



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JOHN WEIS

Chair

ROBERT J. BENFATTO, JR., ESQ.

District Manager

April 16, 2010

Rafael Cestero
Commissioner
Department of Housing Preservation and Development
100 Gold Street
New York, NY 10038

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

Dear Commissioner Cestero,

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. These comments are intended to facilitate the Elliot-Chelsea Affordable Housing development as it currently stands, but this letter is not to be construed as Manhattan Community Board 4's New York City Charter-required response to the proposed Zoning Text Amendments.

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 this 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.

The Board is frustrated with the last minute nature in which important information regarding the proposed Zoning Text Amendments and the project were transmitted from NYCHA and the Department of City Planning. This late submission of information has been coupled with requests for both quick turnaround for review and approval by the Board of this project.

Given the Zoning Text Amendment and related information was received by the Board on 3/30/10, with the Board's Chelsea Preservation and Planning & Housing Committees' reviewing the proposal on 4/5/10, the Board has simply not had sufficient time to resolve the open issues regarding both the proposed project and the Proposed Zoning Text Amendment. The Board reminds the City agencies involved and the private applicant that the Board has requested the draft of this proposed Zoning Text Amendment since the late

summer of 2009, when it was first informed such an action would be necessary to effectuate this important project.

Notwithstanding, the Board desires to make clear its deep and long support for this affordable housing development. 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.

However, without written commitments from HPD, NYCHA, and Artimus Construction (the Developer) that the issues noted below will be resolved, Manhattan CB4 cannot approve the proposed development of the Elliott-Chelsea NYCHA site. With prompt, meaningful attention from HPD, NYCHA, DCP, and Artimus, the Board is optimistic we will soon be able to approve with conditions.

As will be discussed in a separate letter to DCP, there are also open issues with the way the text amendment was drafted in that it would set unacceptable precedent in Community District #4 to apply for authorization to waive height and setback requirements. We are obviously concerned about this possibility and have requested that DCP revise the language to narrow its applicability.

In its current form, **Manhattan Community Board 4 votes to deny support for the Chelsea NYCHA development unless the below conditions are met.**

Housing Program

Board supports the housing program with affordability bands and unit distribution as detailed below:

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

- Developer agrees that all units will be permanently affordable
- Developer agrees to represent that apartment finishes shall be the same in all units

- Developer agrees to represent that units of each income band will be distributed equally on all floors throughout the building. Developer agrees to provide apartment distribution plan to CB4.
- Developer agrees that at least 2 units in income bands of 125% of AMI or less shall have private balconies and terraces.

Building Design

Board Supports:

- Overall design including:
 - Street walls on West 25th Street & Ninth Avenue
 - Set back at 141 feet to align with the Heywood building to the north
 - Overall building height of 211 feet, excluding mechanicals
 - Façade treatment of mixed brick and panels, with colors, based upon elevations dated March 22, 2010

Board requests the following design changes:

- Developer to provide redesign of balconies at floors 17 to 22 so that balconies appear to be connected to structure rather than floating;
- Developer agrees to provide a fence on the parapet wall at the north end of the 16th floor terrace to provide security for the Heywood roof.
- Developer has indicated a willingness to erect a “green” and we encourage the applicant to pursue LEEDs certification at the highest possible level.

Adjacency Issues

Board requests the following adjacency issues be addressed:

- 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)
 - Developer to represent in writing that equipment will consist solely of emergency generator and 4 ton HVAC unit only serving the first floor residential lobby. All HVAC equipment will be sound baffled to prevent 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 height at least 2 feet above the equipment height; and

- HVAC Equipment—all HVAC equipment serving commercial portions of the building will be located on the 22nd floor roof. All HVAC equipment will be sound baffled to prevent any future noise issues affecting both the tenants of the Chelsea Houses and the owners of the Heywood.

Construction Issues

- Developer will provide to 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 first floor outdoor space for Heywood, Apt 1D. Developer acknowledges that this apartment's only windows will be covered by such construction protection. Developer 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—Developer agrees to represent that for the 26 NYCHA residents currently holding parking permits at the site, the Developer will fund 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 Certificate of Occupancy is issued for the garage and NYCHA notifies those residents that the garage is ready for their use.
- Developer agrees to represent that:
 - 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.
- Developer agrees to represent these provisions of the agreement for operating the NYCHA Replacement Parking garage:
 - Developer or NYCHA shall operate NYCHA Replacement Parking garage;
 - NYCHA Parking fees for NYCHA residents shall be determined by NYCHA;

- Garage shall have a car elevator to the garage in building cellar;
- NYCHA residents will be provided with a remote device to open the garage door from the street;
- NYCHA residents shall leave cars in a reservoir space at 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
- Developer agrees to provide a copy of the final agreement with NYCHA regarding the parking garage to CB4.

NYCHA Dumpster/Garbage Storage

- NYCHA agrees to come to an agreement with Developer to provide a one story fully enclosed facility, not an open yard or semi-enclosed area, for the relocation of the bulk garbage and other dumpsters to West 26th Street immediately west of the Heywood.
 - The height of such as structure shall be a maximum of 18 feet to provide 16 feet clearance for NYC Department of Sanitation trucks.
 - Doors shall be opaque, building shall be adequately ventilated.
 - Heywood windows at the 2nd floor western façade will not be obstructed.
 - Garbage pickup will be managed safely so as not to interfere with the operation of P.S. 33 opposite on the north side of West 26th Street.

Site Issues

- Developer agrees to work with the Manhattan Community Board 4, the Department of Transportation and Department of Parks and Recreation to locate the Con Edison sidewalk vaults to maximize street tree planting on 9th Avenue and West 25th Street.

Sincerely,



John Weis
Chair
MCB4



Joe Restuccia
Co-Chair, Housing, Health
& Human Services Committee

[signed 4/16/10]

Dave Hanzel
Co- Chair, Housing, Health
& Human Services Committee



J. Lee Compton, Co-Chair
Chelsea Preservation and Planning

[signed 4/16/10]

Corey Johnson, Co-Chair
Chelsea Preservation and Planning

Cc: Amanda Burden, Chair, City Planning Commission
John Rhea, Chairman, New York City Housing Authority
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
E. Hsu-Chen, Department of City Planning
Raju Mann, Department of City Planning
Holly Leicht, Department of Housing Preservation and Development
Meilan. Chiu, Department of Housing Preservation and Development
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, Elliot-Chelsea TA
Jane Halsey, Heywood Owners Assoc.