



CITY PLANNING COMMISSION

May 26, 2010 /Calendar No. 6

N 100262 ZRM

IN THE MATTER OF an application submitted by the New York City Housing Authority (NYCHA) and 25th Street Chelsea Equities LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Article II, Chapter 3 (Height and Setback Regulations), Borough of Manhattan, and Community District 4.

The application for an amendment of the Zoning Resolution was filed by the New York City Housing Authority (NYCHA) and 25th Street Chelsea Equities LLC, on March 12, 2010 to create a new Section 23-635 that would establish an authorization to allow modifications to height and setback regulations and reductions in the amount of required parking to facilitate the construction of a 22-story mixed use building with approximately 168 units on the northwest corner of West 25th Street and 9th Avenue.

RELATED ACTION

In addition to the application for an amendment of the Zoning Resolution which is the subject of this report (N 100262 ZRM), implementation of the proposed development also requires action by the City Planning Commission on the following application which is considered concurrently with this application:

N 100263 ZAM: An authorization pursuant to the proposed 23-635 to modify height and setback requirements and parking requirements.

BACKGROUND

On June 23, 2005, the City Council approved the Department of City Planning's proposals for zoning text (C 050161(A) ZRM) and map amendments (C 050162(A) ZMM) affecting the West Chelsea area in Community District 4, Manhattan, to create the Special West Chelsea District. The Special West Chelsea District is generally bounded by Tenth and Eleventh avenues from West 16th to West 30th streets. The goals of the Special District are to provide opportunities for new residential and commercial

development, to facilitate the reuse of the High Line elevated rail line as a unique linear open space, and to enhance the neighborhood's art gallery district.

Prior to the adoption of the Special West Chelsea District, an agreement was reached between the City Council and the City for the development of infill affordable housing on existing parking lots at two NYCHA controlled sites – the Fulton Houses site and the Elliot Chelsea Houses site. The Elliot Chelsea site is located on the northwest corner of West 25th Street and 9th Avenue and the Fulton Houses site is on the north side of West 18th Street between 9th & 10th avenues. The Department of City Planning subsequently drafted a set of design guidelines for the sites.

The Elliot Chelsea site was one of the NYCHA-owned sites offered through a Request for Proposals (RFP) issued on December 7, 2006, for the development of moderate-middle income housing. To facilitate the development of this site in a manner consistent with the design guidelines, NYCHA agreed to request a text amendment to modify height and setback and parking requirements pursuant to a new Section 23-635 that would establish an authorization to allow modifications to height and setback regulations and reductions in the amount of required parking on sites that meet certain criteria in residential districts.

Both the Elliot Chelsea site and the Fulton Houses site are located in R8 zoning districts. Developments within R8 districts are regulated by the sky-exposure plane, which require a setback of one foot on a narrow street for each 2.7 feet of vertical distance. On a wide street, for each one foot of setback the building can rise 5.6 feet. Streetwalls can rise to a minimum height of 60 feet and a maximum height of 85 feet, but are not required in the R8 zoning district. There is no height limit in the R8 zoning district. Both the Elliot Chelsea Houses and the Fulton Houses are built pursuant to these regulations, with multiple towers of approximately 20-stories located on large zoning lots. The towers are pulled away from the street, with open space at grade-level.

The design guidelines drafted by the Department of City Planning and included in the Request for Proposals proposed new buildings on each site that followed contextual regulations, with 85-foot streetwalls at the lot line, setbacks of 10 feet on wide streets and 15 feet on narrow streets and a maximum building heights ranging from 160 feet to 190 feet. Contextual buildings would more closely follow the Chelsea neighborhood context of consistent streetwalls at the lot lines and mid-rise buildings. The guidelines for the Elliot Chelsea site also proposed a taller base height of 140 feet to meet the height of the existing Heywood Building to the north. Buildings following these contextual guidelines could not be constructed on either the Elliot Chelsea or Fulton Houses sites as-of-right, per the underlying zoning.

To facilitate the development of this site in a manner consistent with the design guidelines, a text amendment is proposed to create a new authorization to modify height and setback and parking requirements on sites in Manhattan Community Board 4 in R8 districts that are over 1.5 acres in size and are being developed with publicly-assisted housing. The text amendment was drafted to apply to both NYCHA-controlled sites (Elliot Chelsea and Fulton Houses). A limited number of other sites are located within R8 districts in Community District #4 and could apply for the authorization created by the subject text amendment given the zoning lot size constraint and the requirement for publicly-assisted housing.

