



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

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

October 10, 2012

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

**Re: 515 West 28th Street
Inclusionary Housing—Lower Income Housing Plan Application**

Dear Commissioner Wambua:

The Lower Income Housing Plan Application (the “Application”) for Lalezarian Properties LLC’s (the “Applicant”) development at 515 West 28th Street (the “Project”) was discussed at the September 20, 2012 meeting of Manhattan Community Board 4’s (CB4) Housing Health and Human Services (HH&HS) Committee. At the October 3, 2012 Full Board meeting, CB4 voted to recommend **approval** of the Application **with conditions**.

The Project: An Overview

The project site is on Tenth Avenue, between West 28th and West 29th Streets, with the High Line running through the site. The site also includes three development rights parcels that are transferring development rights to the Project. This site is located partially within Subarea A and partially within Subarea B of the Special West Chelsea District and is zoned partially as C6-4 and partially as C6-3. The underlying zoning establishes a maximum Floor Area Ratio (FAR) of 6.5 which is bonusable to 12 via a combination of a contribution to the High Line Improvement Fund and the construction of Inclusionary Housing. The Applicant has elected to pursue both of these bonuses.

The Project is one building with three wings. These wings include a 35-story tower on Tenth Avenue and a 13-story building on both West 28th and West 29th Streets. The Project includes a total of 375 units of which 75 are reserved for low income individuals and families earning less than 50% of Area Median Income (AMI). Those 75 units include 18 two-bedrooms, 37 one-bedrooms, and 20 studios. The building also includes ground floor retail space and an accessory parking garage.

Housing Program

The Project is an 80/20 building financed with tax-exempt bonds from the New York State Housing Finance Agency (“NYS HFA”). This requires that 20% of the apartments, 75 units, be affordable to low income individuals and families. Those same 20% low income units are made permanently affordable through a deed restriction under the New York City Inclusionary Housing Program. The Application, submitted to the New York City Department of Housing Preservation and Development (HPD) by the Applicant will govern the 75 apartments which will be created under the Inclusionary Housing Program and made available to those at or below 50% of Area Median Income (AMI). CB4 is pleased that all of the inclusionary units for the Project will be developed on-site. CB4 celebrates its diversity and the Project, if fully integrated, will celebrate that diversity.

Amenities

The Project features a lounge and a roof terrace which are open to all residents of the building, though there may be a fee for private parties in the lounge. Additionally, there is a pool and a fitness room which are open to all residents for an annual fee. This annual fee will be discounted for the low-income residents of the building as per NYS HFA rules. Additionally, there is a laundry room and the Applicant is considering installing a washer and dryer in every one- and two-bedroom unit in the building. If washers and dryers are installed in the units, they will be in every one- and two-bedroom unit, including the affordable units.

NOW, therefore, be it resolved that Manhattan Community Board 4 recommends approval of the Application for 515 West 28th Street, ***provided the following conditions, which have been agreed to by the Applicant, are included in the Lower Income Housing Plan executed by HPD:***

Permanent Affordability

- A Restrictive Declaration be filed that requires development of 75 units of housing in the Project, affordable *in perpetuity*, to those earning less than 50% of AMI.

Marketing

- The Inclusionary units will be subject to a 50% community preference.

Amenities

- All residents will have equal and free access to the lounge and roof terrace; and
- The low-income tenants will be charged a lesser fee than the market-rate tenants are charged in order to provide equal access to the fee-based amenities. CB4 appreciates that the Applicant is providing a reduced amenity fee for the low-income residents of the building; however, the Board requests follow-up correspondence from the Applicant on the exact cost of the amenities.

NOW, therefore, be it further resolved that Manhattan Community Board 4 recommends approval of the Application for 515 West 28th Street, ***provided the following conditions, which have been not yet been agreed to by the Applicant, are included in the Lower Income Housing Plan executed by HPD:***

Apartment Distribution

Among Floors

- While the Applicant has met the HPD requirement of having affordable units distributed amongst 65% of the floors, CB4 requests that affordable units be distributed throughout 80% of the floors with at least one unit on each floor and no more than 33% of the total units on each floor being affordable. CB4 also reiterates its longstanding position that apartment distribution should be among 100% of the floors.

Within Floors

- CB4 requested that on some floors, affordable units be exchanged with market-rate units which face the High Line. This change in apartment distribution will ensure better light and air for affordable units and create a more equitable apartment distribution.

Apartment Finishes

- CB4 requests that all of the finishes for the affordable units be the same as the finishes in the market rate units in the building. The Board requests that the Applicant provide *all the same finishes*.

Amenities

- The Applicant is considering provide WI-FI access in the public areas. It is unclear whether this service will be free or there will be cost. If there is a cost, CB4 requests that there be a discounted fee for the affordable units and that the Applicant provides follow-up correspondence to the Board on those fees.

Tenement Protection

- The Project is immediately adjacent to century-old tenement buildings. CB4 requests both that the Applicant design the foundation support for the Project to minimize the effect on these existing buildings and that the Applicant provide protection during construction to both protect the buildings and minimize the effects of the construction.

The Board looks forward to continuing to work with the Applicant and HPD to bring 515 West 28th Street's proposed Lower Income Housing Plan to an equitable and mutually agreed upon conclusion.

Thank you for the opportunity to provide comments and submit recommendations on this important Application.

Sincerely,



Corey Johnson, Chair
Manhattan Community Board 4



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

[signed 10/10/12]

Barbara Davis, Co-Chair
Housing, Health &
Human Services Committee

Cc: All Local Electeds
RuthAnne Visnauskas – HPD
Beatriz de la Torre – HPD
Thehbia Walters – HPD
Alisha Ozeri - HPD
Sara Levenson - HPD
Lalezarian
Ken Lowenstein
DCP