



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

424 West 33rd Street, Suite #580
New York, NY 10001
tel: 212-736-4536

<https://cbmanhattan.cityofnewyork.us/cb4/>

LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

July 19, 2021

Louise Carroll
Commissioner
Dept. of Housing Preservation and Development
100 Gold Street
New York, NY 10007

Re: 312 W43rd Street – Voluntary Inclusionary Housing Application

Dear Commissioner Carroll,

The Inclusionary Housing Plan Application (the “Application”) by 311 West 42nd Street LLC (the “Applicant”) for the development of 312 West 43rd Street (the “Project”) was discussed at the May 20th, 2021 meeting of Manhattan Community Board 4’s (MCB4) Housing Health and Human Services Committee. The Applicant’s proposed plan for apartment distribution, AMI bands, apartment finishes and amenities were presented.

This project was also presented to the Clinton / Hell’s Kitchen Land Use Committee at its February 10th meeting. The Applicant has applied for a Special Permit under Section 96-104 (Height and Setback Regulations) of the Special Clinton District to allow a portion of a building along West 43rd Street, where building height is capped at 66 feet, to rise an additional 23 feet, to a maximum height of 89 feet.

At its regularly scheduled full Board meeting on June 2, 2021, MCB4 voted 44 in favor, 0 opposed, 2 abstaining and 0 present but not eligible to vote to recommend the approval of the Application.

Background

The current site is comprised of a surface parking lot and office building owned by 1199 SEIU since 1970 and has been ground leased to the Applicant, to provide an ongoing source of income for the labor union and its work. The zoning lot also contains the development rights from a tenement at 319 West 42nd Street, owned and operated by Kaufman Army & Navy. That building will be preserved and not demolished.

The existing 1199 office building will be demolished, and on that site and parking lot to the west, the Applicant proposes to build a new 31-story residential building with ground floor commercial space. With a main residential entrance on West 43rd Street and commercial space on West 42nd, the development would produce 330 new apartments, including 83 affordable apartments under the Voluntary Inclusionary Housing (VIH) and 421-a programs. The current affordability regime ranges between 40-120% of the Area Median Income (AMI).

HHHS Committee Deliberation

- *Development Process*
 - *Affordable Housing Plan – VIH and 421-a Affordable Apartments*

The full complex, known by the address 314 West 42nd, will contain two types of affordable apartments. The first produced under New York City’s Voluntary Inclusionary Housing¹ program will be permanently affordable governed under a regulatory agreement recorded against the land. The other, produced under New York State’s 421-a program, will be affordable for 40 years, governed through a real estate tax abatement. However, even after expiration of the abatement, they will remain regulated through Rent Stabilization to any affordable tenant residing in the building at the expiration of this 40-year period until they vacate the unit.

MCB4 requested the Applicant clarify unit mix, distribution, and AMI levels. The Applicant responded that there will be a total of 83 units affordable with proposed AMI levels between 40-120%:

2020 Area Median Income (AMI) Band Distribution

AMI Tier	Family of one	Family of Two	Family of Three	Family of Four
40% AMI	\$31,840	\$36,400	\$40,960	\$45,480
60% AMI	\$47,760	\$54,600	\$61,440	\$68,220
120% AMI	\$95,520	\$109,200	\$122,880	\$136,440

Apartment AMI Distribution

AMI Tier	VIH	421a	Number of Units
40% AMI	15	18	33
60% AMI		33	33
120% AMI		17	17
		Total	83

Affordable Apartment Calculation

The majority of the site, not subject to this Special Permit, is located in the Perimeter Area of the Clinton Special District, with a zoning bonus through Voluntary Inclusionary

¹ Under the Special Clinton District, VIH is the as-of-right only zoning bonus available, unless otherwise specifically mapped for the Mandatory Inclusionary Housing Program

Housing. New developments in the Perimeter Area, with underlying zoning of C6-4², can receive a floor area bonus of up to 20%, increasing the maximum floor area ratio (FAR) of 10.0 to 12.0. For each square foot of floor area dedicated to affordable housing, the development receives 3.5 square feet of bonus floor area. In this case, the 20% increase is 40,166 SF, as calculated below:

To		FAR	Area
	C6-4 Lot Area		20,083 SF
	Basic FAR	10.0 FAR	200,831 SF
	Inclusionary Increase	+2.0 FAR	+40,166 SF
	Residential with Inclusionary Housing	12.0 FAR	240,997 SF

receive that 40,166 SF, that number is divided by 3.5 bonus ratio, requiring 11,476 sf of Inclusionary Housing (IH) floor area. That square footage yields, in accordance with HPD apartment design requirements, 15 permanently affordable VIH residential units.

- *Apartment Distribution—by Apartment Size*

The Applicant’s proposed project is to include 15 Inclusionary apartments, whose sizes will be apportioned as shown in the chart below.

