



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
[www.nyc.gov/mcb4](http://www.nyc.gov/mcb4)

**DELORES RUBIN**  
Chair

**JESSE R. BODINE**  
District Manager

June 14, 2017

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

Marisa Lago, Chair  
City Planning Commission  
120 Broadway, 31st Floor  
New York, New York 10271

Commissioner Maria Torres-Springer  
NYC Dept. of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

**Re: Illegal Demolition of 253 Tenth Avenue**

Dear Commissioners and Chair:

On the recommendation of its Chelsea Land Use Committee, Manhattan Community Board 4 (CB4), at its regularly scheduled meeting on June 7, 2017, voted 43 in favor, 0 opposed, 0 abstaining and 0 present but not eligible to vote, to express its outrage at the illegal demolition of 253 Tenth Avenue, improperly approved by the Department of Buildings (DOB), and again request that DOB redouble its efforts to protect buildings in our special districts from illegal demolition.

**253 Tenth Avenue**

CB4 is once again dismayed that a building in the Special West Chelsea District (SWCD) is being demolished without the required approvals. In early May we noticed that demolition had started on 253 Tenth Avenue. The roof, windows and part of the building had been demolished. On May 5 CB4 requested that the demolition permit be revoked. DOB put a hold on the demolition that same day. More than a month later, on June 7, we learned that DOB had ordered the demolition of the building on the grounds that the illegal demolition discussed in this letter had rendered the building unsafe.

The end result is that a series of errors on the part of the building owners and DOB led to the illegal partial demolition of the building and then, on the basis of those errors, to the condemnation of the now unsafe building.

The role of DOB in this fiasco is depressingly familiar. Ignorance, willful or otherwise, of the requirement for a feasibility determination by Housing Preservation and Development (HPD) led to the improper issuing of a demolition permit.

The role of the owners is less direct, but equally inexcusable. A representative for the owners stated that they purchased the property vacant and that it had an appropriate Certificate of No Harassment. She further stated that the owners should not be held responsible for being ignorant of the HPD demolition requirement, despite being architects. She said that as “design architects” they had no knowledge of zoning matters. We believe that this argument is disingenuous. The owners were responsible for knowing and following all applicable laws and regulations, or for hiring appropriate professionals who could guide them properly. Their excuses do not exonerate them of their failure to do either.

**Illegal Demolitions**

253 Tenth Avenue was a multiple-dwelling; the Certificate of Occupancy states that there had been a store on the first floor and six apartments on floors two through four. New York State Division of Housing and Community Renewal data indicates that the building may have contained one or more regulated apartments. On-line information shows that this “property is not currently validly registered with HPD.” The owners’ representative stated that three of the units had been occupied by the family that previously owned the building.

At a time of great concern over the on-going gentrification of West Chelsea, the twin failings of the owners and DOB has resulted in the loss of six affordable residential units. Overall, more than 100 residential units have been lost in Community District 4 (CD4) because there has been a pattern of DOB approvals of demolition applications that did not include required documents or contained false or misleading information.

**History of Demolition Permits issued by DOB contrary to zoning requirements**

Starting in the fall of 2015, CB4 began discovering that DOB had illegally issued demolition permits for 319 and 321 West 38<sup>th</sup> Street, two residential buildings in the Special Garment Center District. Demolition permits were subsequently found for a series of buildings in the SHYD, SWCD, and the SCD. Demolition plans or permits were reviewed, approved, or issued by DOB for the following set of sites:

	Address	Letter Sent	# Bldgs	# Units
1	319-321 West 38th Street	1/13/2016	2	23
2	559 West 22nd Street	2/11/2016	1	21
3	500 West 22nd Street	3/17/2016	3	12
4	821 9th Avenue	6/21/2016	1	6
5	317-319 West 35th Street	6/21/2016	2	28
6	500 West 28 <sup>th</sup> Street	12/9/2016	1	6
7	355-357 West 39th Street	1/4/2017	3	8

**13                      104**

In almost all cases, by the time these demolition matters came to the MCB4's attention, **these fully occupied buildings were fully vacated of tenants or owners**. MCB4 and local elected officials halted demolition in most cases, except 319-321 West 38th Street (partial demo completed), 821 9th Avenue, and 500 West 28<sup>th</sup> Street, where the demolition had already been completed by the time the Board wrote to DOB. At a meeting with DOB in May 2016, DOB stated it would not issue any more demolition permits in MCB4's Special Districts. However, DOB continues to accept and process demolition applications.

In the SWCD, multifamily buildings have been and continue to be a vital resource for affordable housing in our neighborhood. CB4 has sent numerous letters to city agencies detailing this problem and has met several times with DOB and HPD on this matter. DOB assured us that plan examiners were being especially trained to review applications within CD4 special districts and that a "flag" would be put on properties in the special districts. We are very disappointed that these measures were unsuccessful at preventing the loss of 253 Tenth Avenue.

CB4 has been working with Councilman Corey Johnson's office on a zoning text amendment that would add a provision strengthening the requirement that an applicant notify the appropriate Community Board and City Council member before filing with DOB. We request that until this amendment is adopted DOB redouble its training and oversight efforts to protect buildings in CD4's special districts from illegal demolition.

We look forward to DOB's and HPD's responses to the demolition of 235 Tenth Avenue demolition issue and to the proposed text amendment.

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

- cc: Martin Rebholz, Manhattan Borough Commissioner, NYC Department of Buildings  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Corey Johnson, City Council  
Hon. Hellen Rosenthal, City Council  
Hon. Brad Hoylman, State Senate  
Hon. Marisol Alcantara, State Senate  
Hon. Richard Gottfried, State Assembly  
Hon. Linda B. Rosenthal, State Assembly  
Hon. Eric Schneiderman, NYS Attorney General