



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR
330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

Burt Lazarin
Chair

Jesse Bodine
District Manager

August 7, 2018

Marisa Lago, Chair
New York City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

Maria Torres-Springer
Commissioner
NYC Department of Housing Preservation & Development
100 Gold Street
New York, NY 10038

Re: 319-321 West 38th Street

Dear Chair Lago and Commissioner Torres-Springer:

On July 11, 2018, the Clinton/Hell's Kitchen Land Use Committee of Manhattan Community Board 4 (MCB4) discussed 319-321 West 38th Street, a site containing 16 residential units which were illegally demolished in 2015.

At the July 25th Full Board meeting, by a vote of 29 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible, Manhattan Community Board 4 voted to request a zoning text amendment to allow for the redevelopment of the site to include approximately 11 affordable units.

Background

319-321 West 38th Street consisted of two four-story and one three-story residential building of 9,575 square feet with 16 dwelling units. The buildings were renovated Old Law Tenements located midblock between Eighth and Ninth Avenues. They were renovated by students of the Berk Trade School in 1982, with a new Certificate of Occupancy issued on September 28, 1983, and have been a condominium since 1983. All three buildings are in good condition and have been continuously occupied since that time until late 2015. The buildings are located in the Special Garment Center District (SGCD), within the P-2 Preservation Area.

In December 2015, an MCB4 Board member observed construction workers erecting scaffolding around both buildings, in preparation for a demolition. The Board wrote a letter to the Department of Buildings (DOB) in January 2016 to request that DOB rescind its approval for the job applications submitted by the owner.

In the spring of 2018, the building owner approached MCB4 to develop a plan to restore the residential units and allowing development of the site to proceed.

Proposed Redevelopment

The owner has proposed the following development plan:

Proposed Development:	Residential and hotel rooms
Proposed Stories:	MCB4 awaiting plans from developer
Proposed Total Units:	Approximately 11
Proposed Affordable Units:	Approximately 11
Proposed Hotel Rooms:	143

In addition, the owner will do the following:

- Preserve building facades
- 1:1 replacement of residential floor area
 - MCB4’s request for a unit mix that better accommodates families resulted in an affordable unit count that is less than the 16 original apartments in the three buildings.
- Residential units to be subject to a Regulatory Agreement executed by the Department of Housing Preservation and Development (HPD) and the owner.
- Unit size breakdown to be determined. MCB4 has a preference for larger units that will accommodate families.

MCB4 Request

MCB4 will request language in an “A Text” to allow:

- “Sandwiching” of residential use below commercial
- Grandfathering the site to secure affordable housing
 - MCB4 has been working with the Department of City Planning (DCP) to establish a Special Permit requirement for any new hotels in the Special Garment Center District. However, the building has been vacant since before the referral date of June 11th, thus grandfathering the site.

MCB4 proposes to include a provision in the SGCD zoning for cases in which a demolition permit was granted in error by DOB:

- In a case where an owner is providing permanent affordable housing on the site, to allow residential use below commercial use
- Grandfather the sites from the proposed SGCD hotel Special Permit requirement

- To make the base FAR similar for both commercial and residential developments in which permanent affordable housing is included
- Create a text reference to the Inclusionary Housing zoning to allow a broader range of income bands
- Create a text reference to the Inclusionary Housing zoning to allow the use of both District Improvement Bonus and Inclusionary Housing Bonus in a pari passu manner

Conclusion

MCB4 has seen demolition applications filed and/or approved for 11 sites encompassing 166 residential units in our district. Owners of these locations have sought to evade the zoning requirements of each of our four Special Zoning Districts that are meant to preserve affordable, rent stabilized housing. In some of these cases, owners have sought other methods to demolish this housing.

319-321 West 38th Street is among those sites. In this case, however, MCB4 and the owner worked together to develop an innovative solution that both preserves the housing and allows development to proceed. MCB4 requests that City Planning and HPD work with the Board to ensure that both the zoning text and a Regulatory Agreement effectuate both goals.

Sincerely,



Burt Lazarin
Chair
Manhattan Community
Board 4



Jean-Daniel Noland,
Chair
Clinton/Hell's Kitchen
Land Use Committee

cc: Hon. Jerry Nadler, U.S. Congress
Hon. Brad Hoylman, New York State Senate
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Richard Gottfried, New York State Assembly
Hon. Linda Rosenthal, New York State Assembly
Hon. Corey Johnson, Speaker, New York City Council
Hon. Helen Rosenthal, City Council
Jay Segal, Representative
Nick Hockens, Representative
Edward Wallace, Representative