While both the Elliot Chelsea and Fulton Houses sites could apply for the authorization created by the subject text amendment, the Elliot Chelsea site is the only location where the authorization is being sought, per the related action (N 100263 ZAM). The Elliot Chelsea site is located on the northwest corner of West 25th Street and 9th Avenue (Block 723, Part of Lot 15), and is part of a larger zoning lot (Block 723, Lots 1, 15 & 34), within an R8/C1-5 zoning district. Tax Lot #1 of the larger zoning lot is developed with two, eleven-story buildings with a total of 284 apartments. Tax Lot #15 is developed with two, 21-story buildings with a total of 425 apartments. Tax Lot #34, the proposed development site, holds 21 surface parking spots for NYCHA tenants as well as a trash compactor for the larger housing development. The parking spaces would be relocated to

the cellar level of the new building. The trash compactor would be relocated to the north-west corner of Tax Lot #15, on West 26th Street.

The proposed 22-story mixed use building would contain approximately 141,802 square feet of residential floor area with approximately 168 dwelling units, 7,000 square feet of commercial space on the first floor, and 26 below grade accessory parking spaces which would be accessed through a new 12' wide curb cut on West 25th Street. Along West 25th Street the building would rise to a height of 145 feet before setting back 15 feet and then rise to its full height of 210 feet. Along Ninth Avenue, the building would rise to a height of 145 feet before setting back 10 feet and then rising to a height of 210 feet.

Of the proposed 168 units, there will be 40 studios, 39 one-bedrooms, 84 two-bedrooms and 5 three- bedrooms. Approximately 20% of the units will be affordable at 60% of AMI, 12% of the units will be affordable at 125% of AMI, 34% of the units will be affordable at 165% of AMI and 34% of the units will be affordable at 195% of AMI.

The requested authorization seeks to modify the requirements of the following sections: 23-632 (Front Setbacks in Districts where front yards are not required), and to modify the requirements of Section 13-012(b) (Existing off-street parking facilities) to reduce the amount of existing required accessory parking spaces for the Elliot Chelsea complex from 42 to 30 spaces. There is no parking required or proposed to serve the residents of the new development.

Elliot Chelsea site is located in R8 zoning districts which permit a maximum street wall height of 60 feet on narrow streets and 85 feet on wide streets. The applicant is asking to increase it to 145' to match the adjacent Heywood Condominium building immediately north of the project site which has a streetwall of approximately 145 feet. In an R8 district, the sky exposure plane requirements are a setback of one foot on a narrow street for each 2.7 feet of vertical distance. On a wide street, for each one foot of setback the building can rise 5.6 feet. The proposed building penetrates the sky exposure plane and the applicant is requesting a waiver for the areas penetrated.

ENVIRONMENTAL REVIEW

This application (N 100262 ZRM) in conjunction with the related application (N 100263 ZAM) 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 10CHA001M. The lead agency is the New York City Housing Authority.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 19, 2010.

UNIFORM LAND USE REVIEW

On March 22, 2010 this application as well as the related action (N100263 ZAM) was referred to Manhattan Community Board 4 and the Manhattan Borough President.

Community Board Public Hearing

Community Board 4 held a public hearing on this and the related application (N 100263 ZAM) and on April 7, 2010, the Board passed a resolution to recommend approval of the application with the following conditions:

1. The application of the Proposed Text Amendment will exclude the Special Clinton District in its entirety, including excluded sites of the CSD such as the Clinton Urban Renewal Area.
2. Commercial districts, which are R8 equivalents, shall not be covered under this Proposed Amendment.
3. The Public Funding language will be clarified:
 - The proposed text will now include the defined zoning term, “public funding”, instead of the non-defined term, “publicly assisted”,
 - The proposed text will now clarify compliance with the public funding requirement,
 - After the authorization is approved the proposed text will state: “Prior to issuing a building permit for any ‘development’ or ‘enlargement’ using modifications granted by this authorization, the Department of Buildings

shall be furnished with written notice of a commitment from the appropriate funding agency for the provision of such ‘public funding’.”

Borough President Recommendation

This application (N 100262 ZRM) and the related application (N 100263 ZAM) were considered by the Borough President, who issued a letter dated May 6, 2010 in support of the project but noted that there were still unresolved issues with respect to the relocated trash storage area, the provision of parking for NYCHA residents, and the text amendment.

City Planning Commission Public Hearing

On April 28, 2010 (Calendar No. 3) the City Planning Commission scheduled May 12, 2010, for a public hearing on this application (N 100262 ZRM). The hearing was duly held on May 12, 2010 (Calendar No. 18), in conjunction with the hearing on the related application (N 100263 ZAM). There were six speakers in favor of the application and none opposed.

Those speaking in favor of the applications included representatives of both applicants, the project architect, two members of Manhattan Community Board 4, and the Director of Land Use for the Manhattan Borough President.

