



## CITY PLANNING COMMISSION

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November 20, 2013 / Calendar No. 5

C 140001 ZMM

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**IN THE MATTER OF** an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, changing from an R8A District to an R8 District, property bounded by a line midway between West 19th Street and West 18th Street, a line 400 feet westerly of Ninth Avenue, West 18th Street, and a line 450 feet westerly of Ninth Avenue, Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated July 8, 2013.

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The application for an amendment of the Zoning Map to change an R8A zoning district to an R8 zoning district was filed by the Department of Housing, Preservation and Development (HPD) on July 2, 2013; a revised application was received on November 15, 2013 to reflect changes to the proposed open space made during the course of public review. The application will facilitate the development of a residential building with up to 158 permanently affordable units, community facility space and outdoor recreational space at 425 West 18th Street in Manhattan Community District 4.

### RELATED ACTIONS

In addition to the zoning map amendment (C 140001 ZMM), which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**N 140002 ZAM:** An authorization pursuant to the proposed 23-635 to modify height and setback 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 New York City Housing Authority (NYCHA)-controlled sites – the Robert Fulton Houses site and the Elliot Chelsea Houses site. The Elliot Chelsea site is located on the northwest corner of West 25<sup>th</sup> Street and Ninth Avenue and the Fulton Houses site is on the north side of West 18<sup>th</sup> Street between Ninth and Tenth avenues. The Department of City Planning subsequently drafted a set of design guidelines for the sites.

The Fulton Houses site was one of the NYCHA-owned sites offered through a Request for Proposals (RFP) issued on December 7, 2006 by HPD and NYCHA, for the development of 100 units of moderate- and middle-income housing. To facilitate the development of this site in a manner consistent with the design guidelines, a text amendment was adopted on June 29, 2010 (N 100262 ZRM) to establish an authorization to allow modifications to height and setback regulations that meet certain criteria in residential districts pursuant to Section 23-635.

While the affordable housing development has been constructed at the Elliott Chelsea site, the Fulton Houses development proved to be financially impracticable. In 2012, Special West Chelsea District was expanded to include the Chelsea Market complex between West 15<sup>th</sup> Street, West 16<sup>th</sup> Street, Ninth Avenue and Tenth Avenue and text was amended to allow bonus floor area on the Chelsea Market site. In a letter dated October 25, 2012, the City and City Council agreed that the use of this floor area bonus would be conditioned on a contribution to the West Chelsea Affordable Housing Fund and that such a contribution would be used to build affordable housing at the Fulton Houses site. The agreement further increased the number of units to be constructed to at least 150 with 40% of the units having initial rents that are affordable to households at or below 80% of area median income (AMI).

The NYCHA Robert Fulton Houses campus comprises the eastern portions of four blocks

between West 16<sup>th</sup> and West 19<sup>th</sup> streets, and Ninth and Tenth avenues. The 6.27 acres include eleven buildings and 945 residential units. The development site occupies an 11,040-square foot portion of the Fulton Houses zoning lot, bounded by West 18<sup>th</sup> and West 19<sup>th</sup> streets, and Ninth and Tenth Avenues. The site is located on the north side of West 18<sup>th</sup> Street, 330 feet west of Ninth Avenue, and currently contains 23 parking spaces, an outdoor waste facility and a curb cut. It is part of a larger zoning lot which measures 73,600 square feet and is currently occupied by two six-story residential buildings with entrances on Ninth Avenue, and a 25-story residential tower towards the midblock with entrances from West 18<sup>th</sup> and West 19<sup>th</sup> streets. The three buildings include 291 residential units. Additionally, the lot includes a basketball court, a play area and garden, 36 accessory parking spaces accessed from two curb cuts on West 18<sup>th</sup> Street, an outdoor waste facility and pedestrian paths. The zoning lot is zoned R8 to a depth of 400 feet west from Ninth Avenue; the remaining western portion is in an R8A zoning district. There is a C2-5 overlay along Ninth Avenue.

The development site is 120 feet wide along West 18<sup>th</sup> Street and 92 feet deep to the block centerline. Zoning on the development site is split – the eastern 70-foot frontage is in an R8 district and the western 50-foot frontage is in an R8A district. The R8A district is a contextual zoning district that permits a maximum residential FAR of 6.02 and a maximum community facility FAR of 6.5. R8A districts require buildings to be constructed at or near the street line, require a building base height of between 60 and 85 feet and have a maximum overall building height of 120 feet. R8 zoning districts are regulated by the sky-exposure plane and require a setback of one foot on a narrow street for each 2.7 feet of vertical distance. There is no height limit in the R8 zoning district.

Since the adoption of the Special West Chelsea District in 2005, the surrounding area has been developed with a mix of new residential, office and retail uses that have complemented existing art galleries and commercial uses adjacent to the High Line park. Blocks to the north of the development site include the low-rise row houses of the Chelsea Historic District and General Theological Seminary campus. Ninth Avenue is lined by four- to six-story residential buildings with commercial uses on the ground floor; several schools and religious institutions are located

amongst residential buildings east to Eighth Avenue. To the south and west is the Special West Chelsea District with residential uses along Tenth Avenue and gallery and commercial uses concentrated in the midblocks. The Fulton Houses campus is characterized by low lot coverage and mid- and high-rise residential buildings. The Chelsea Market, a full-block structure of retail space on the ground floor and offices above, is between West 15<sup>th</sup> and 16<sup>th</sup> streets. The High Line extends along the west side of Tenth Avenue; the Chelsea Piers sports and entertainment complex and the Hudson River Park run along the west side of Eleventh Avenue.

The Development Site is accessible by public transit. The A, C and E lines are two blocks east at the 14<sup>th</sup> St subway station, and the No. 1 train is three blocks east at the 18<sup>th</sup> Street subway station. The M11, M14A and M14D buses run south on 9<sup>th</sup> Avenue and north on 10<sup>th</sup> Avenue adjacent to the development site.

The surrounding area to the north and east is mapped with contextual districts, including R7B, which permits 3.0 FAR, a base of 40 to 60 feet and a maximum building height of 75 feet, and R8A, which permits 6.02 FAR, a base of 60 to 85 feet and a maximum building height of 120 feet. R8 is mapped over NYCHA property – the height factor district permits FAR of up to 6.02 FAR, a base height of 85 feet and a building height within the sky exposure plane. The Special West Chelsea District is mapped to the south and west, it comprises ten subareas with bulk regulations specific to conditions along the High Line and blocks from West 15<sup>th</sup> to West 30<sup>th</sup> streets, largely between Tenth and Eleventh avenues. It supersedes underlying district regulations. A C2-5 commercial overlay is mapped along Ninth and Tenth avenues.

The proposed zoning map amendment would change the R8A zoning on the development site to R8, so that the R8 zoning designation is mapped across the entire development site. The zoning change is required to qualify the development for the authorization pursuant to Section 23-635.

The proposed development would be an 18-story building with a street wall of 124 feet, a setback of 10 feet and a total height of 172 feet 4 inches. The proposed building will transition from the street wall and setback requirements typical of contextual districts to the west, to the



taller, height factor building typology of existing NYCHA buildings on the same zoning lot to the east. The proposed 124-foot street wall height reflects the height of new residential construction to the west, while the 172-foot total building height corresponds to the neighboring 25-story NYCHA building, which is just over 215 feet tall. The new development would comprise a total of 122,677 square feet of floor area, including 118,367 square feet of residential floor area and 4,310 square feet of community facility space on the ground floor. Additional amenity space includes a 1,275-square foot outdoor recreational area allocated to the community facility, a 1,986 SF outdoor play area and recreational space for building tenants, a 437-square foot landscaped open space in the northeast portion of the site accessible to all residents of the zoning lot, a 1,200-square foot terrace over the 13<sup>th</sup> floor as amenity to adjacent apartments, and 80 bicycle parking spaces. The building will contain approximately 158 residential units, all of which are permanently affordable. Units will be available to those earning between 50 percent and 165 percent of AMI. The building will contain a mixture of studios, one-bedroom units and two-bedroom units for rent. The total density on the zoning lot with the development will be 5.16 FAR. The development site will be subdivided as a new tax lot, but will remain part of the NYCHA zoning lot. The proposed development will displace the waste facility and 23 accessory parking spaces, leaving 13 spaces on the zoning lot. The spaces and waste facility will be relocated to adjacent zoning lots that are part of the Fulton Houses campus.

