



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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DELORES RUBIN
Chair

JESSE R. BODINE
District Manager

November 28, 2017

Commissioner Rick Chandler
New York City Department of Buildings
280 Broadway
New York, New York 10007

Commissioner Maria Torres-Springer
New York City Department of Housing Preservation and Development
100 Gold Street
New York, New York 10038

Re: 500 West 22nd Street; 197 Tenth Avenue; 502 West 22nd Street

Dear Commissioners Chandler and Torres-Springer:

On the recommendation of its Chelsea Land Use Committee (CLU), Manhattan Community Board 4 (CB4), at its regularly scheduled meeting on October 4, 2017, voted, by a vote of 33 in favor, 0 opposed, 0 abstaining and 0 present but not eligible to vote, to express its general support for the proposed alteration of 500 West 22nd Street and 197 Tenth Avenue with the comments below and on the condition that the owner's appeal of the Department of Housing Preservation and Development's (HPD) determination that demolition of the premises is prohibited be resolved as detailed below.

Background

500 West 22nd Street and 197 Tenth Avenue are adjacent four story residential tenements, each with three dwelling units. 502 West 22nd Street is a one story garage to the west of 500 West 22nd Street that has been converted to commercial space. All three properties are under common ownership and are located in the Special West Chelsea District (SWCD).

On May 20, 2015 the owner submitted an application to the Department of Buildings (DOB) for a permit for the demolition of 502 West 22nd Street. On January 27, 2016 the owner submitted applications to DOB for permits for the demolition of 500 West 22nd Street and 197 Tenth Avenue. Despite the deficiencies in the applications outlined in our letter of March 17, 2016 (enclosed) to DOB, DOB approved the application as it was submitted.

On December 16, 2016 HPD wrote to CB4 requesting comments on the owner's application to HPD for a certification for the demolition of the two residential buildings under ZR 93-91. In its response of February 6, 2017 (enclosed), the Board detailed the issues with these and other applications for demolition in our special districts. In particular, ZR 98-70 incorporates by reference ZR 93-91, thereby protecting residential buildings in the SWCD from demolition unless certain stringent conditions are met.

The Board notes that 502 West 22nd Street is a commercial building, not a multiple dwelling, and thus is not subject to the provisions of ZR 98-70 and ZR 93-91. We do not object to the issuance of a demolition permit for that building.

HPD subsequently determined that the applications did not meet the necessary conditions and rejected the applications for demolition of 500 West 22nd Street and 197 Tenth Avenue. The owner appealed the determination but then initiated discussions with CB4. In these discussions the Board indicated it would oppose any efforts to demolish the buildings and asked the owner to proceed by altering the buildings instead, preserving as much of the buildings as possible and incorporating existing features into the new building.

Revised Proposal

At CLU's September 18 meeting the owner presented revised drawings showing a new building rising above the original brick façade of the two residential buildings. The new building continues the fenestration of the original buildings, is not set back and is differentiated by a darker color brick and several design details that serve to emphasize the façade of the existing buildings.

We would prefer that more than just the façade of the existing buildings be preserved but recognize the constraints under which the owner is working. We ask that the architects provide more references to the past, that the line of the cornice be accentuated, the building facade be livelier and that the color of the new building be lighter. We urge the architects to increase the differentiation between the old and the new.

The Board specifically voted to delegate to representatives of the CLU committee the authority to review further revisions and to decide whether they are consistent with the Board's wishes. On November 8 representatives of the CLU committee met with the owner and their architects to review newly revised plans. They found that the relatively minor changes to the earlier plans enhanced the character of the existing buildings and attractively increased the differentiation of the new addition, and concluded that the newly revised plan was consistent with the Board's wishes.

Recommendation

The Board appreciates the owner's willingness to work with us, and the efforts of the owner and their architects to retain what they can of the character of the existing buildings. We support the owner's revised plans presented to members of CLU on November 8, 2017 to alter 500 West 22nd Street, 197 Tenth Avenue and 502 West 22nd Street with the following conditions:

- The owner enter into a standstill agreement with HPD with respect to the owner's appeal of HPD's determination that demolition of the premises is prohibited; and
- The owner withdraw the appeal once all necessary approvals for the proposed project have been received and construction has commenced.

Sincerely,



Delores Rubin
Chair
Manhattan Community Board 4



John Lee Compton, Co-Chair
Chelsea Land Use Committee



Betty Mackintosh, Co-Chair
Chelsea Land Use Committee

Enclosure

cc: Hon. Brad Hoylman, State Senate
Hon. Richard Gottfried, State Assembly
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, City Council
Dan Harrington, Brantwood Capital Partners
Edward C. Wallace, Greenberg Traurig



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JESSE R. BODINE
District Manager

March 17, 2016

Martin Rebholz
Manhattan Borough Commissioner
NYC Dept. of Buildings
280 Broadway
New York, New York 10007

**Re: Non-Zoning Compliant Demolition
500 West 22nd Street /197 Tenth Avenue (Block 693, Lot 37)
DOB Applications No. 122406887, 122665525, and 122665543**

Dear Borough Commissioner Rebholz:

Manhattan Community Board 4 (MCB4), by a vote of 32 in favor, 0 opposed, 0 abstaining and 0 present but not eligible to vote, voted to request that the New York City Department of Buildings (DOB):

- Revoke its approval for application No. 122665525 for the demolition of 500 West 22nd Street
- Revoke its approval for application No. 122665543 for the demolition of 197 Tenth Avenue
- Correct the false information provided in PW1 and HPD1 forms submitted under application No: 121947224

Furthermore, in light of recent DOB approvals of other demolition applications that contained false information, MCB4 requests a meeting with DOB to clarify the system it uses to track protected residential buildings subject to ZR 98-70 for the Special West Chelsea District (SWCD), ZR 121-50 for the Special Garment Center District and ZR 93-90 for the Special Hudson Yards District.