The representative from NYCHA highlighted that agency’s commitment to working with the affected community over the last five years in conceiving this project and briefly described the actions and the project. A representative from the other applicant, 25th Street Chelsea Equities LLC, also indicated that the developer would continue to work with the neighbors during the construction process.

The project architect described the design rationale for the building. He described the materials to be used and described that the form of the building was designed to match the high streetwall context of the Heywood building which is directly to the north of the project site.

The representatives from Community Board 4 restated their support for the project and that the commitment to relocate the trash storage area to West 26th Street in an enclosed container to minimize its impact to existing residents was an important compromise.

The Director of Land Use for the Manhattan Borough President reiterated the Borough President's recommendation and his support for the project but noted that the Borough President's concern that the authorization created by the text amendment did not require City Council review.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the text amendment (N 100262 ZRM), as modified, in conjunction with the related application for an authorization (N 100263 ZAM), is appropriate.

The proposed text amendment and authorization would facilitate a 22-story mixed use building containing approximately 141,802 square feet of residential floor area with approximately 168 mixed-income dwelling units, ranging from 60% to 195% of AMI; 7,000 square feet of commercial space on the first floor, and 26 below grade accessory parking spaces. The Commission further notes that prior to the adoption of the Special West Chelsea District, an agreement was reached between the City Council and the City for the development of infill housing on existing parking lots at two NYCHA controlled sites - Fulton and Elliot Chelsea - and this text amendment will help follow through on that commitment.

As referred, the text applied to publicly assisted housing developments on sites larger than 1.5 acres in R8 districts in Manhattan Community Board 4. The Commission concurs with the statement of the Community Board that the applicability of the text was too broad. Community Board 4 also raised the concern that the Special Clinton District has specific bulk rules intended to protect its built character and therefore the proposed

text which would allow for the waiver of height and setback requirements should not apply to sites within the Special Clinton District. Furthermore, the Commission and the Community Board expressed the concern that the term publicly assisted housing is not a defined term in the Zoning Resolution.

The Commission in response to these concerns is modifying the text to further restrict the sites eligible to apply for the authorization. The Commission has clarified the text to include a reference to the definition of #public funding# in Section 23-911 of the Zoning Resolution in place of the term publicly assisted. The Commission has also excluded any site within the Special Clinton District from those sites which can apply for the authorization, recognizing that the authorization to waive height and setback could potentially create a building out of scale with the surrounding Clinton neighborhood. The Commission further notes that the text has been modified to make clear that prior to issuing a building permit for any building utilizing modifications granted by this authorization, the Department of Buildings will be provided with a written commitment from the appropriate funding agency for the provision of the public funding.

With respect to concerns raised during the public review period, the Commission recognizes that the development site is currently occupied by a parking lot and a trash storage area and that the trash storage area will be relocated on the zoning lot in an enclosed structure so as to minimize adverse effects of this trash storage area on the neighboring residents.

The Commission further recognizes that the text amendment will allow for a reduction in the amount of required parking on the zoning lot from the 42 spaces currently required for the Elliot Chelsea complex to 30 spaces. The Commission notes that all current Elliot Chelsea residents that have a parking pass will continue to be able to park on the zoning lot in the parking garage below the proposed building. The Commission notes that the loss in spaces will lead to a reduction in the number of parking spaces provided for NYCHA employees and service vehicles.

The Commission recognizes that that the Elliot Chelsea site is located in R8 zoning districts which permit a maximum street wall height of 60 feet on narrow streets and 85 feet on wide streets. As a part of the agreement prior to the adoption of the West Chelsea rezoning, design requirements were incorporated into the RFP for the NYCHA owned sites. The requirements included street wall heights that were higher than are currently allowed in the R8 zoning district. The Elliot Chelsea RFP required a base height of 140 feet. This design requirement was included to ensure that new infill buildings fit into the high streetwall context of the surrounding area. The Commission therefore believes that the proposed text amendment is needed to create a waiver of the height and setback requirements in order to facilitate the construction of a contextual building as well as to help create a deeper and more functional floor plate in order allow for additional affordability levels.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the actions described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 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 as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

23-60

HEIGHT AND SETBACK REGULATIONS

* * *

23-635

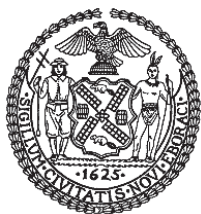
Special bulk regulations for certain sites in Community District 4, Borough of Manhattan

