



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR
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Burt Lazardin
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: 317-319 West 35th 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 317-319 West 35th Street, a site containing two residential buildings which was planned to be illegally demolished.

At its July 25th Full Board meeting, by a vote of 29 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote, MCB4 voted to request a zoning text amendment and that the owner reconsider including affordable housing units on the site.

Background

317 and 319 West 35th Street are both five-story tenement buildings in the Special Garment Center District (SGCD). 317 West 35th Street contains 18 units and 319 West 35th Street contains 10 units. On May 31, 2016, MCB4 received a notice from a demolition contractor stating that these buildings were going to be demolished. The buildings are located in Preservation Area P-2 of the Garment Center Special District, where multifamily buildings cannot be demolished. NYC Department of Buildings (DOB) did not approve the demolition plans. On June 21, 2016, MCB4 sent a letter to DOB requesting a Stop Work order for the two buildings.

From December 2016 through February 2017, the owner and Board met several times to arrive at a zoning compliant plan to develop both hotel use and affordable residential housing.

Proposed Redevelopment

On June 27, 2018, the owner met with MCB4 and proposed the following development plan:

Proposed Development:	Residential and hotel rooms
Proposed Stories:	25
Proposed Total Units:	Approximately 14
Proposed Affordable Units:	Approximately 14
Proposed Hotel Rooms:	Approximately 144

In addition, the owner will do the following:

- Preserve both building facades
- 1:1 replacement of residential floor area
 - MCB4’s request for a unit mix that better accomodates families resulted in an affordable unit count that is less than the 28 original apartments in the two buildings
- Affordable residential units to be subject to a Regulatory Agreement executed by the Department of Housing Preservation and Development (HPD) and the owner

The affordable units size breakdown is expected to be as follows:

- 10 Studios
- 2-one bedrooms
- 2-two bedrooms

The owner contacted the Board in June 2018 and proposed not a hotel use but a fully residential building. The owner also proposed to eliminate the affordable units. **MCB4 urges the owner to reconsider this proposal and to work with MCB4, Department of City Planning (DCP), and City Council Land Use to provide zoning text to enable them to proceed with their original proposal.**

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 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.

317-319 West 35th 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 the owner continue working with the Board to ensure that both goals are met.

MCB4 looks forward to meeting with city agencies to implement changes that will allow this and other demolition sites in our district to proceed with construction.

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 Hockson, Representative
Edward Wallace, Representative