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7 July XX, 2017

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9 Louise Carroll
10 Associate Commissioner, Housing Incentives
11 Department of Housing Development and Preservation
12 100 Gold Street
13 New York, NY 10038

14
15 **Re: 517-525 West 45th Street**
16 **Cure for Harassment Applications and Plans**

17
18 Dear Commissioner Carroll:

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20 On May 24th, 2016, Manhattan Community Board 4's (MCB4) Housing, Health, and Human Services
21 Committee received a presentation from the owners of 517-525 West 45th Street, a building for which
22 they had submitted a Cure for Harassment Application. The owners presented plans for the building's
23 renovation, which included changes to existing units as part of the IMD legalization process. During that
24 meeting, the Committee made a series of recommendations and requested clarification from the owner.
25 The owner committed to returning to the Housing, Health, and Human Services Committee to present a
26 revised set of plans based on the Board's requests. The owner never returned to MCB4 to present scope of
27 work approved by HPD Inclusionary Housing, which administers Cure provisions and DOB. There is no
28 clarity as to the exact scope of work and work has proceeded in a poorly-managed way, resulting in a
29 Stop Work Order issued on XX. MCB4 requests clarity on the exact scope of work that has been
30 approved in the Cure units.

31
32 **Background**

33 517-525 West 45th Street is a loft building consisting of five adjacent portions of differing heights. All
34 portions are on a single zoning lot (Block 1074, Lot 18) between Tenth and Eleventh Avenues¹. The 517
35 portion of the building located on West 45th Street is four stories tall. Immediately to the west, the 525
36 portion of the building is five stories tall. Behind 517 and 525, off an interior courtyard, is a two-story
37 portion called 525 Rear, as well as the 523 portion of the building, which is also a five-story structure.
38 The building is located in the Preservation Area of the Special Clinton District (SCD).

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40 The building was first residentially occupied in 1963 under the Artist in Residence (AIR) Law, and
41 became an IMD in 1986 (IMD #10516). The building contains a total of 18 apartments, of which 10 are
42 Interim Multiple Dwelling (IMD) units. The IMD tenants of this building went through a series of tenant
43 harassment tactics from 2004 through 2005, including withdrawal of building services and threatened use
44 of force, aimed at forcing them out of their units.

45
46 In 2008, per requirements of Section 96-110 of the Zoning Resolution for the Special Clinton District,
47 former owner Shabbat LLC applied for a Certificate of No Harassment (CONH) prior to beginning
48 construction work on the building. However, after an investigation, the Department of Housing
49 Preservation and Development (HPD) determined that there was reasonable cause to believe that the
50 building's tenants had in fact been harassed. Shabbat LLC requested a hearing and on April 7, 2010, the

¹ See Appendix A – Tax Lot Diagram

51 New York City Office of Administrative Trials and Hearings found that there has been tenant harassment
52 on the site.

53
54 Because of the finding of harassment under the Special Clinton District, the owner is required to provide a
55 Cure for Harassment (Cure) if he or she applies for a building alteration through the Department of
56 Buildings (DOB).

57
58 The owner would be required to dedicate the greater of the following:

- 59 • 28% of the total residential floor area of the existing building; or
- 60 • 20% of the total floor area of the newly proposed building

61 517-525 West 45th Street is a unique circumstance in which a Cure for Harassment is also undergoing
62 IMD unit legalization.

63
64 **Comments and Requests from May 24, 2016 Meeting**

65 At the Housing, Health, and Human Services Committee meeting held on May 24, 2016, the Board had
66 the following concerns:

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68 ***Minimum Distance between Buildings***

69 The building is required to keep a minimum of 60 foot distance between windows, per section 23-
70 711 of the Zoning Resolution. The Board requested that the DOB review the plans submitted by the
71 owner to ensure compliance with this and other zoning requirements.

72
73 ***False Forms under DOB Application No. 122204462***

74 The owner had submitted DOB forms that misrepresented the extent of the work in the application.
75 The Board requested that the owner re-submit these forms to correct the record.