In addition to the zoning map amendment, which is the subject of this report, implementation of the proposed project also requires a number of other actions, as described below.

*Authorization pursuant to Section 23-635 (C 140002 ZAM)*

HPD and 18th Street Fulton Equities LLC seek an authorization pursuant to Section 23-635 to waive base height, building height, front and rear setback, and sky exposure plane encroachments to facilitate the construction of the proposed development. Pursuant to Section 23-632, a building constructed on a narrow street in an R8 district is required to meet an 85-foot street wall maximum, provide a 20-foot setback and rise to a height determined by the slope of the sky exposure plane above 85 feet. ZR Section 23-663 (a) requires a 20-foot rear setback at a height of 125 feet. The Authorization will allow the proposed development to waive these

requirements as follows: the street wall will rise to 124 feet, rather than 85 feet; a 10-foot setback will be provided at 124 feet, rather than a 20-foot setback at 85 feet; the building will penetrate the sky exposure plane; and the building will rise to 172 feet 4 inches without a 20-foot rear setback at 125 feet.

## **ENVIRONMENTAL REVIEW**

The subject application (C 140001 ZMM) in conjunction with the application for the related action (N 140002 ZAM) was reviewed pursuant to the Rules of Procedure for City Environmental Quality Review (CEQR) Executive Order No. 91 of 1977, and the State Environmental Quality Review Act (SEQRA) set forth in Volume 6 of the New York Code of Rules and Regulations (NYCRR), Section 617.00. The designated CEQR number is 13CHA002M. The lead agency is the New York City Housing Authority.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on July 5, 2013.

## **UNIFORM LAND USE REVIEW**

This application (C 140001 ZMM) was certified as complete by the Department of City Planning on July 8, 2013, and was duly referred to Manhattan Community Board 4 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

## **Community Board Review**

Community Board 4 held a public hearing on this application (C 140001 ZMM), on September 4, 2013 and by a vote of 28 in favor to 3 opposed, adopted a resolution opposed to the application, unless the following conditions were met:

1. that the unit distribution be adjusted to provide that 5% the units be three bedroom units and that they be distributed across the four income bands;
2. that the NYCHA preference be increased from 20% to 25%;

3. that the building is pet friendly;
4. that ADA-compliant units are provided;
5. that Artimus and CB4 establish a working group comprised of representatives from Artimus, CB4, the Fulton Houses Tenants Association and local elected officials. The working group will be tasked with determining a recommended use for the community facility space and deciding on the design and improvements for the playground and the basketball court;
6. that Artimus give priority to a health-related tenant in the proposed community facility space;
7. that work on the playground and the basket ball court improvements start no later than when construction starts on the building and must be completed within 90 days;
8. that Artimus develop the building to include a green roof;
9. that Artimus will work with NYCHA to improve adjacent NYCHA landscaping;
10. that in relocating the compactor, NYCHA and Artimus will meet and work with owners and tenants of adjacent properties, as well as Community Board 4 representatives, during the site selection process to select a site that has the least possible impact on neighboring buildings;
11. that Artimus support a Community Jobs Project for its Fulton Houses Development and that it work with the Board to implement it, including holding periodic job fairs, posting all job openings on the CB4 jobs website, and working in good faith with the Board to identify and hire employees from tenants living adjacent to the proposed development and from within CD4;
12. that Artimus pay its workers family-sustaining wages, with affordable health care and retirement benefits and provide appropriate training to its Fulton Houses workers; and
13. that Artimus and CB4 will agree on the final façade design before the CPC hearing on the project.

In a subsequent letter dated October 22, 2013, Community Board 4 recommended approval of several elements of the application, including a building exterior that was presented to the Chelsea Land Use Committee on October 21, 2013, an increase in the tenant preference for NYCHA Fulton Houses residents from 20 percent to 25 percent, and the reduction of parking

spaces and widening of curb cuts sought as part of a Mayoral Zoning Override. Additionally, the Board expressed pleasure that the developer had agreed to many of the Board's recommendations and welcomed the addition of 158 permanently affordable units to the Chelsea community.

### **Borough President Recommendation**

This application (C 140001 ZMM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan. On October 16, 2013, the Borough President issued a recommendation approving this, and the related applications, with conditions. The Borough President echoed the requests of the Community Board, asking that the applicants increase the preference for NYCHA residents from 20 to 25 percent; continue to consult with the Board and stakeholders about open space design and complete improvements prior to completion of the proposed development; agree the building façade design with the Board; work with the Board to find a health-related tenant for the community facility space, and follow through on all previously agreed commitments regarding pets, landscaping, compactor siting, green roofs and the Community Jobs project.

### **City Planning Commission Public Hearing**

On October 9, 2013 (Calendar No. 1), the City Planning Commission scheduled October 23, 2013, for a public hearing on this application (C 140001 ZMM). The hearing was duly held on October 23, 2013 (Calendar No. 14). There were ten speakers in favor of the application and ten speakers in opposition.

The Director of Manhattan Planning at HPD testified in favor of the development, providing an overview of the history of the project, the number of units that will be developed and the actions requested. She confirmed that the preference for NYCHA Fulton Houses residents will be 25 percent and explained the distribution of preference categories allocated to the proposed development. A staff member of Artimus Construction spoke in favor of the application, described how the developer has responded to Community Board 4 recommendation conditions, spoke of the developer's commitment to building housing that encourages diverse communities

where families can grow, and described the effort to mitigate any impact of the proposed location of a NYCHA compactor on the north side of West 19<sup>th</sup> Street, adjacent to a private residential condominium at 420-422 West 20<sup>th</sup> Street. The project architect described the design of the planned building and how it relates to existing Fulton Houses buildings. A staff person and two members of Community Board 4 spoke in support of the project and detailed how the applicants have addressed the Board's conditions by including a 25 percent preference for NYCHA Fulton Houses residents, permitting pets, committing to making improvements to an existing basketball court and playground, and establishing a working group to select a community facility space tenant and design open space improvements. Members of the Board also underscored the significance of and need for moderate- and middle-income housing in West Chelsea. The President of the Fulton Houses Tenants Association spoke in favor of the application, but requested that a health-related facility be located in the community facility space and that there be no further reduction in the number of parking spaces. Speaking in favor, a Fulton Houses tenant emphasized the need for healthcare facilities in the area. A representative of NYCHA clarified the number of Fulton Houses residents with off-street parking permits and described the operation of the existing compactor on West 18<sup>th</sup> Street, and the considerations that were made in locating amenities displaced by the development.

Eight residents, one legal representative and the superintendent of the residential condominium at 420-422 West 20<sup>th</sup> Street spoke in opposition to the project. The residents expressed concern regarding the proposed siting of a NYCHA compactor immediately to the south of their building. The compactor is currently located on the development site and will be displaced by the construction of the new building. The speakers expressed apprehension about the potential for noise, odor, vermin and nuisance associated with the operation of the compactor.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 140001 ZMM) is appropriate.

The Commission recognizes the contribution that the subject development makes to the Administration's New Housing Marketplace Plan, which aims to create and preserve 165,000 units of affordable housing across New York City. In 2005, the Commission strongly supported the extension of the Inclusionary Housing Program to the Special West Chelsea District to ensure an economically diverse community in West Chelsea. The expansion of the special district in 2012 to include the Chelsea Market brought with it a contribution to the West Chelsea Affordable Housing Fund that would be deployed to close funding gaps in affordable housing developments in Community District 4. The City and City Council identified the Fulton Houses project and committed to allocating such a contribution to allow construction to proceed.

The Commission believes that the proposed project has duly met the requirements of the 2012 commitment by the City to the City Council that the Fulton Houses development include at least 150 affordable units, that it contain no less than thirty-seven two-bedroom units, and that the units in the development have initial rents that are affordable to households with the following area median incomes:

- 50% of AMI for 20% of the total number of units in the development,
- 80% of AMI for another 20% of said units,
- 130% of AMI for another 20% of said units, and
- 165% of AMI for 40% of said units.

The Commission appreciates the significant amount of development that the Special West Chelsea District and amenities such as the High Line have compelled. The special district has successfully encouraged the creation and preservation of affordable housing, available in large proportion to low-income households. The Commission supports economically diverse neighborhoods that invite a broad range of residents. The significant inclusion of moderate- and middle-income units with low-income units in the Fulton Houses development helps to strengthen the economic balance.

