



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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Delores Rubin
Chair

Jesse Bodine
District Manager

June 21, 2016

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

Re: Follow-up of April 18, 2016 Meeting with DOB, MCB4 and Westside Manhattan Elected Officials

Dear Commissioner Rebholz,

Manhattan Community Board 4 (MCB4) continues to be alarmed by the number of buildings within our district that been granted permits for demolition. Despite what seemed like a productive meeting with the New York City Department of Buildings (DOB) and members of our Board and our Elected Officials on April 18, 2016, we are not seeing any improvements in DOB's process. This meeting was critical as we have been experiencing a crisis in our district where numerous apartments that make up our affordable housing stock are being lost to demolition. MCB4 recognizes there is no malicious intent on the part of DOB. Nevertheless there are operational and organizational deficiencies that urgently need to be addressed in order to stem the tide of property owners "gaming the system" by neglecting their properties, harassing their tenants, or blatantly falsifying the records in order to receive the reward of a demolition order issued by DOB.

MCB4 would like to re-iterate some of the suggestions and requests made at the April 18th meeting. Our immediate requests are:

- Tag residential buildings in Subarea P-2 of the Special Garment Center District, Subareas D4 and D5 in the Special Hudson Yards, the Preservation Area of the Special Clinton District, and all of Special West Chelsea, for which demolition is prohibited;
- Ensure proper public notification on any work done for the permitted building as well as its surrounding properties;
- Work with HPD in cases where the buildings are occupied for tenant protection
- Continue to remove the ability of offending architects to self-certify, and after continued falsifications, the privilege to file
- Respond to our most recent letters in a timely fashion to provide the community with updates on these situations. The letters in question regard the following properties:

319-321 West 38 Street
559 West 22nd Street
500 West 22nd Street/197 Tenth Avenue
821 9th Avenue
317-319 West 35th Street

For future consideration as discussed at the April 18th meeting:

- Continue to upgrade the DOB systems so as to use existing information to monitor patterns of applications which are submitted expressly to circumvent compliance with the demolition prohibitions
- Work with legislators to increase fines for violations
- Work with legislators to criminalize falsifying information required on DOB applications to avoid compliance with tenant protection plans or zoning requirements
- Work with legislators to pass legislation which requires restoration of buildings where self- created conditions leading to an unsafe building conditions

Tag Residential Properties Protected against Demolition in Special Zoning Districts

At the heart of our concerns — as outlined in our January 13, 2016 letter regarding Non-Zoning Compliant Demolition of 319-321 West 38th Street (Block 762, Lot 23) DOB Applications No. 122412629, 122412264 and 12119227 — the west side rezonings of Hudson Yards, West Chelsea, and the Western Railyards strives to preserve the affordable housing and community character in the neighborhoods of Chelsea and Clinton/Hell's Kitchen communities in order to create and maintain a balance between development and preservation. The City's Zoning Resolution is the main tool to achieve that goal and under provisions of that Special Zoning District, the buildings are subject to demolition restrictions, per Section 121-50 of the City's Zoning Resolution. These restrictions were agreed to as part of the Hudson Yards Rezoning in 2005, were resolved as part of the Western Rail Yards negotiations in 2009, certified for ULURP in 2010, and adopted on October 27, 2010.

Under those regulations, buildings exempt from this requirement must be under an active government-funded program or a hotel, a school dormitory, or a clubhouse. Buildings can be demolished if they have received a Certificate of No Harassment, and have been deemed unsafe or if they cannot feasibly be rehabilitated through any government funding program.

Despite these clear regulations, and despite MCB4's warnings that certain property owners were not complying with City regulations, bad actors have found ways to allow their buildings to fall into such disrepair that DOB has “no choice”, but to issue a demolition order thus allowing unscrupulous property owners to demolish their buildings to make way for new development and eventual financial gain.

As our April 18th meeting revealed, the team that reviews demolition requests assesses the merits of that request with a lens towards safety and does not have any knowledge of the Special District zoning for the property. While we are encouraged DOB has taken steps to cross train as well as re-train reviewers, MCB4 would like to see properties in a no-demolition zone flagged or tagged in the BIS system.

Stronger Penalties Required

MCB4 was startled to learn that the examples we outlined represent only a portion of similar infractions seen throughout the City. This is disturbing given the fact that the current administration has placed the building of new affordable units as well as the preservation of affordable housing stock as one of its highest priorities. It is clear that measures need to be taken to prevent the falsification of DOB permits, harassment of tenants through building neglect and other means and creating self-inflicted damage to properties which eventually reduces our affordable housing stock. DOB must be given the appropriate resources to combat such action and have strong penalties in place to prevent bad actors from viewing these actions as simply "the cost of doing business."

MCB4 appreciates the daunting task DOB has of monitoring so many moving parts related to buildings within New York City. It is our hope that DOB will be its own advocate by working with community boards and local elected officials to devise strategies for preserving safe and affordable homes for the diverse members of our great city.

Sincerely,



Delores Rubin

Board Chair

Manhattan Community Board 4

cc: Hon. Bill de Blasio, Mayor, City of New York
Hon. Eric Schneiderman, New York State Attorney General
Hon. Scott Stringer, Comptroller
Vicky Been, Commissioner, NYC HPD
Hon. Brad Hoylman, State Senate
Hon. Adriano Espaillat, State Senate
Hon. Richard Gottfried, State Assembly
Hon. Linda Rosenthal, State Assembly
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, City Council
Hon. Helen Rosenthal, City Council