Background

500 West 22nd Street is a four story building containing 4 units, located at the intersection of 10th Avenue and West 22nd Street. Immediately to the south west is 197 Tenth Avenue, a twin four story building containing 4 units. 500 West 22nd Street/197 10th Avenue and have been deemed a horizontal multiple dwelling sharing mechanical equipment and on the same tax lot. To the west on that same tax lot is 500 West 22nd Street and 502 West 22nd Street, which is one story garage that has been converted into a commercial space. Further west is 504 West 22nd Street, a building

that until recently contained 4 dwelling units. All of the buildings are located in the Special West Chelsea District, and all have the same owner.

In February 2016, MCB4 was notified, by a member of the community, of interior demolition taking place in 504 West 22nd Street. Initial research indicated that 504 West 22nd Street did in fact receive DOB approval for the renovation of the building's 4 existing apartments into a single family home. This alteration, while resulting in the loss of affordable apartments, received a Certificate of No Harassment (CONH) and is compliant with the Zoning Resolution.¹

However, during the course of that research, it was discovered that 504 West 22nd Street had been purchased by SREP Tenth Avenue Venture LLC, in conjunction with 500 West 22nd Street, 502 West 22nd Street, and 504 West 22nd Street.² Further research determined that in May 2015 and January 2016, job applications for the demolition of 197 Tenth Avenue, 500 West 22nd Street, and 502 West 22nd Street were submitted to DOB. All of these applications were approved:

Address	Application No.	Date Submitted	Date Approved
197 10 th Avenue	122665543	1/27/16	1/27/16
500 West 22 nd Street	122665525	1/27/16	1/27/16
502 West 22 nd Street	122406887	5/20/15	5/20/215

False DOB Filings

There is contradictory information in the PW1 forms and the DOB Application Details webpage for all of the demolition applications. For all of the above applications, the DOB site states that the demolition would not:³

- Present any major changes to exits
- Change the number of dwelling units
- Change occupancy or use
- Be inconsistent with the current Certificate of Occupancy⁴
- Change the number of stories

However, the PW1 forms submitted for these applications leave all of these answers blank.⁵

Nonetheless, the applications were approved by DOB on the same day in which they were submitted. This Board has seen an ongoing trend in which building owners receive DOB approval for applications in which professionals have provided false answers. In this example, as well as others,⁶ the false statements are self-contradicting: stating that the demolition of an entire structure will have no effect on the number of dwelling units in that structure is clearly incorrect. That statement alone should be a red flag on a work application. Instead, these applications have received approval.

¹ See Appendix A – CONH dated January 20, 2015

² Per deed dated November 11, 2010.

³ See Appendix B – DOB Job Application Webpage

⁴ 502 West 22nd Street, which is not a residential building, does not have a Certificate of Occupancy.

⁵ See Appendix C – PW1 Forms

⁶ See 559 West 22nd Street, 319-321 West 38th Street, and 517-525 West 45th Street

Noncompliance with Special West Chelsea District Section 98-70

Section 98-70 of the Special West Chelsea Zoning Text, which restricts demolition, incorporates by reference Section 93-91 of the Special Hudson Yards Zoning Text, which states, in part:⁷

93-91 **Demolition**⁸

The Department of Buildings shall not issue a permit for the demolition of a #multiple dwelling#, as defined in Section 93-90 (HARASSMENT), paragraph (a)(14), located within Subareas D4 or D5 in the Hell's Kitchen Subdistrict D or within Preservation Area P-2 of the #Special Garment Center District#, or an alteration permit for the partial demolition of a #multiple dwelling# located within Subareas D4 and D5 or within Preservation Area P-2 of the #Special Garment Center District#, where such partial demolition would decrease the amount of #residential floor area# in such #multiple dwelling# by 20 percent or more

This section applies to multiple dwellings in the Special West Chelsea District. 500 West 22nd Street and 197 10th Avenue are both multiple dwelling buildings and have not been deemed unsafe. MCB4 did not certify that these buildings could be demolished. Furthermore, the buildings:

- Are not city owned
- Are not subject to any HPD programs
- Were occupied prior to 1974
- Are not an exempt hotel, clubhouse, or school dormitory
- Are not an exempt residence

As such, the buildings do not meet the requirements for demolition. Yet, such approvals were granted by the agency on January 27, 2016.

Conclusion and Requests

MCB4 has worked for decades to foster the production and preservation of affordable housing while also enabling new development. This Board has also worked to help establish four Special Zoning Districts and worked with elected officials and City agencies to put into place protections for our existing housing stock.

A number of DOB approvals for demolition, contrary to the Zoning Resolution requirements threaten to negate these efforts. MCB4 requests that approvals for these applications be rescinded immediately and that DOB meet with the Board to discuss what systems are in place to enforce the protections given to multiple dwellings under ZR 98-70 for the Special West Chelsea District (SWCD), ZR 121-50 for the Special Garment Center District and ZR 93-90 for the Special Hudson Yards District.

⁷ See Appendix B – Zoning Resolution Section 93-91

⁸ Emphasis added.

MCB4 looks forward to continuing to work with DOB to ensure that its hard work shaping policy to preserve our housing stock is carried out in practice.

Sincerely,



Delores Rubin
MCB4 Chair

Enclosure

cc: Hon. Gale A. Brewer, Manhattan Borough President
Hon. Brad Hoylman, State Senate
Hon. Richard Gottfried, State Assembly
Hon. Corey Johnson, City Council
Council of Chelsea Block Association
West 22nd Street Block Association