The Commission understands that the extension of the R8 district over the entirety of the development site is a requirement of the authorization pursuant to Section 23-635 that is sought among the subject land use actions. The development lies between two zoning districts: R8, which is a height factor district mapped across the majority of the Fulton Houses campus, and R8A, a contextual district that encourages a street wall and setbacks above 85 feet. The Commission finds that the proposed massing responds to the site's transitional location by maintaining a street wall and including a setback, but also incorporates heights that are closer to those of adjacent NYCHA buildings and achieves the minimum of 150 affordable housing units. The area subject to the zoning map amendment only includes the development site and does not extend to any other property.

The Commission heard testimony at the public hearing with respect to the relocation of a NYCHA waste compactor that is currently located on the development site on the north side of West 18<sup>th</sup> Street between Ninth and Tenth avenues. As a result of its displacement by the subject project, the applicants have, with NYCHA and Community Board 4, identified a new location for the waste compactor on the north side of West 19<sup>th</sup> Street between Ninth and Tenth avenues. The area is part of the Fulton Houses campus and is currently occupied by off-street vehicle parking. Residents of 420-422 West 20<sup>th</sup> Street, a residential condominium abutting the north side of NYCHA property, expressed alarm at the suggested location and concern that the compactor would result in the presence of vermin, odor, noise and disturbance associated with its operation. In addition to testimony presented at the hearing, the Commission is in receipt of correspondence from representatives of the 420-422 West 20<sup>th</sup> Street condominium, dated September 22, 2013, reinforcing these concerns. Artimus Construction, with support from HPD, NYCHA and Community Board 4, addressed the proposed location of the compactor and potential nuisances in a letter to the Commission dated October 31, 2013. The letter describes how each of the parking areas on the Fulton Houses campus was evaluated for location of the compactor. The Commission believes that the relief outlined in the letter satisfactorily responds to concerns raised. The applicant has agreed to petition the Department of Sanitation to allow the location of the compactor 25 feet from the street line, rather than the required 35 feet from the street line, to allow a 35-foot distance from the compactor to windows at 420-422 West 20<sup>th</sup>

Street; the replacement of a chain-link fence on the lot line between the NYCHA property and the condominium with an eight-foot tall stockade fence; the planting of a buffer of 15 to 25 feet deep to the north of the compactor with trees and shrubs that will provide substantial screening; the installation of a 12-foot tall louvered steel fence around the compactor and bulk storage container; and the repainting of the compactor and adjacent bulk container.

The Commission acknowledges recommendations by the Borough President and Community Board 4 regarding the building design, amenities and affordability. While the Commission recognizes that the application is for a zoning map amendment, and not for the review of a particular façade treatment, landscaping plan or affordability program, the Commission is pleased nonetheless that the applicant has been working with the Community Board to address their concerns and has agreed to many of the Board's recommendations, including an increase in the tenant preference for NYCHA residents from 20 percent to 25 percent.

The proposed development will not comply with the applicable provisions of the Zoning Resolution regarding the street tree planting, parking and curb cut width requirements. Approval of this application recognizes the City's right, when performing a governmental function, not to be subject to these zoning requirements. HPD and NYCHA currently seek a Mayoral Zoning Override in connection with the subject project.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment;

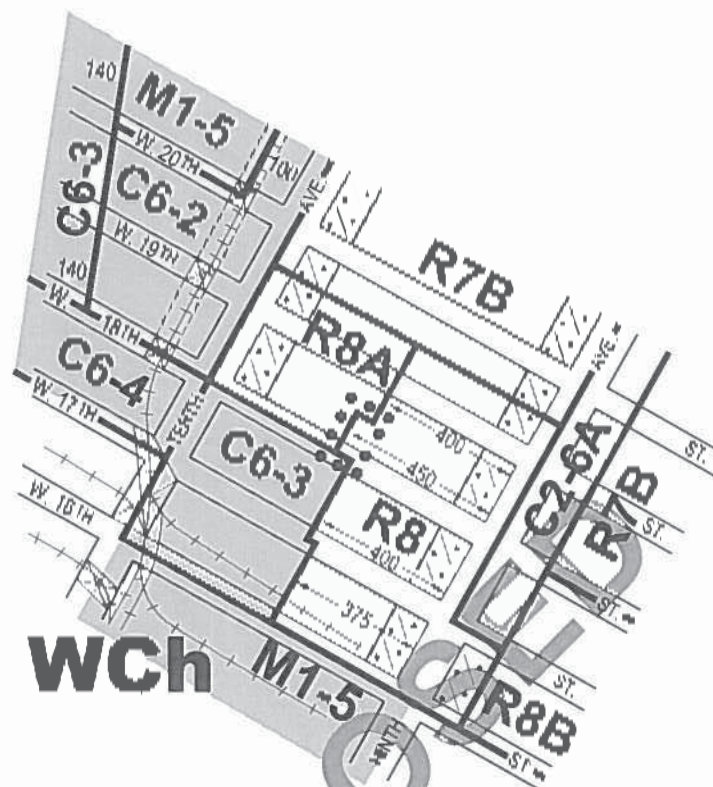
**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8b, changing from an R8A District to an R8 District property bounded by a line midway between West 19th Street and West 18th Street, a line 400 feet westerly of Ninth



Avenue, West 18th Street, and a line 450 feet westerly of Ninth Avenue, Borough of Manhattan, Community District 4, as shown on a diagram (for illustrative purposes only) dated July 8, 2013.

The above resolution (C 140001 ZMM), duly adopted by the City Planning Commission on November 20, 2013 (Calendar No. 5), 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.,**  
**ALFRED C. CERULLO, *III*, BETTY Y. CHEN, MICHELLE R. DE LA UZ,**  
**MARIA M. DEL TORO, RICHARD W. EADDY, ANNA HAYES LEVIN,**  
**ORLANDO MARIN, Commissioners**



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
ON SECTIONAL MAP  
**8b**



BOROUGH OF  
**MANHATTAN**

New York, Certification Date  
JULY 08, 2013

I. Sadko, P.E. Deputy Director  
Technical Review Division



**NOTE:**

- Indicates Zoning District Boundary.
- ..... The area enclosed by the dotted line is proposed to be rezoned by changing an R8A District to an R8 District.
-  Indicates a C2-5 District.
-  Indicates a Special West Chelsea District.



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**COREY JOHNSON**  
Chair

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

September 16, 2013

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

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

Dear Chair Burden:

At its regularly scheduled Board Meeting on September 4, 2013, Manhattan Community Board 4, following a duly noticed public hearing, voted by roll call 28 for, 3 against, 0 abstaining and 1 present not eligible to recommend denial of applications 1400001 ZMM for a zoning map amendment and N 1400002 ZAM for a zoning authorization to enable the construction of an affordable housing project on a parking lot in the Fulton Houses unless the conditions discussed below on unit distribution, outdoor areas, jobs and other concerns are met.

### **Background**

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

When the proposed West Chelsea rezoning reached the City Council, negotiations resulted in a document, West Chelsea - Points of Agreement, increasing the projected percentage of affordable units from the 17% included in the proposal approved by the City Planning Commission to 26%. In order to reach this goal, the Administration committed, subject to HUD and other public approvals, to develop affordable housing on sites in the New York City Housing Authority (NYCHA) Elliott-Chelsea and Fulton Houses, anticipating the creation of 128 and 100 units of permanently affordable housing, respectively. Following an RFP by NYCHA and the Department of Housing Preservation and Development (HPD), Artimus Construction, Inc.

(Artimus) was selected to develop affordable housing buildings on existing parking lots in each NYCHA development. The Elliott-Chelsea project was completed in 2011 with 168 permanently affordable housing units. The Fulton project proved to be more difficult financially and was delayed.

The 2012 Chelsea Market rezoning included a contribution to the West Chelsea Affordable Housing Fund as a condition of utilizing the floor area bonus granted by the rezoning. The Administration committed to using the expected funds for the Fulton project, and after taking into account these funds NYCHA and HPD concluded that the number of affordable units on the Fulton site could be increased to at least 150, enhancing the financial feasibility of the project. In addition, in order to advance the project, the Administration agreed to commit the necessary funds, up to approximately \$4.7 million, if at the time of the anticipated closing in June 2014 the Chelsea Market contribution to the West Chelsea Affordable Housing Fund had not yet been made.