Within the boundaries of Community District 4 in the Borough of Manhattan, excluding the Special Clinton District, for #developments# or #enlargements# in R8 Districts without a letter suffix, on #zoning lots# larger than 1.5 acres which include #residences# for which #public funding#, as defined in Section 23-911 (General definitions) is committed to be provided, the City Planning Commission may authorize modifications of height and setback and in conjunction therewith reduce the amount of required off #street# parking, provided the Commission finds that such modifications will facilitate the provision of such #residences#, and such modifications will not unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #zoning lot# or nearby properties, open space, or #streets# and that the reduction in parking is consistent with the needs of the residents. Prior to issuing a building permit for any #development# or #enlargement# utilizing modifications granted by this authorization, the Department of Buildings shall be furnished with written notice of a commitment from the appropriate funding agency for the provision of such #public funding#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

The above resolution (N 100262 ZRM), duly adopted by the City Planning Commission on May 26, 2010 (Calendar No. 6), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,
NATHAN LEVENTHAL, ANNA HAYES LEVIN, SHIRLEY A. McRAE,
Commissioners



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, New York 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

JOHN WEIS
Chair

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

April 30, 2010

Edith Hsu-Chen
Manhattan Director
Department of City Planning
40 Reade Street
New York, New York 10038

**Re: Affordable Housing Site at NYCHA Elliott-Chelsea Houses
Proposed Zoning Text Amendments and Authorization N 100262 ZRM and N 100263
ZAM**

Dear Director Hsu-Chen:

At its normally scheduled meeting on April 7, 2010, Manhattan Community Board 4 voted to approve the following comments regarding the proposed Zoning Text Amendments N 100262 ZRM and N 100263 ZAM.

At that meeting, CB4 also voted to approve a resolution delegating to the Board's Executive Committee the authority to determine whether the issues set forth in that letter have been resolved satisfactorily, and if it finds that they have been resolved, to draft and submit on behalf of the Board a formal response to the actions as required under the New York City Charter.

This development is an integral part of the affordable housing commitments reached as part of the West Chelsea Rezoning in 2005 and embodied in the West Chelsea Points of Agreement between the Mayor and the City Council. This Board actually identified this NYCHA site for affordable housing during the West Chelsea zoning negotiations. The selected developer has been responsive to community concerns and requests. The project has undergone many changes from inception and the Board has been very flexible in agreeing to changes in the affordable income band to assure the project's success.

The Board is now pleased to report that the project issues detailed in our April 16th 2010 letter to the Department of Housing Preservation Development (HPD) have been resolved to the Board's satisfaction. The Board can now reiterate its deep and long support for this affordable housing development (copy of letter 4/30/10 to HPD attached).

The Board is also pleased to note that the open issues with the Proposed Zoning Text Amendment have also been resolved. As noted in our April 16th, 2010 letter to the Department of City Planning

(DCP), there were open issues with the way the text amendment had been drafted which would have set an unacceptable precedent in Community District #4 to apply for authorization to waive height and setback requirements. In agreement with DCP, the proposed language has been revised to narrow its applicability and clarify its requirements.

Manhattan Community Board 4 votes to support the proposed Zoning Text Amendment and Authorization N 100262 ZRM and N 100263 ZAM to facilitate the proposed affordable housing development at the Elliott-Chelsea NYCHA site with conditions noted below.

The Proposed Text Amendment creates an Authorization by the City Planning Commission to waive height, setback and parking regulations for sites in Community District 4 with following limitations:

- The underlying zoning must be R8,
- The site must be larger than 1.5 acres,
- The development must include residences which include public funding.

The Board supports this type of Proposed Text Amendment which will allow for contextual infill buildings on large sites, with the following conditions:

1. The application of the Proposed Text Amendment will exclude the Special Clinton District in its entirety, including excluded sites of the CSD such as the Clinton Urban Renewal Area.
2. Commercial districts, which are R8 equivalents, shall not be covered under this Proposed Amendment.
3. The Public Funding language will be clarified:
 - The proposed text will now include the defined zoning term, “public funding”, instead of the non-defined term, “publicly assisted”,
 - The proposed text will now clarify compliance with the public funding requirement,
 - After the authorization is approved the proposed text will state:


“Prior to issuing a building permit for any ‘development’ or ‘enlargement’ using modifications granted by this authorization, the Department of Buildings shall be furnished with written notice of a commitment from the appropriate funding agency for the provision of such ‘public funding’.”

It is further noted that the City Planning Commission will include explicit reference to the intent for the matters noted in paragraphs one and two above in its report on this Proposed Text Amendment.

The Board would also like to thank the Department of City Planning for its willingness and cooperation to resolve the Board’s concerns regarding the Proposed Zoning Text Amendment. By

working together, we have been able provide much needed moderate and middle income housing and fulfill the affordable housing commitments made as part of the 2005 West Chelsea Rezoning.

