



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

August 6, 2021

Melanie E. La Rocca
Commissioner
Department of Buildings
280 Broadway
New York NY, 10007

Re: 501 West 52nd Street Fire

Dear Commissioner La Rocca,

The Housing, Health, and Human Services Committee (HHHS) of Manhattan Community Board 4 (MCB4) has some questions/concerns about the Department of Buildings (DOB) Vacate Orders related to 501 West 52nd Street. On May 16, 2021, there was a serious fire at the address that resulted in considerable damage in both the commercial space in the building, occupied by the restaurant Taboon, and in several residences. The fire resulted in the displacement of eight families.

MCB4 at its regularly scheduled Full Board meeting on July 28, 2021 voted by a vote of 34 in favor, 0 opposed, 0 abstaining and 1 present not eligible, to request that the DOB refrain from lifting the Vacate Order issued for the commercial space at 773 10th Avenue for Taboon Restaurant, until the following questions are answered for MCB4¹:

1. The wood-burning oven and ventilation
 - a. Is the duct for the wood-burning bread oven on the ground floor of Taboon in compliance with City Code, sufficient and safe?
 - b. Is the current duct a flue or a chimney?
 - c. Does the wood-burning bread oven on the ground floor use the same ventilation system as Taboon's commercial oven, stove and other equipment located in the cellar?
 - d. How often has the ventilation system for the wood-burning bread oven at Taboon been inspected by DOB?

¹ MCB4 Member Joe Restuccia, Executive Director of Clinton Housing Development Company, voted Present Not Eligible at both the Committee and Full Board meetings.

2. DOB permits and wood-burning oven structure
 - a. When the owner/s of Taboon applied to DOB for permits to build the restaurant, did they include and get approvals for a wood-burning bread oven on the first floor of Taboon?
 - b. Future filings regarding Taboon must be plans examined by DOB plan examiners and not self certified.

3. Fire smoke alarms
 - a. Have the new fire/smoke alarms in the residential sections of 501 West 52nd Street been inspected to ensure that they will alert the residents to any smoke or fire? The fire alarms in the building on May 16, 2021, failed to alert the residents to the fire.

Background

501 West 52nd Street provides affordable housing in 27 apartments from studios to three-bedroom apartments serving existing tenants and households up to 80% AMI. On the ground floor are offices of Housing Conservation Coordinators (HCC) at 777 10th Avenue and Taboon restaurant at 773 10th Avenue. The building was renovated in 2003 by L&M Development in partnership with Clinton Housing Development Company (CHDC).

On July 15, 2021, several tenants of 501 West 52nd Street attended MCB4's HHHS meeting, and described the traumas they suffered as a result of the fire on May 16, 2021, in their building, and their related ongoing struggles and concerns. The tenants reported that on May 15, 2021, FDNY was called to their building because of a strong smell of gas. Several hours later, at 12:45 am on May 16th, a fire began at Taboon restaurant that resulted in a fire and thick smoke in the residential building above the restaurant. The fire alarms did not work. Neighbors raced to alert other neighbors while FDNY was on its way. All the adults and children on the premises had to vacate immediately, many in their pajamas and wearing no shoes. Some of the tenants had to use the fire escape, while others struggled through the dark smoke in the stairwells. Several tenants have physical limitations which they felt were exacerbated by their middle-of-the-night escape. Eight families were displaced and cannot return to their homes.

The tenants expressed to HHHS that they feel fortunate to be alive but they have suffered tremendously. The emotional and mental toll has been heavy, with many reporting trouble sleeping and nightmares, especially for the children. There was also damage to material possessions, and the financial strain due to the purchase of lost items and overall costs in both time and money. The tenants discussed the loss of the building's internet, gas and elevator service.

Also present at the HHHS meeting were representatives from Dolphin L&M, the leaseholder of Taboon, and Joe Restuccia, the Executive Director of CHDC and Co-Chair of HHHS (Mr. Restuccia was present but not eligible to vote on this matter). HHHS was gratified to learn that Dolphin L&M has promised to arrange 3rd party oversight of

Taboon's safety plan. HHHS was also glad CHDC will have the fire alarm wiring re-routed so that they no longer will be at risk of not working during a fire.

Pattern of incidences

The residential tenants also noted that the damaging fire in 2021 was not the first fire that started at Taboon. On November 19, 2005, there was a fire that affected the restaurant and three apartments. A year later, on November 18, 2006, a fire damaged the restaurant and one apartment. Also reported by the tenants is that over the years, FDNY has been called to Taboon numerous times due to the smell of gas or smoke issues.

Conclusion

MCB4 appreciates the tenants of 501 West 52nd Street for sharing their stories and concerns with MCB4 about the fire on May 16, 2021, and about the safe reopening of Taboon restaurant. MCB4 also is grateful to hear from Dolphin L&M, the leaseholder of Taboon, that a third party will be hired to provide oversight of Taboon's safety plan.

MCB4 is adamant that the safety of the residents of the building, as well as the safety of the diners and the employees of Taboon, must be prioritized above all else. That is why MCB4 requests that the DOB Vacate Order as it applies to Taboon should not be lifted until we receive answers to the safety questions listed above. It is critical that there be transparency around the investigation, the outcome, and next steps regarding the reopening of Taboon restaurant.

We look forward to receiving answers to the safety questions we asked at the beginning of this letter. We appreciate your time.

Sincerely,



Lowell D. Kern
Chair
Manhattan
Community Board 4



Maria Ortiz
Co-Chair
Housing, Health
Human Services Committee

- cc: Hon. Corey Johnson, Speaker, City Council
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Helen Rosenthal, City Council
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