76
77 ***New DOB Tenant Protection Plan Requirement***

78 The Board noted that the building was subject to the new Tenant Protection Plan requirement, and
79 that the owner would have to submit these plans prior to beginning work. The Board requested that
80 these plans be reviewed By HPD's BLDS unit and that the DOB also ensure that the protection plan
81 is adequate.

82
83 **Registration with DHCR**

84 On December 15, 2016, under DOB Job No. 122204462, the owner submitted a PW1 form that did not
85 state that the building contains residential units subject to rent stabilization². The owner again submitted a
86 PW1 under DOB Job No. 123090314 on May 11, 2017 that omitted the same answers³.

87
88 However, the Restrictive Declaration signed by the owner on December 13, 2016 stated that the Cure
89 units were required to be registered with DHCR. These forms should be resubmitted by the owner with
90 the correct information.

91
92 **Ensuring Plans Meet Requirements of ZR § 96-110**

93 The owner repeatedly postponed their presentation to the Board over the course of several months, stating
94 that they were working with HPD and tenants and had not yet come to an agreement. The owner
95 explicitly stated that he would return to the Board prior to finalizing their agreement with HPD.
96 Nonetheless, on December 13, 2016, the owner executed a Restrictive Declaration with HPD⁴, without

² See Attachment XX: PW1 dated December 15, 2016

³ See Attachment XX: PW1 dated May 11, 2017

⁴ See Attachment A: Restrictive Declaration dated December 13, 2016

97 any input from the Board. This agreement embodies the Cure for Harassment requirement and specifies
98 that the owner is required to provide 11,365 square feet of floor area in the building as affordable housing.
99

100 On February 16, 2017, the Loft Board sent a letter to the owner stating that they had certified the
101 alteration plans and that the plans were in compliance with the requirements of 29 RCNY § 2-01(d)(2)⁵.
102 That rule states the following:
103

104 **XX**
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106 Furthermore, on November 24, 2014, the owner submitted an application to DOB under Job No.
107 122204462 for the renovation of the building. The owner submitted revised building plans under that that
108 application in December 2016. Those plans received DOB approval on February 27, 2017.
109

110 The Loft Board and the DOB have both approved the owner's proposed plans for the building. In the
111 meantime, however, the owner did not present the final plans to the Board and the Board has not been
112 able to confirm that the scope of work in the plans does in fact meet the Cure Requirement and the
113 commitments made to the Board by the owner.
114

115 ***By repeatedly postponing its presentation of the Board, it is clear that the owner circumvented the***
116 ***public process and then obtained HPD, Loft Board, and DOB approval for the scope of renovation.***

117 This cannot be tolerated. The Board needs clarity and we need to ensure that the requirements of the Cure
118 for Harassment are embodied in the building plans and any agreements signed by the owner.
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122 **Conclusion**

123 Since the owner of 517-525 West 45th Street began renovation, it has not been clear to MCB4 that the
124 owner has complied with the scope of work and commitments made to The Board. Specifically, ensuring
125 that the Cure units are fully ADA compliant and the apartment finishes are equal in all units. The Board
126 requests the following:
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- 128 • That HPD provide it with a copy of the HPD-approved scope of work and plans for the Cure
129 requirement
- 130 • That HPD review the owner's plans submitted to the Loft Board to ensure consistency with the
131 HPD Scope and plans.
- 132 • That DOB review the owner's plans submitted to the Loft Board to ensure consistency with the
133 DOB Scope and plans.

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136 Sincerely,
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140 Delores Rubin
141 MCB4 Chair
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⁵ See Attachment XX: Letter from Helaine Balsam dated February 16, 2017

145
146 Barbara Davis, Co-Chair
147 Housing, Health &
148 Human Services Committee

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

149
150 cc: R. Chandler, DOB
151 L. Carroll, HPD
152 S. Bernstein, 517-525 West 45th Street, LLC
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DRAFT