Sincerely,



John Weis
Chair
Manhattan Community Board 4

Attachments:

- A. Artimus Commitment Letter
- B. Balcony Material Sample
- C. Proposed Revised Text amendment
- D. NYCHA dumpster/garbage storage plan
- E. NYCHA dumpster/garage storage rendering

cc: Amanda Burden, Chair, City Planning Commission
John Rhea, Chairman, New York City Housing Authority
Rafeal Cestero, Commissioner, Department of Housing Preservation and Development
Manhattan Borough President Scott Stringer
MBPO – Anthony Borelli, Deborah Morris
NYC Council Speaker Christine Quinn
NYC Council Speaker Quinn’s Office – Kate Seeley-Kirk, Melanie Larocca
NYC Council Land Use Division – Danielle DeCerbo
NYS Senator Thomas K. Duane
NYS Assemblyman Richard Gottfried
Congressman Jerrold Nadler
Holly Leicht, Department of Housing Preservation and Development
Meilan Chiu, Department of Housing Preservation and Development
Raju Mann, Department of City Planning
Ilene Popkin, New York City Housing Authority
Louis Ramos, New York City Housing Authority
Burt Leon, New York City Housing Authority
Robert Ezrapour, Artimus Construction
Phyllis Gonzalez, Elliott-Chelsea TA
Jane Halsey, Heywood Owners Association



April 15, 2010

Manhattan Community Board 4
330 West 42nd Street, 26th Floor
New York, NY 10036

Re: 401 West 25th Street

This letter confirms the commitments made to Manhattan Community Board #4 by Artimus Construction to address the issues raised by Manhattan CB #4 in its resolutions approving the proposed Text Amendment (DCP action # N 100262 ZRM) and our application for a grant of an authorization under that proposed Text Amendment (DCP action # N 100263 ZAM) by City Planning Commission authorization under the proposed Text for The Elliot Chelsea site. The commitments are as noted below:

Housing Program

Unit Type	AMI					TOTAL
	40%	50%	125%	165%	195%	
Studio	1	7	14	18		40
1BDR	1	7	6	14	11	39
2BDR	3	14		21	45	83
3BDR		1		4		5
Mgmt						1
TOTAL	5	29	20	57	56	168

- All units will be permanently affordable
- Apartment finishes shall be the same in all units
- Units of each income band will be distributed equally on all floors throughout the building. Artimus will provide a full apartment distribution plan to Manhattan CB #4 by April 30, 2010.
- 2 units in income bands of 125% of AMI or less shall have private balconies and terraces.

Building Design

- Overall design will include:
 - Street walls on West 25th Street and 9th Avenue
 - A set back at 146 feet on West 25th and 9th Avenue frontage to align with the Heywood building to the North
 - An overall building height not to exceed 211 feet, 6 inches, excluding bulkheads and mechanicals.
 - Façade treatment of mixed brick and panels, with colors, based upon elevations dated March 22, 2010 attached to this letter.

- Balconies on floors 17 to 22 of a design as attached to this letter. The balconies will be a gray color, not white.
- A fence on the parapet wall at the North end of the 16th floor terrace to provide security for the roof of the Heywood, within zoning guidelines.

Adjacency Issues

- 2nd Floor West Terrace— any lighting installed will be face down and of low intensity so as not to shine into windows of Chelsea Houses to the West;
- 2nd Floor Building Support Equipment (at northwest corner of 2nd floor terrace)
 - The equipment will consist solely of emergency generator and 4 ton condenser unit (approximate tonnage) only serving the first floor residential lobby, and other small units (less than one ton) serving only the residential subject to applicable codes and Department of Buildings (DOB) approval. All HVAC equipment will be sound baffled to minimize any future noise issues affecting both the tenants of the Chelsea Houses and the owners of the Heywood.
 - All equipment will be screened on all four sides by landscaping to a height of at least 2 feet above the equipment height.
- HVAC Equipment— HVAC equipment serving commercial portions of the building will be located on the 22nd floor roof. All commercial HVAC equipment will be sound baffled to minimize any future noise issues affecting both the tenants of the Chelsea Houses and the owners of the Heywood.

Construction Issues

- Artimus will provide to the Heywood Owners Association specific plans for:
 - Construction protection of the southern and western facing windows in Heywood rear courtyard, with specific explanations of NYC Department of Buildings code requirements; and
 - Construction protection of the first floor outdoor space for Heywood, Apt 1D. Artimus acknowledges that this apartment's only windows will be covered by such construction protection. Artimus agrees to minimize the length of time needed for such construction protection subject to the safety requirements of the NYC DOB.