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

### **Unit Distribution**

As noted above, CB4 has long had a policy that new affordable housing units should be affordable to people with a range of low, moderate and middle incomes. In its October 10, 2006 resolution to HPD, the Board stated that the 100 affordable units on the Fulton Houses site should be developed with income bands of 80%, 125% and 165% of Area Median Income (AMI). Three years later, an August 31, 2009 resolution to HPD rejected the then current proposal and requested this distribution:

<b>% AMI</b>	<b>80%</b>	<b>125%</b>	<b>165%</b>
<b>% Units</b>	<b>20%</b>	<b>40%</b>	<b>40%</b>

Again three years later, on October 25, 2012, the Office of the Mayor signed the Chelsea Market Points of Agreement (POA) increasing the number of permanently affordable units on the Fulton Houses site from 100 to 150 and setting this distribution:

<b>% AMI</b>	<b>50%</b>	<b>80%</b>	<b>130%</b>	<b>165%</b>
<b>% Units</b>	<b>20%</b>	<b>20%</b>	<b>20%</b>	<b>40%</b>

The 158 affordable units in the Proposed Development conform to this distribution and the POA.

### **Project Description**

The Proposed Development consists of an 18 story, 172 foot tall building with a footprint of approximately 7,200 sq. ft. on a site located in the middle of the block bounded by West 18<sup>th</sup> and 19<sup>th</sup> Streets and by Ninth and Tenth Avenues (Block 716, Lot 17). An existing 230 foot tall

Fulton Houses Building is located immediately to the northeast. The shadow of the Proposed Development falls within the shadow cast by this building.

The Proposed Development will include a 4,300 sq. ft. community facility on the ground floor, and adjacent ground level areas will include a 1,275 sq. ft. space for the community facility, 1,986 sq. ft. of tenant space with a play area, and 115 sq. ft. of open space. Artimus also has proposed improvements for two Fulton outdoor areas:

- To an existing play area, Artimus will provide a children's basketball hoop, benches, a hopscotch area and planters and plantings; and
- To an existing basketball court, Artimus will resurface and repaint the basketball court, and provide new basketball backboards and hoops.

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

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

<b>Total 157 units (plus 1 Superintendent)</b>	<b>Number</b>
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

#### **Income at 50% of Area Median Income (\*)**

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

#### **Income at 80% of Area Median Income (\*)**

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

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

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		

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

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		

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

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

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

**Requested Actions**

- **1400001 ZMM - Zoning Map Amendment.** The zoning on Block 716, between West 18<sup>th</sup> and 19<sup>th</sup> Streets and Ninth and Tenth Avenues, is divided evenly between R8A on the western half of the block and R8 on the Eastern half of the block. The requested action would rezone the area between 400' west of the Ninth Avenue block front and 450' west of the Ninth Avenue block front, between West 18<sup>th</sup> Street and the midpoint of the block between West 18<sup>th</sup> and 19<sup>th</sup> Streets, from R8A to R8 .
- **N 1400002 ZAM - Zoning Authorization.** The requested action would waive base height, building height, front and rear setbacks and sky exposure plane requirements as follows:
  - The street wall would be 124 feet instead of the required 85 feet, with a setback of 10 feet at 124 feet instead of 20 feet at 85 feet;

- The building would penetrate the required sky exposure plane ratio of 2.7; and
- The building would rise to 172 feet 4 inches without the required 20 foot rear setback at 125 feet.

#### **CB4 Recommendations**

In 2004 CB4 identified this Fulton Houses parking lot as one of several city-owned parcels on which affordable housing could be developed in order to fulfill the Board's requirement that 30% of all new housing units resulting from the West Chelsea rezoning be affordable. To date the West Chelsea rezoning has resulted in 741 affordable units and the preservation of 317 units through the demolition restriction, as summarized in the table below.

<b>Description</b>	<b>Units</b>		
	<b>Completed</b>	<b>Fulton</b>	<b>Total</b>
<b>40% of AMI</b>	<b>6</b>	<b>-</b>	<b>6</b>
<b>50% of AMI</b>	<b>477</b>	<b>32</b>	<b>509</b>
<b>80% of AMI</b>	<b>125</b>	<b>32</b>	<b>157</b>
<b>125% of AMI</b>	<b>20</b>	<b>-</b>	<b>20</b>
<b>130% of AMI</b>	<b>-</b>	<b>31</b>	<b>31</b>
<b>165% of AMI</b>	<b>58</b>	<b>63</b>	<b>121</b>
<b>195% of AMI</b>	<b>55</b>	<b>-</b>	<b>55</b>
<b>Totals</b>	<b>741</b>	<b>158</b>	<b>899</b>
<b>Preserved</b>	<b>-</b>	<b>-</b>	<b>317</b>
<b>Total West Chelsea Affordable Units</b>			<b>1,216</b>

CB4 has supported development of affordable housing on this Fulton Houses site and is pleased that the Chelsea Market contribution to the West Chelsea Affordable Housing Fund will result in nearly 60% more affordable units than originally expected. However, the Board cannot accept the proposed project in its current form and thus recommends denial of the applications unless the following conditions are met.

- **Conditions on Unit Distribution, Preferences, Pets and ADA Accessibility**

- CB4 encourages the development of larger units for families and notes that 25% of the proposed units are two bedroom units, and that these are distributed across all four income bands. The Board is disappointed, however, that there are no three bedroom units in the proposed building. As a condition to a recommendation for approval CB4 requires that the unit distribution be adjusted to provide that 5% the units be three bedroom units and that they be distributed across the four income bands.
- The NYCHA preference will be increased from 20% to 25%.
- The building must be pet-friendly.

- Artimus will provide ADA-compliant units.

- **Conditions on the Community Facility and the Outdoor Areas**

- Artimus and CB4 will establish a working group comprised of representatives from Artimus, CB4, the Fulton Houses Tenants Association and our local electeds. The working group will be tasked with determining a recommended use for the community facility space and deciding on the design and improvements for the playground and the basketball court. Open space design and improvements must be decided prior to CPC action on the applications and a recommendation on the community facility must be made prior to the start of construction.
- Based on the increased need caused by the closing of St. Vincent's Hospital, CB4 would prefer a health related use for the community facility and asks Artimus to give such a use priority. Whatever the final determination, Artimus must subsidize the rent of the community facility to make it affordable.
- The work on the playground and the basket ball court improvements must start no later than when construction starts on the building and must be completed within 90 days. In addition, Artimus must commit to providing ongoing support to maintain them in good condition.
- Artimus will develop the building to include a green roof.
- Artimus will work with NYCHA to improve adjacent NYCHA landscaping.
- In relocating the dumpster, NYCHA and Artimus will meet and work with owners and tenants of adjacent properties, as well as CB4 representatives, during the site selection process to select a site that has the least possible impact on neighboring buildings. They will submit a siting plan to CB4 prior to the CPC hearing on the applications. See Appendix A for preliminary siting plan.

- **Conditions on Jobs**

- CB4 requests that Artimus support a Community Jobs Project for its Fulton Houses Development and that it work with the Board to implement it, including holding periodic job fairs, posting all job openings on the CB4 jobs website, and working in good faith with the Board to identify and hire employees from tenants living adjacent to the Proposed Development and from within CD4.
- CB4 also requests that Artimus pay its workers family-sustaining wages, with affordable health care and retirement benefits, in order to help create a strong community, a strong middle class and a growing local economy; and provide appropriate training to its Fulton Houses workers so that they have an opportunity to advance in their careers.



- **Conditions on the Façade**

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

- **General Recommendations**

- CB4 and the community were distressed by the unseemly haste with which this application was certified. Important peripheral issues remained unresolved at certification, leading to rumors and the dissemination of incorrect information that inflamed the community. CB4 prides itself on its community outreach, holding as many public meetings as necessary to ensure that issues are raised and discussed in public and that people have the opportunity to ask questions and express their opinions. The Board believes that DCP, CPC and the applicant should have delayed certification until the outstanding issues were resolved and recommends that more attention be paid to timing and the interests of the community in the future.
- CB4 welcomes the 158 permanently affordable units the modified Proposed Development will create. We note, however, that the city cannot celebrate the creation of new affordable housing units while neglecting existing units. The Board believes that in order to protect and expand affordable housing, building new units must be accompanied by effective upkeep of current units and that appropriate funds for maintenance must be made available.

