterated the Borough President's support for the project.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

The proposed special permit will facilitate the development of a 12-story, 99,158 square-foot building that would house 262 residents plus an on-site building manager in the Lower East Side neighborhood of Manhattan, Community District 3.

The special permit is necessary to accommodate the proposed bulk of the building, which would exceed the base FAR permitted by R7-2 zoning at the site (3.44). The special permit would allow use of the community facility FAR of 6.5 for the proposed building.

The distribution of bulk of the development would not unduly obstruct the access of light and air to adjoining properties or public streets. The 12-story tower portion of the proposed building is massed to prevent any adverse effects on the 6-story structure which shares the block with the subject property. The project would provide a 30-foot rear yard as required, providing light and air to the interior of the block and to the 6-story building. The 6-story structure also provides a rear

yard space of at least 40 feet adjacent to the subject property. Thus, at least 70 feet separates the buildings along the proposed building's rear yard.

The Commission notes that the site is located on a corner lot with frontage on a wide street and across from a park. The tower, which would rise to a height of 111 feet, would be set back at least 15 feet from Houston Street above a 30-foot-tall base. It would also be set back 22 feet from Pitt Street creating room for a landscaped open space along the street. The Pitt Street façade of the proposed building would be covered with photovoltaic panels which would maximize reflectivity of this façade. At a height of 12 stories, the structure would serve as a bridge between the taller housing developments east of the project and the three- to six-story structures to the west.

The proposed supportive housing facility would not require any additions to the supportive services of the surrounding neighborhood. The Commission notes that all supportive services required by residents of the development would be provided within the building. Youths aging out of foster care would participate in the Foyer program, which is designed to assist participants in the transition to adult independence. This program offers employment and education training. For those at risk of becoming homeless, services focus on developing job skills, maintaining employment, and attaining wage growth. Additional specialized services would be provided for the mentally ill, persons with AIDS and substance abusers.

The Commission notes that the EAS for the proposed project determined that the development would not have any significant impact on the streets providing access to the project. The facility would be located on Houston Street, a 125-foot wide arterial. Common Ground does not allow its

residents to own automobiles, and the project is well-served by mass transit. It is anticipated that most people working at the facility or visiting it would utilize mass transit. Furthermore, the project would replace a prior community facility use. The Commission notes that the EAS determined that the proposed project will create less traffic than this prior use.

The Commission notes that the proposed development is consistent with the Pueblo Nuevo Urban Renewal Plan, which applies to this site. The Urban Renewal Area was adopted in 1973 for the purpose of creating low and moderate income housing. The Plan restricts a portion of the site to institutional use, and the proposed development would meet these requirements. The Urban Renewal Plan also requires that plans for the development of the site be submitted to HPD to assure compliance with the intent of the Plan.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-902 (Certain Community Facility Uses in R3 to R9 Districts and in Certain Commercial Districts) of the Zoning Resolution:

- (a) that the distribution of the bulk of the total development will not unduly obstruct the access of light and air to adjoining properties or public streets, and will result in satisfactory site planning and satisfactory urban design relationships of buildings to adjacent streets and surrounding developments;
- (b) that the proposed development will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and
- (c) that the streets providing access to such use will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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 and findings described in this report, the application of the Department of Housing Preservation and Development and Common Ground Community Housing Development Fund Corporation, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a proposed approximately 99,158 square-foot, 12-story Non-Profit Institution with Sleeping Accommodations (U.G. 3A), on property located at 133 Pitt Street (Block 345, Lots 56 & 58), in an R7-2 District, partially within the Pueblo Nuevo Urban Renewal Area, Borough of Manhattan, Community District 3, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 060277 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by Kiss + Cathcart, Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-0.1	Site Plan, Zoning information	April 16, 2006

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plan listed above which has been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 060277 ZSM), duly adopted by the City Planning Commission on May 24, 2006 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,
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Commissioners