NYCHA Replacement Parking

- Temporary Parking during Construction—The 26 NYCHA residents currently holding parking permits at the site, will receive a \$100/month temporary parking subsidy. NYCHA residents receiving the temporary parking subsidy will be responsible for securing their temporary parking spaces in privately owned parking facilities. That subsidy will be paid to NYCHA and be available to residents until a Temporary Certificate of Occupancy is issued for the garage and NYCHA notifies those residents that the garage is ready for use.

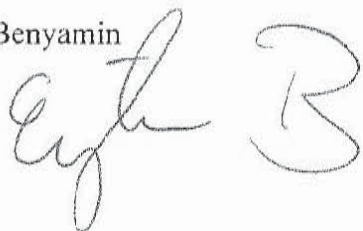
- The accessory parking garage shall be used for accessory parking for NYCHA residents only.
 - The accessory garage shall not be used by the residents of the new development.
 - The accessory garage shall not be used for public parking.
- Provisions of the agreement for operating the NYCHA Replacement Parking garage are as follows:
 - Artimus or NYCHA shall operate NYCHA Replacement Parking garage;
 - NYCHA Parking fees for NYCHA residents shall be determined by NYCHA;
 - The garage shall have a car elevator to the garage in the building cellar;
 - NYCHA residents will be provided with a remote device that will open the garage door from the street;
 - NYCHA residents shall leave cars in a reservoir space on the first floor with an attendant;
 - All cars will be transported to the cellar and parked by an attendant;
 - The operator of the garage will have liability for all cars between the time a car is left in the reservoir space and the time the owner takes delivery of the car from an attendant; and
 - Artimus will provide a copy of the final agreement with NYCHA regarding the parking garage to Manhattan CB #4.

Site Issues

- We will work with the Manhattan CB #4, the Department of Transportation and the Department of Parks and Recreation to locate the Con Edison sidewalk vaults to maximize street tree planting on 9th Avenue and West 25th Street.

We look forward to working with Community Board 4 to develop a building that will provide much needed affordable housing in the community and be a model for future developments.

Eytan Benyamin
CEO

A handwritten signature in black ink, appearing to read 'Eytan B', written over a light blue grid background.