### **Non-CPC Actions**

In addition to the Zoning Map Amendment and the Zoning Authorization described above, the applicant is requesting two Mayoral Zoning Overrides. The first, to waive street tree planting requirements of ZR 23-03 and 26-41, would require the applicant to provide street trees based on the development site street frontage rather than the zoning lot street frontage. CB4 recommends approval of this waiver on the assurances of the applicant that they will work with NYCHA to enhance adjacent landscaping on the Fulton Houses block in addition to providing the required number of street trees.

The second, to waive the accessory off-site parking requirements of ZR 13-21, 13-443 and 13-455, would permit the location of required accessory parking spaces on zoning lots to which they are not accessory. CB4 recommends approval of this waiver as long as the screening requirements of ZR 13-221 (1) and 25-66, and the curb cut and pedestrian safety requirements of ZR 13-242 are met, noting that there will be no reduction in the number of current NYCHA parking permits (See Appendix A).

CB4 looks forward to the addition of 158 units of affordable housing to CD4 and will work with the applicant to ensure that the Proposed Development fulfills the promise of the West Chelsea rezoning and is responsive to the needs of the community.

Sincerely,



Corey Johnson  
Chair



J. Lee Compton  
Co-Chair  
Chelsea Land Use Committee



Betty Mackintosh  
Co-Chair  
Chelsea Land Use Committee

cc: Robert Ezrapour, Evan Kashanian – Artimus Construction  
RuthAnne Visnauskas, Beatriz de la Torre, Thehbia Walters – HPD  
Fred Harris – NYCHA  
Edith Hsu-Chen, Adam Wolff, Karolina Hall - DCP  
Gail Benjamin, Danielle DeCerbo – City Council Land Use Division  
Melanie LaRocca, Harriet Sedgwick - NYC Council Speaker Christine Quinn  
Brian Cook, Michael Sandler – Manhattan Borough President Scott Stringer  
NYS Senator Brad Hoylman  
NYS Assemblyman Richard Gottfried  
US Congressman Jerrold Nadler



RELOCATED  
COMPACTOR

A

PARKING  
(13 SPACES)

← WEST 19th STREET ←

WEST 19th

STREET

PERMANENTLY  
AFFORDABLE HOUSING  
DEVELOPMENT SITE

B

PARKING (15 SPACES)

→ WEST 18th STREET →

NYCHA-ONLY PARKING  
(7 SPACES)

C1

PARKING  
(12 SPACES)

PARKING (29 SPACES)

C2

WALKWAY REDUCED  
FROM 15' TO 5'

← WEST 17th STREET ←

WEST 17th

STREET

D

PARKING (32 SPACES)

Information Sheet 1: Parking Space Inventory  
Artimus: Community Board 4 Land Use Committee Meeting  
Fulton Houses Development Project  
August 19 2013

Parking Space Inventory: Tenants

	Existing Parking	Proposed Parking	Difference
Area A	21	13	(8)
Area B	36	15	(21)
Area C1	0	12	12
Area C2	29	29	0
Area D	28	32	4
<b>Total</b>	<b>114</b>	<b>101</b>	<b>(13)</b>

Parking Space Permit Holders: Tenants

	NYCHA Permit Holders	Proposed Parking	Difference
Area A	21	13	(8)
Area B	31	15	(16)
Area C1	0	12	12
Area C2	19	29	10
Area D	25	32	7
<b>Total</b>	<b>96</b>	<b>101</b>	<b>5</b>

Parking Space Inventory: Employees

	Existing Parking	Proposed Parking	Difference
Area C1	4	0	(4)
On-Street NYCHA Staff Parking	0	7	7
<b>Total</b>	<b>4</b>	<b>7</b>	<b>3</b>

*Note that all permit information has been provided by NYCHA management Staff on August 19 2013*

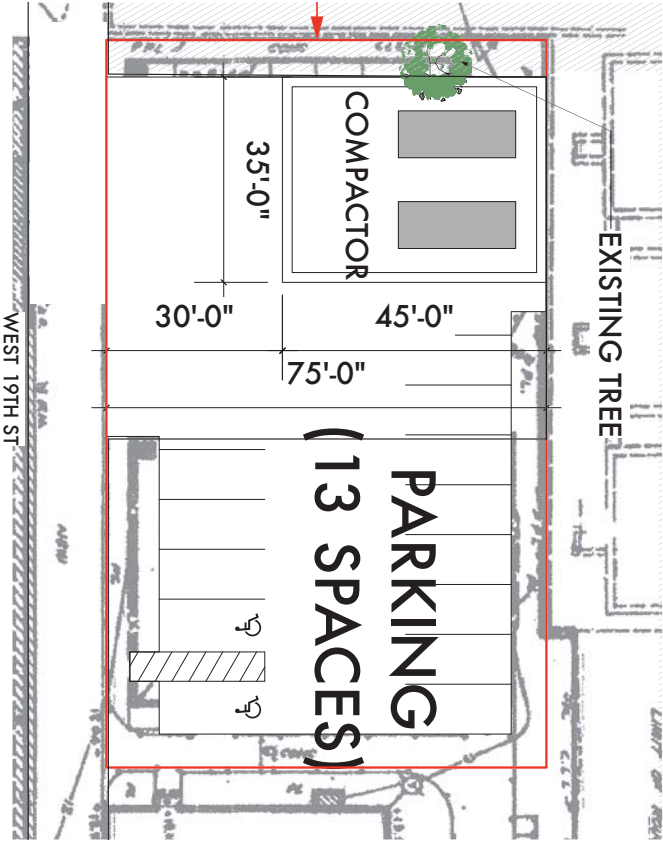


COMPACTOR LOCATIONS

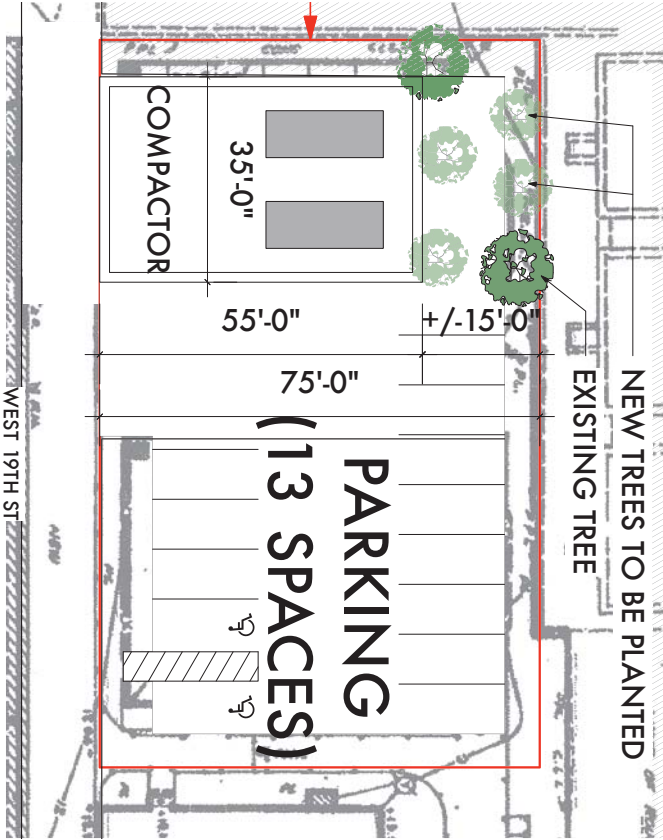
CLIENT:  
ARMURA  
200 WEST 118 STREET  
NEW YORK, NY 10026  
F 646 403 4440  
F 646 403 4440

ARCHITECT:  
Gertner Lynch & Watson Architects, PC  
443 Park Avenue South  
NEW YORK, NY 10016  
P 212 679 6362  
F 212 679 5877