Apartment Size	Number of Units
Studio	2
1 Bedroom	10
2 Bedroom	3
Total	15

The Board supports the proposed apartment size distribution.

- *Apartment Finishes*

The Applicant is finalizing the interior design of the Project and has outlined a list of residential finishes for both VIH and market-rate units as shown below.³

² C6-4 zoning is an R10 residential equivalent, therefore it is able to receive a bonus under VIH

³ List of residential finishes are sourced from the Developer’s presentation submitted to MCB4.

RESIDENTIAL FINISHES

	VOLUNTARY INCLUSIONARY HOUSING UNITS	MARKET RATE UNITS
<u>GENERAL</u>		
Wood Floors	Engineered wood, Spec TBD	Engineered wood, Spec TBD
Door Handle	Valli+Valli, or sim. tbd	Valli+Valli, or sim. tbd
Entry Lever	Latch or Sim.	Latch or Sim.
<u>KITCHEN</u>		
Cabinets	TBD	TBD
Counter	Quartz or Porcelain	Quartz or Porcelain
Backsplash	Quartz or Porcelain	Quartz or Porcelain
Sink	Undermount	Undermount
Refrigerator	Bosch - 24" Stainless Steel	Bosch - 24" Panel Ready
Cooktop	Bosch - 30" Electric Slide-in-Range, full size oven	Bosch - Electric Induction
Speed Oven		Bosch - 30" Black Stainless Steel
Microwave	Bosch - 30" Over Range, Stainles Steel	n/a
Dishwasher	Bosch - 24" Stainless Steel	Bosch - 24" Panel Ready
Washer/Dryer	Bosch; Stacked Ventless	Bosch; Stacked Ventless
<u>BATHROOM</u>		
Floor	Porcelain	Porcelain
Counter	Porcelain, or equal, spec TBD	Porcelain, or equal, spec TBD
Walls	Porcelain at wet walls, paint at others	Porcelain at wet walls, paint at others

The Applicant agreed to maintain equivalent design intent and integrity throughout both VIH and market-rate units apartments. The appliances are by the same manufacturer Bosch. There will be stainless steel finishes for some appliances in VIH units and panelized appliances in the market-rate units. There will be washer/dryers in all units. While the exact specifications of the residential finishes have not been finalized, an engineered wood floor has been confirmed.

- *Street Tree Planting* – Questions around street trees and conflicts with ConEdison vaults were raised during the CHKLU Committee meeting. It was confirmed that there is no conflict with the ConEd vaults. The Applicant responded that pursuant to Special Clinton District ZR Section 96-51, street trees would be planted. Current planning anticipates 10 trees planted on site and 4 trees to be located offsite. The Board requested for the applicant to return to MCB4 Transportation Committee to recommend alternate locations for those street trees, in proximity to the Development Site.

The Applicant shared at the HHHS Committee meeting that they have removed entry planters and plantings, and included up lights from below to lighten and brighten the space.

- *Amenities*

The Applicant shared the following residential amenities plan:

- *2nd Floor:*
 - *Landscaped courtyard – BBQ, Seating, Outdoor recreation*
 - *Lounge*
 - *Private workspaces*
 - *Multipurpose room – games, co-working, etc*
 - *Fitness center*
 - *Spa—sauna, steam room*

- 31st Floor:
 - Lounge
 - Private dining room
 - Outdoor terrace area with seating
 - Outdoor pool

The Applicant has not included the interior amenities floor area in the Inclusionary Housing calculation, but they amenities will be available for all. All outdoor amenities will be accessible at no extra charge. The indoor amenities will be offered at a discount for affordable housing residents.

- *Project Schedule*

The Applicant shared the updated project schedule with the Committee:

- November 2020 – June 2021 - Interior demolition of existing building
- June – September 2021 - Structural demolition
- September 2021 - Site work and foundations

Conclusion

MCB4 is pleased the Applicant has agreed to the conditions previously made by the Board. The Applicant has shown a willingness to discuss the Board’s requests in a thoughtful manner. MCB4 therefore supports this project. This project will be an important addition to Clinton/Hell’s Kitchen community and will further MCB4’s goal of fostering equitable, quality affordable housing that is economically integrated into our District.

Sincerely,

Lowell D. Kern
Chair
Manhattan
Community Board 4

Maria Ortiz
Co-Chair
Housing, Health
Human Services Committee

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

- cc:
- Hon. Corey Johnson, Speaker, New York City Council
 - Hon. Scott Stringer, New York City Comptroller
 - Hon. Gale A. Brewer, Manhattan Borough President
 - Hon. Jumaane Williams, New York City Public Advocate
 - Hon. Helen Rosenthal, New York City Council
 - Hon. Jerry Nadler, U.S. Congress
 - Hon. Brad Hoylman, New York State Senate
 - Hon. Robert Jackson, New York State Senate
 - Hon. Richard Gottfried, New York State Assembly
 - Hon. Linda B. Rosenthal, New York State Assembly