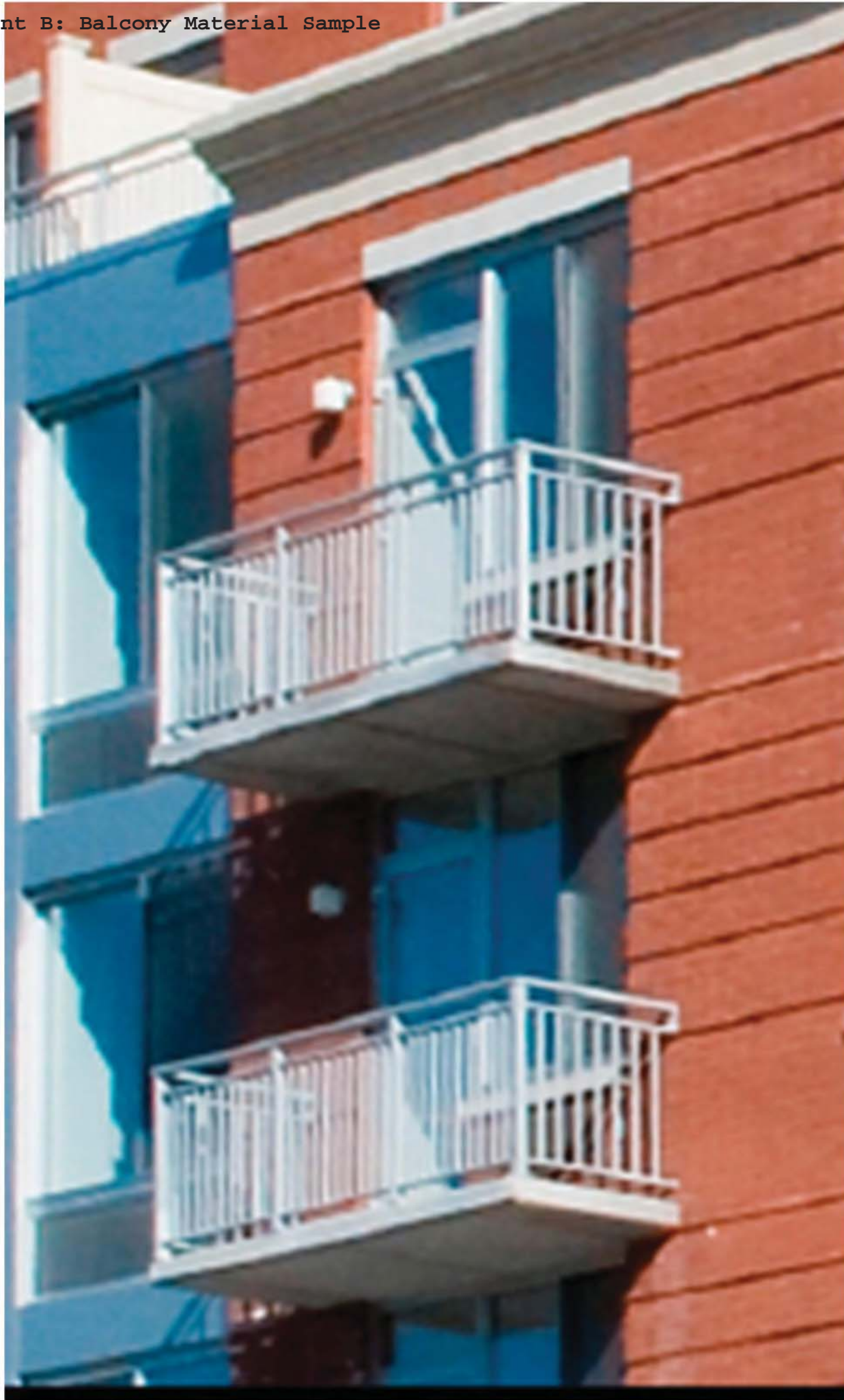
Sample Facade Treatment



Sample Balcony Design for Floors 17-22



Attachment B: Balcony Material Sample



REVISED TEXT AMENDMENT

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10

* * * indicates where unchanged text appears in the Zoning Resolution

23-60

HEIGHT AND SETBACK REGULATIONS

* * *

23-635

Special bulk regulations for certain sites in Community District 4, Borough of Manhattan

Within the boundaries of Community District 4 in the Borough of Manhattan, ~~excluding the Special Clinton District,~~ for #developments# or #enlargements# in R8 Districts without a letter suffix, on #zoning lots# larger than 1.5 acres which include #residences# for which #public funding#, as defined in Section 23-911 (General definitions) is committed to be provided, the City Planning Commission may authorize modifications of height and setback and in conjunction therewith reduce the amount of required off #street# parking, provided the Commission finds that such modifications will facilitate the provision of such #residences#, and such modifications will not unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #zoning lot# or nearby properties, open space, or #streets# and that the reduction in parking is consistent with the needs of the residents. ~~-Prior to issuing a building permit for any #development# or #enlargement# utilizing modifications granted by this authorization, the Department of Buildings shall be furnished with written notice of a commitment from the appropriate funding agency for the provision of such #public funding#.~~

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Attachment E: NYCHA Dumpster/Garbage Storage Rendering





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

SCOTT M. STRINGER
BOROUGH PRESIDENT

May 6, 2010

Amanda M. Burden, FAICP
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: Chelsea-Elliott Houses Affordable Housing Site (N 100262 ZRM and N 100263 ZAM)

Dear Chair Burden:

Thank you for providing the opportunity to comment on the application submitted by the New York City Housing Authority ("NYCHA") and 25th Street Chelsea Equities LLC¹ for an authorization and a related zoning text amendment to modify height and setback regulations and required off-street parking regulations for an affordable housing development proposed in the West Chelsea neighborhood. Generally, the proposed authorization and text amendment – which creates the authorization – are sought to facilitate the construction of a new 168-unit, permanently affordable housing development on an existing surface parking area on the grounds of NYCHA's Chelsea-Elliott Houses.

In 2005, as part of the West Chelsea rezoning process, the parking area at the corner of West 25th Street and Ninth Avenue was identified by the community as a potential site for affordable housing development. Currently, the parking area serves the public housing residents by providing space to accommodate 42 parked vehicles and three large open-air trash storage containers. With community input, the Department of Housing Preservation and Development ("HPD") and NYCHA issued an RFP for the site in 2006.

The proposed 22-story building will serve households with incomes ranging from low- to middle-income. Additionally, the building's basement will contain a 26-space, attended parking facility that will be accessible by a car elevator. To accommodate the proposed development, the trash containers will be relocated to an area fronting West 26th Street, just west of the Heywood Building – a private residential loft building.

¹ 25th Street Chelsea Equities LLC is owned primarily by Artimus.

