



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 R. Bodine
District Manager

March 15, 2019

Thomas Fariello
Acting Commissioner
NYC Department of Buildings
280 Broadway
New York, NY 10007

Re: DOB – MCB4 Meeting on Special District Demolition Text

Dear Acting-Commissioner Fariello:

On Monday, February 4, 2019, Manhattan Community Board 4 (MCB4) members along with representatives from NYC Council Speaker Corey Johnson's office and New York City Council's General Counsel of Land Use were able to meet with the NYC Department of Buildings (DOB) as part of the efforts to resolve the series of illegal demolitions which, since December 2015, have continued to arise in the following Special Zoning Districts: the Garment Center, West Chelsea, Hudson Yards, and Clinton Special Districts. To date, there have been 12 sites comprising of 24 buildings and 170 units affected. These demolitions threaten the affordable housing stock in these districts.

Manhattan Community Board 4 (MCB4), at its March 6th Full Board meeting, voted by a vote of 39 in favor, 0 against, 0 abstaining, and 0 present but not eligible to vote, to thank DOB for providing this opportunity. In working together, we were able to arrive at a series of concrete steps to address and better regulate this matter. With this letter, we are confirming the agreement that was reached on how to address this matter from a policy perspective as well as an internal procedural perspective, which produced the three following actions.

1. New Building (NB) Application – Flagging

DOB has indicated that it has now started to flag the demolition permit applications that are submitted within these districts. DOB will replicate a similar flag in the NB applications through the DOB Building Information System portal that automatically flags and puts on hold any application of a New Building. DOB will notify MCB4 and the Speaker's Office on the time frame for implementing this systemic approach.

2. Material Alterations – New Category

DOB recognizes the need for the creation of a new category for extensive material alteration work that is found within the Special Zoning Districts. DOB is proceeding in proposing a broader city wide building code change, which would have a direct impact on these Special Zoning Districts.

This new category would be for extensive material alteration that would encompass work between the New Building and Alteration category, which would differentiate extensive construction that goes above the normal course of alteration but would still involve a preservation component. DOB is studying this new category and has indicated a timeline by the end of 2019, for a referral to the City Council in early 2020.

3. Special Zoning Districts Demolition Restriction – Internal Guidance Memo

MCB4 on multiple occasions has requested an internal guidance memo to help plan examiners understand more fully the intent of the demolition restrictions within these Special Zoning Districts. DOB considered this request to be reasonable and has agreed to the creation of an internal guidance memo for these Special Zoning Districts in regards to the demolition restriction provisions found within the Zoning Resolution.

This internal guidance memo would result in two components: an internal guidance memo for plan examiners and an external guidance memo for public use that would be accessible from the DOB website. This internal guidance memo will most likely fall under the DOB HUB supervision, in which a plan examiner would be designated as a specialist on this specific issue to provide assistance to other plan examiners.

Furthermore, DOB would draft this internal guidance memo and submit for MCB4 input before finalization. The projected timeline for this internal guidance memo would be four to six months for a draft.

MCB4 looks forward to continue to work with DOB in the future.

Sincerely,



Burt Lazarin
Chair
Manhattan Community Board 4



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

cc: Hon. Corey Johnson, Speaker of the City Council
Julie Lubin, General Counsel of Land Use, New York City Council
Raju Mann, Director of Land Use, New York City Council
Martin Rebholz, Borough Commissioner, DOB
Patrick Wehle, Assistant Commissioner, DOB