ORIGINAL PROPOSAL

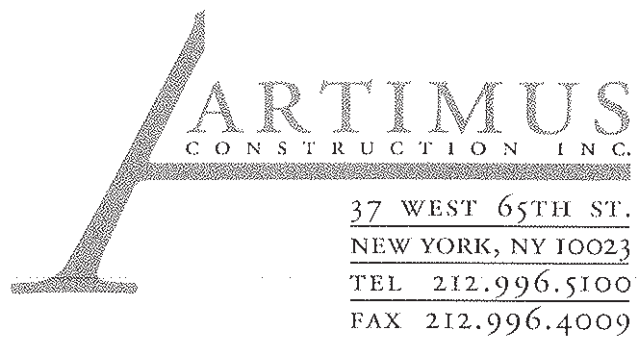


REVISED PROPOSAL



NOTE: DEPT. OF SANITATION WAIVER REQ'D FOR DISTANCE BETWEEN PROPERTY LINE + COMPACTOR

- GREEN BUFFER\* OF HEDGES AND TREES TO BE IMPLEMENTED FOR PURPOSE OF CREATING VISUAL AND AURAL BUFFER BETWEEN THE COMPACTOR AND NEIGHBORING BUILDINGS
- DIFFERENT SPECIES OF TREES TO BE STUDIED FOR PURPOSE OF SELECTING OPTION WITH ADEQUATE FOLIAGE TO BLOCK NOISE AND SIGHT
- ADDITION OF LOUVERED FENCE ON 19TH STREET TO BE STUDIED FOR PURPOSES OF BLOCKING NOISE AND SIGHT



September 16, 2013

Lee Compton  
Co-Chair, Chelsea Land Use Committee  
Manhattan Community Board 4  
330 West 42nd Street, 26th Floor  
New York, NY 10036

**Re: 429-433 West 18<sup>th</sup> Street  
Fulton Houses Parking Lot Development**

Dear Mr. Compton:

This letter confirms the commitments made to Manhattan Community Board 4 (CB4) by Artimus Construction to address the issues raised by CB4 in its resolution recommending denial with conditions the proposed zoning map amendment and zoning authorization (ULURP Application Nos. N 140001 ZMM and N 140002 ZAM) to enable the construction of an affordable housing project on a parking lot in the Fulton Houses. The commitments are noted below:

**Unit Distribution, Preferences, and ADA Accessibility**

Artimus agrees to:

- Explore the possibility of converting 5% of the units in the project to three bedroom units;
- Request that the NYC Department of Housing Preservation and Development increase the NYCHA preference from 20% to 25% of the units; and
- Follow HPD and ADA requirements in meeting ADA-compliance for all units.

**Community Facility and Outdoor Areas**

Artimus agrees to:

- Work with CB4 to establish a working group comprised of representatives from Artimus, CB4, the Fulton Houses Tenants Association and local elected officials. The working group will be tasked with determining a recommended use for the community facility space and deciding on the design and improvements for the playground and the basketball court;
- Consider that CB4 considers healthcare-related tenants a priority use for the community facility space in the building;

- Ensure rental rates for the community facility space are affordable for a community facility use;
- Start work on the playground and basketball court improvements within 30 days of construction start. Improvements will be completed within 90 days of construction start.
- Provide ongoing support to maintain the playground and basketball court in good condition;
- Include a green roof in the proposed development;
- Work with NYCHA and provide improvements to the adjacent NYCHA landscaping; and
- Meet and work with CB4 representatives, NYCHA and the owners and tenants of adjacent properties to minimize the impact of dumpster relocation on the neighboring building. Artimus will submit revised dumpster layouts to CB4 prior to the CPC hearing on these applications.

### **Conditions on Jobs**

Artimus agrees to:

- Support a Community Jobs Project for this development and to work with CB4 to implement it, including holding periodic job fairs, posting all job openings on the CB4 jobs website, and working in good faith with CB4 to identify and hire as employees tenants living adjacent to the proposed development and from within CD4.

### **Conditions on the Façade**

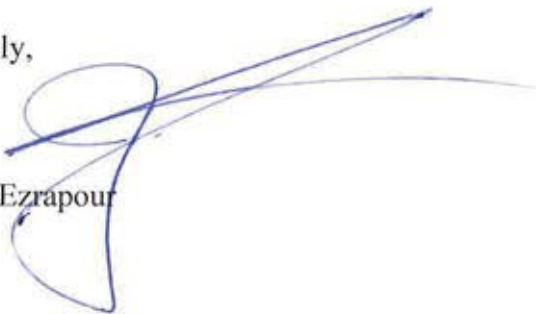
Artimus agrees to:

- Present a façade design to the Chelsea Land Use committee and to agree with CB4 on the final façade design prior to the CPC hearing on the project.

Artimus appreciates the time and support CB4 has provided to this project and looks forward to working closely to ensure this project is a success.

Sincerely,

Robert Ezrapour





September 16, 2013

Joe Restuccia  
Co-Chair, HH&HS Committee  
Manhattan Community Board 4  
330 West 42nd Street, 26th Floor  
New York, NY 10036

**Re: 429-433 West 18<sup>th</sup> Street  
Fulton Houses Parking Lot Development**

Dear Mr. Restuccia:

Artimus Construction has been working with Manhattan Community Board 4's (CB4) Chelsea Land Use (CLU) Committee on Artimus' proposed zoning map amendment and zoning authorization (ULURP Application Nos. N 140001 ZMM and N 140002 ZAM) to enable the construction of an affordable housing project on a parking lot in the Fulton Houses. As part of those discussions, Artimus stated that no pets would be allowed in the development. As per your request, Artimus has reconsidered our policy. We wish to inform you that we have agreed to allow pets in this development, in compliance with all New York City Health Requirements.

Artimus appreciates the thoughtful input CB4 has provided in supporting this project and looks forward to working closely to ensure the development is successful.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Robert Ezrapour', is written over the printed name. The signature is stylized with a large, sweeping loop.

Robert Ezrapour





CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
[www.nyc.gov/mcb4](http://www.nyc.gov/mcb4)

**COREY JOHNSON**  
Chair

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

October 22, 2013

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

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

Dear Chair Burden:

At its regularly scheduled CB 4 Chelsea Land Use Committee meeting on October 21, 2013, the Committee voted unanimously to recommend approval\* of the following elements of the applications 1400001 ZMM for a zoning map amendment and N 1400002 ZAM for a zoning authorization to enable the construction of an affordable housing project on a parking lot in the Fulton Houses:

1. The design of the building façade, as presented by the development team, which would have an attractive mix of traditional and modern features that would be compatible with the adjacent Fulton Houses campus and the West Chelsea neighborhood. The building exterior would have vertical columns and bundles of windows, two types of brick, several cornices, a setback, and glass canopies.
2. The increase in the tenant preference for NYCHA Fulton residents from 20 percent to 25 percent.
3. Fewer and smaller curb cuts, as part of the Mayoral Zoning Override.
4. A redistribution and reduction in the number of parking spaces from 101 to 100 to accommodate turning movements, as determined by NYCHA analysis.

CB 4 is very pleased that the developer, Artimus, has agreed to many of CB 4's recommendations for this project, and welcomes the much-needed 158 permanently affordable units that will be added to the Chelsea community.

Sincerely,



Corey Johnson  
Chair



J Lee Compton  
Co-Chair  
Chelsea Land Use Committee



Betty Mackintosh  
Co-Chair  
Chelsea Land Use Committee

\*To be ratified by the full Board on 11/6/13

cc: Robert Ezrapour, Evan Kashanian – Artimus Construction  
RuthAnne Visnauskas, Beatriz de la Torre, Thehbia Walters – HPD  
Fred Harris – NYCHA  
Edith Hsu-Chen, Adam Wolff, Karolina Hall - DCP  
Gail Benjamin, Danielle DeCerbo – City Council Land Use Division  
Melanie LaRocca, Harriet Sedgwick - NYC Council Speaker Christine Quinn  
Brian Cook, Michael Sandler – Manhattan Borough President Scott Stringer  
NYS Senator Brad Hoylman  
NYS Assemblyman Richard Gottfried  
US Congressman Jerrold Nadler

# Borough President Recommendation

City Planning Commission  
22 Reade Street, New York, NY 10007  
Fax # (212) 720-3356

## INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application: C 140001 ZAM and N 140002 ZAM

### Docket Description:

**IN THE MATTER OF** an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, changing from an R8A District to an R8 District property bounded by a line midway between West 19<sup>th</sup> Street and West 18<sup>th</sup> Street, a line 400 feet westerly of Ninth Avenue, West 18<sup>th</sup> Street, and a line 450 feet westerly of Ninth Avenue, Borough of Manhattan, Community District 4.