Generally, the program and form of this building are supported by the community. However, the proposed building does not comply, under current zoning, with height and setback regulations and off-street parking requirements. According to the applicants, the affordable housing program cannot be achieved without the proposed waivers and the required 42 parking spaces cannot be accommodated on the site. As such, these requirements must be modified to achieve the proposed building. Therefore, the applicants seek a zoning text change to create an authorization that allows publicly funded developments on lots greater than 1.5 acres in Manhattan Community District 4 to waive height, setback, and required parking regulations.

While the proposed height and setback waivers are extensive, they produce a contextual form and a more efficient building. Additionally, NYCHA tenants currently use only 26 of the 42 existing parking spaces. These tenants would receive spaces in the new parking facility and receive a monthly parking stipend until the building is complete.

Several issues have been resolved since this application was referred out to the community for comment. The applicants have agreed that non-recyclable trash would be stored in an enclosed facility. The applicants have also agreed to make several design changes outlined in a letter from Community Board 4. Finally, the applicants, together with HPD and Department of City Planning staff, have worked to refine the proposed text to address concerns of my office and the community board. Specifically, the text has been refined to (1) restrict the area of applicability within Community District 4, (2) clarify the definition of publicly assisted housing, and (3) ensure that waivers cannot be granted without firm public funding commitments.

Despite these changes, the proposed development produces a less than optimal scenario for the replacement parking. The proposed parking facility will be expensive to construct and requires a 24-hour parking attendant to operate the car elevator. Further, Chelsea-Elliott tenant leaders have expressed concern to my office that there is insufficient clarity on who will ultimately be liable and responsible for the care and condition of the public housing resident's vehicles.

There also remain unresolved issues relating to the proposed relocation site for the trash storage containers. The proposed site, just across from a public school, is accessible only via West 26th Street, a narrow street lined with curb-side parking. Chelsea-Elliott residents and other local residents have expressed concern to my office that maneuvering garbage trucks into and out of this area may be difficult without safety precaution measures in place. The applicants have yet to address how these safety concerns would be mitigated to community leaders' satisfaction.

Further, even though the proposed trash facility will be located adjacent to the Heywood Building, its design and operations have not yet been reviewed by the building's residents. As this facility will physically abut the Heywood, any proposed structure should undergo appropriate vetting by the building's resident leadership. In addition, local residents remain concerned that an interim garbage plan has not been outlined to provide assurance that trash will be handled adequately during construction.

Beyond the program of this individual site, the proposed text amendment creates a potentially troublesome precedent in the Zoning Resolution. The proposed text amendment waives height and setback regulations through an authorization. Height and setback regulations are among the

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most fundamental regulations governing building form in New York City. Typically, such bulk modifications are not allowed except by special permit requiring full ULURP review, such as a 74-711 or Large-Scale Development special permit. Authorizations, unlike special permits, have significantly less public review and lack City Council oversight. While it may be the applicants' intention that the proposed authorization only apply to the West Chelsea area, the newly created authorization may be used as precedent for other projects.

Any authorization that provides for significant waivers of height and setback regulations should at minimum include City Council oversight, as would be required by a special permit. While the applicants' proposed development will be subject to City Council oversight because of the related zoning text amendment, no such review would be required for future authorizations. If the proposed authorization process is used as a precedent to facilitate other developments on NYCHA property in other communities, City Council oversight may serve as an important opportunity to raise concerns or affirm the merits of a proposal.

City Council oversight over the authorization is particularly important due to recent NYCHA policies. Since 2006, NYCHA has publicly stated that its properties may be disposed to fill budget gaps and produce affordable housing. As outlined in my report "Land Rich, Pocket Poor," I am concerned that no public process exists to regulate the disposition of the millions of square feet of unused development rights available on NYCHA properties. While I believe that the disposition of NYCHA development rights may serve a valuable public purpose, it should only be done in a larger context of meeting overall city needs; providing NYCHA with new revenue streams to preserve existing residential units; and engaging the community in any development planning process. Unfortunately, no formal plan or guidelines for the disposition of NYCHA property exists, leaving the potential impacts and benefits unknown. Until more is known about NYCHA's overall plan, any zoning modifications involving NYCHA properties should be subject to increased scrutiny not minimized oversight.

While I support the use of the Chelsea-Elliott Houses parking area for the development of affordable housing of the type proposed by the applicants, I believe more movement can and should be made to address parking concerns, garbage handling and the authorization process, as outlined above.

Again, thank you for the opportunity to comment.

Sincerely,



Scott M. Stringer

Manhattan Borough President

cc: Council Speaker Christine Quinn
HPD, Meilan Chiu
NYCHA, Ilene Popkin

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DCP, Raju Mann

CB4, Robert Benfatto

Chelsea-Elliot Houses, Phyllis Gonzales

Heywood Homeowners Association, Jane Halsey

Artimus Construction, Robert Ezrapour