**IN THE MATTER OF** an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an authorization pursuant to Section 23-635 of the Zoning Resolution to modify height and setback requirements of Sections 23-632 and 23-663(a) to facilitate the construction of an 18-story affordable housing building on West 18<sup>th</sup> Street, Community District 4, Borough of Manhattan.

COMMUNITY BOARD NO:

4

BOROUGH: Manhattan

## RECOMMENDATION

- ☐ APPROVE
- ☒ APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- ☐ DISAPPROVE
- ☐ DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

  
BOROUGH PRESIDENT

Oct 16, 2013  
DATE



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

SCOTT M. STRINGER  
BOROUGH PRESIDENT

October 16, 2013

**Recommendation on**  
**ULURP Application Nos. C 140001 ZMM and N 140002 ZAM -**  
**Fulton Houses**  
**by New York City Department of Housing Preservation and Development**

**PROPOSED ACTIONS**

The New York City Department of Housing Preservation and Development ("HPD" or "the applicant") and 18<sup>th</sup> Street Fulton Equities LLC<sup>1</sup> seek two zoning actions to facilitate the development of an 18-story affordable housing project on a portion of the Robert Fulton Houses, a site owned by the New York City Housing Authority ("NYCHA") in the Chelsea neighborhood of Manhattan Community District 4. The proposed project is located on Block 716, Lot 17 on the north side of West 18<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> avenues.

HPD seeks a **Zoning Map Amendment (C 140001 ZMM)**, pursuant to Sections 197-c and 201 of the New York City Charter, to change an existing R8A to a R8 zoning district. The R8 district is currently mapped to a depth of 400 feet from 9<sup>th</sup> Avenue, covering a portion of the project site. The proposed map amendment would extend the district 50 feet to the west, and north to the block centerline, to encompass the entire zoning lot.

HPD also seeks a **Zoning Authorization (N 140002 ZAM)**, pursuant to Zoning Resolution ("ZR") § 23-635, to waive base height, building height, front and rear setback requirements, and sky exposure plane encroachment. ZR § 23-635 allows for a waiver of the underlying R8 height and setback requirements by the City Planning Commission ("CPC") provided a "showing of compelling necessity."

Finally, HPD and NYCHA are requesting two **Mayoral Zoning Overrides**, not subject to CPC review. First, the applicant seeks a waiver of the street tree planting requirements of ZR §§ 23-03 and 26-41, which would require 34 street trees based on the size of the zoning lot. Further, the applicant seeks a waiver of accessory off-street parking requirements pursuant to ZR §§ 13-

<sup>1</sup> 18<sup>th</sup> Street Fulton Equities LLC is a subsidiary of Artimus Construction. Artimus is managed by Ken Haron, President.



21, 13-443, and 13-455 to allow NYCHA to locate accessory parking spaces on zoning lots to which they are not accessory.

## PROJECT DESCRIPTION

HPD seeks to develop an 18-story building that will consist of 158 units of permanently affordable housing on the north side of West 18<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> avenues, in the Chelsea neighborhood of Manhattan. The development site is an 11,040 sq. ft. lot that currently contains 22 parking spaces and a garbage compactor for the Robert Fulton Houses (“Fulton Houses”), a NYCHA complex that stretches over four blocks, from 16<sup>th</sup> to 20<sup>th</sup> streets. The proposed development will include a community facility space on the ground floor, and a 1,275 sq. ft. rear yard for the community facility and 1,986 sq. ft. tenant yard with a play area. Permanently affordable housing will be provided through the project at 50, 80, 130 and 165 percent of the Area Median Income (“AMI”).

### *Project History*

As part of the 2005 Special West Chelsea District designation, a set of compromises between the City and Community Board 4 were codified in the West Chelsea Points of Agreement document. This set of agreements included the goal that 26 percent of all housing units in the rezoning area will be permanently affordable, and the West Chelsea Affordable Housing Fund (“WCAHF”) was created to accept developer contributions. To reach this housing goal the City committed to developing buildings on two NYCHA sites, Elliot-Chelsea<sup>2</sup> and Fulton Houses, anticipating the creation of 128 and 100 units of affordable housing. The Elliot-Chelsea project was completed in 2011 with 168 units of permanently affordable housing. The 2012 Chelsea Market rezoning included a contribution to the WCAHF as a condition of utilizing the floor area bonus granted by the rezoning, and the City committed these funds to the Fulton Houses project. This additional funding increased the number of affordable units from 100 to at least 150.

### *Area Context*

Since the adoption of the Special West Chelsea District in 2005, the area surrounding the proposed project has been actively developed with a mix of residential, office and retail uses; built around the existing art galleries and commercial spaces adjacent to the High Line. The area immediately around the proposed development is characterized by a wide range of building typologies and uses. To the east of development, the neighborhood is characterized by four- to six-story residential buildings with ground floor retail on 9<sup>th</sup> Avenue. To the south and west of the development is the Special West Chelsea District containing residential uses concentrated along 10<sup>th</sup> Avenue and gallery and commercial uses located on the midblocks. Directly to the west of 10<sup>th</sup> Avenue is the High Line, and Chelsea Market is located two blocks south of the development, between West 15<sup>th</sup> and 16<sup>th</sup> streets. To the north of the development is the low-rise residential area of the Chelsea Historic District.

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<sup>2</sup> The Elliot-Chelsea Houses are a NYCHA housing complex between West 25<sup>th</sup> and 27<sup>th</sup> streets and 9<sup>th</sup> and 10<sup>th</sup> avenues.



The project sits within Fulton Houses, a 6.27 acre development containing 11 buildings with 945 residential units. The complex is characterized by low lot coverage and landscaped open spaces. The development site is on a zoning lot with a 25-story building situated at the center of the lot, two six-story buildings fronting on 9<sup>th</sup> Avenue and a basketball court.

The surrounding area to the north and east are mapped with contextual R7B and R8A zoning districts. These districts permit a floor area ratio (“FAR”) of 3.0 and 6.5, respectively. R7B districts allow building base heights of between 40 and 60 feet with a maximum building height of 75 feet, while R8A districts allow base heights of 60 to 85 feet with a maximum height of 120 feet. An R8 district is mapped along 9<sup>th</sup> Avenue to a depth of 400 feet across the NYCHA complex. This district allows the same 6.5 FAR as the R8A designation, but without a height limit. R8 districts allow a maximum street wall height of 85 feet. Above that, height and setbacks are determined by the sky exposure plane. The Special West Chelsea District, to the south and west of the site, supersedes underlying zoning designations and is separated into 10 subdistricts with bulk regulations specific to conditions along the High Line and blocks from West 15<sup>th</sup> to 30<sup>th</sup> streets.

#### *Proposed Project*

The proposed affordable housing building will contain 158 residential units<sup>3</sup> comprising a mixture of studio, one-bedroom, and two-bedroom apartments. The approximately 122,667 sq. ft. building will contain 118,357 sq. ft. of residential space and 4,310 sq. ft. of community facility space. The building will be 18 stories, with a street wall rising to a height of approximately 124 feet. After a setback of 10 feet, the building will rise to a total height of 172 feet. With the new development, the zoning lot will contain a total FAR of 5.16.<sup>4</sup>

The ground floor of the development will be used for the community facility space (not yet determined), as well as a residential lobby with mailboxes, bike storage, and the abovementioned outdoor spaces for the building’s tenants.

The development will displace the 22 existing parking spaces and garbage compactor, but these uses will be distributed to other areas of the NYCHA complex. The Fulton Houses complex currently contains 114 tenant parking spaces, which are used by 96 tenant permit holders. NYCHA proposes to restripe the other existing parking lots in the complex to accommodate the displaced spaces. After restriping, Fulton Houses will contain 101 tenant parking spaces.

The applicant will plant five street trees along the front of the development. Additionally, the developer has also proposed to improve two existing Fulton Houses outdoor areas. While the exact improvements will be worked out with the tenants and the local community board, Aritmus proposes providing a children’s basketball hoop, benches, a hopscotch area and planters to a play area along 9<sup>th</sup> Avenue, between West 16<sup>th</sup> and 17<sup>th</sup> streets. They propose to resurface and repaint the existing basketball court on the project block at 9<sup>th</sup> Avenue, and provide new backboards and hoops.

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<sup>3</sup> One of these units will be reserved for a superintendent

<sup>4</sup> Prior to construction, the development site will be subdivided into two tax lots, but will remain a single zoning lot containing the new building and the three NYCHA buildings on the site.

### *Proposed Actions*

The development site is currently split between an R8 and an R8A zoning designation. The proposed map amendment would extend the existing R8 district 50 feet west to cover the entire zoning lot. This rezoning would allow the development to be built under height factor, rather than contextual, regulations. In general, the proposed rezoning will allow a larger building in order to accommodate more units of affordable housing than would be allowed under the existing split lot zoning regulations.

The applicant also seeks a zoning authorization to waive the height and setbacks requirements of an R8 district. The R8 designation calls for a maximum street wall height of 85 feet. Above this height, buildings must set back 20 feet and then fit within a sloping sky exposure plane. At a height of 125 feet, a rear setback of 20 feet is also required. The proposed building includes a street wall height 39 feet higher than allowed, will pierce the sky exposure plane starting at a height of 85 feet, and does not include a rear setback. According to the applicant, this expansion of the building envelope will allow for the development of an additional 55 units of housing than the as-of-right building.

### **COMMUNITY BOARD'S RECOMMENDATION**

At a regularly scheduled meeting on September 4, 2013, Manhattan Community Board 4 voted to recommend conditional denial of the application by a vote of 28 in favor, 3 opposed, 0 abstentions, and 1 present not eligible to vote. Though the board has supported the development of affordable housing on this site, it does not support the project in its current form unless the following conditions were met:

#### *Unit Type and Distribution*

- Five percent of the units (8 units) should be three-bedroom apartments, distributed across income bands.
- The tenant preference for NYCHA residents, currently set at 20 percent, should be increased to 25 percent.
- The building should allow pets and should be compliant with the Americans with Disabilities Act.

#### *Community Facility and Outdoor Areas*

- The developer should create a working group to determine a recommended use for community space and to approve designs for improvements to the playground and basketball court. Open space design and improvements should be decided prior to CPC action.
- Based on the increased need caused by the closing of St. Vincent's Hospital, the developer should find a health-related tenant for the community facility space.
- Improvements to the NYCHA playground and basketball courts should be started by the time construction begins. Artimus should commit to ongoing maintenance of these spaces.
- The project should include a green roof.

- Artimus should put together a plan for the improvement of landscaping across the NYCHA complex.
- In relocating the waste compacter, the developer should consult with the community board and neighbors to select a site with the least possible impact on neighboring buildings. A siting plan should be submitted to the Board prior to CPC hearings.

#### *Jobs*

- The developer should support the Community Jobs Project and work with the Board to implement it. This could include holding periodic job fairs, posting all job openings on the CB4 jobs website, and working with the Board to identify and hire employees from tenants living adjacent to the proposed development.
- The developer should provide a living wage for all workers.

#### *Façade*

- The developer should present façade designs to the community prior to CPC hearings.

### **BOROUGH PRESIDENT'S COMMENTS**

The terms of the West Chelsea Points of Agreement represent an important victory for community-based planning. Community Board 4, working with local elected officials and the City, successfully created the framework for the inclusion of an affordable housing funding mechanism into a neighborhood rezoning. The rezoning has, since 2005, resulted in the creation or preservation of over 1,000 affordable units. The community has set ambitious targets for the creation of affordable housing in the Chelsea neighborhood, and this project represents an important advancement of this goal.

While the Community Board is one of the original architects of this project, it raises a number of concerns over the specifics of the proposed development. In response to these concerns, Artimus, in two letters dated September 16, 2013, committed to modify the project to better meet community needs. Of the above-mentioned list of community concerns, Artimus has addressed most of the outstanding questions. The developer and relevant agencies have committed to resolving all issues around employment and pets, and will include a green roof. Further, the developer has committed to working with the Community Board and other stakeholders on the identification of a tenant for the community facility space, improvements to NYCHA landscaping, and ongoing collaboration on public space design. Recently, the applicant has proposed a new garbage compactor location that was acceptable to the community and will, on October 21, 2013, meet with the community to discuss the building façade. The applicant should continue these ongoing discussions with all relevant stakeholders, but their responsiveness through the ULURP process thus far provides confidence that these efforts will be undertaken in a conscientious and open manner.

The Community Board, in their recommendation, asked that tenant preference for NYCHA residents be increased from the proposed 20 percent. The proposed development is occurring on NYCHA property and the residents of Fulton Houses will be the most directly impacted. It is, therefore, reasonable to ensure that the residents have an opportunity to occupy the new units. Further, NYCHA has a notoriously long waiting list as it serves individuals with low to very low



incomes. By encouraging qualified residents to move to the new building, the city may free additional NYCHA apartments for low-income families. In conversation with this office, Artimus, NYCHA and HPD have agreed to increase the NYCHA tenant preference to 25 percent in order to achieve this goal.

The Community Board has also requested that larger apartments be added to the building to accommodate a wider range of family types. At this time, however, the developer does not believe the inclusion of three-bedroom units will be feasible. The inclusion of three-bedroom units would necessitate a reduction in the total number of units, resulting in a financially unsound project.

The use of public land for the creation of permanently affordable housing is a highly appropriate use. The proposed land use actions are necessary in order to facilitate such a development. The project site is currently split between R8 and R8A designations. Expanding the R8 district to encompass the entire lot will allow for the development of this building under height factor regulations. The 172-foot height of the proposed building is in context with the surrounding area, which includes a 25-story building adjacent to the new development. The street wall height of 124 feet is also consistent with the height of new residential developments to the west. Finally, the proposed rezoning will not result in the creation of any new soft-sites beyond this specific project.

The zoning authorization is further necessary to complete this project. The waiver of the building envelope requirements will allow for the construction of an additional 55 units of permanently affordable housing. Though this development will pierce the sky exposure plane proscribed by zoning, the entire building lies within the shadow cast by the adjacent NYCHA buildings, thus adding few new impacts from increased density.

Finally, the requested mayoral zoning overrides are also appropriate for the completion of this project. Zoning requires developers to provide street trees based on the amount of street frontage of the zoning lot. The proposed development shares a zoning lot with a much larger NYCHA development, and therefore would be required to provide 34 street trees for this project. However, the project site only actually has 120 feet of street frontage as the rest of the property will remain in NYCHA ownership. The proposed waiver would reduce the total number of street trees to 5, which is commensurate with the available street frontage. Furthermore, the developer has committed to working with NYCHA to improve the greenery across the NYCHA zoning lot.

The waiver of parking requirements is similarly reasonable. This development will displace 22 parking spots, and the developer has worked with NYCHA to put together a plan for redistributing parking spaces across the Fulton Houses complex to ensure that all NYCHA permit-holders will still have a parking spot. The NYCHA complex encompasses four different zoning lots, however, and accessory parking requirements are tied to specific zoning lots. The mayoral override of parking requirements will therefore allow for the development but does not represent a significant reduction in the number of parking spaces available to residents.

Overall, the proposed development will be an asset to the community and the city. The diverse neighborhood of Chelsea has seen the development of a significant amount of luxury housing

over the past decade. This permanently affordable residential development, with its accompanying community facility, will help keep the Chelsea community diverse. The proposed development includes a range of apartment types and configurations, all affordable to individuals and families at the widest possible range of incomes. Furthermore, the developer and HPD have shown a commitment to incorporating community feedback into their plans and have indicated that they will continue to be responsible stewards after the development is completed.

#### **BOROUGH PRESIDENT'S RECOMMENDATION**

The proposed land use actions are necessary and appropriate to facilitate the development of 158 permanently affordable apartments. The proposed project will be an asset to the community and fits within the built context of the neighborhood. Additionally, Artimus Construction and HPD have worked with Community Board 4 to resolve community concerns in a way that has improved the project and accommodated diverse needs.

Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application Nos. C 140001 ZMM and C 140002 ZAM, provided that the applicants:

- follow through on their commitment to increase the preference for NYCHA residents from 20 to 25 percent;
- continue to consult with the Community Board and relevant stakeholders over open space designs and provide the proposed open space improvements prior to the completion of the proposed development;
- come to an agreement with the Community Board over building façade designs;
- continue to work with the Community Board to identify a health-related tenant for the community facility space; and
- follow through on all other previous commitments regarding pets, landscaping, garbage compacter siting, green roofs, and the Community Jobs Project.



Scott M. Stringer  
Manhattan Borough President