

2
3 October 7, 2015

4
5 Ms. Madlyn Wils
6 President and Chief Executive Officer
7 Hudson River Park Trust
8 Pier 40, 2nd Floor
9 353 West Street
10 New York, NY 10014

11
12 **Re: Pier 57 Rooftop Park Design**

13
14 Dear Ms. Madelyn Wils,

15
16 Manhattan Community Board 4 (MCB4) recently submitted a letter to you regarding the
17 restoration and development of Pier 57. Once again MCB4 would like to take this opportunity to
18 thank the Hudson River Park Trust (HRPT) for continuing to keep the Board apprised of the
19 progress of this project as well as listen to community input in regards to the overall plan and
20 design. This third update since last Fall provided great detail of the proposed rooftop park design
21 which will provide 1.8 acres of public space at Pier 57. The design presented by RXR Realty
22 demonstrated the developers understanding of our community concerns and sensitivities.
23 Overall, Manhattan Community Board 4 was impressed with the thoughtfulness of the design
24 which will allow for flexibility of programming and unique experiences for park visitors.

25
26 As highlighted in our previous letter, Pier 57, a historic pier that formerly housed the New York
27 Department of Marine and Aviation, is listed on the State and National Registers of Historic
28 Places and has been vacant for many years. Pier 57 is located west of Route 9A at the ends of
29 16th and 17th Streets, within Hudson River Park. To the north are Piers 59 through 62, the
30 Chelsea Piers complex, and to the south is the site if the planned Pier 55, and the Gansevoort
31 Peninsula. In 2012 HPRT awarded a Request for Proposal to redevelop Pier 57 to Young Woo
32 & Associates. Young Woo envisioned a unique retail concept for the historic pier. The idea was
33 to house within the building “creative” retail vendors in container boxes referred to as
34 “incuboxes.” Additionally, there would be public open space around the structure and the rooftop
35 park which was described in great detail to MCB4’s Waterfront, Parks and Environment (WPE)
36 Committee this past month. In December 2012 MCB4 voted unanimously to approve the
37 ULURP action to make the restoration and development of this pier possible. Changes to the
38 HRPT Act in 2013, allowing for office space on commercial piers, gave rise to the re-imagined
39 plan for Pier 57. Young Woo is now partnered RXR Realty and together they envision creating
40 both office and retail space at Pier 57. Google is the planned primary tenant of the office space.
41 The new concept of both retail and office space on Pier 57 prompted a mandated update of the
42 environmental assessment which included a new traffic analysis. The results of this new
43 assessment and a general status report were presented to MCB4’s WPE committee this spring.

44
45 As also outlined in our previous letter, Young Woo and RXR Realty have already filed with the
46 Department of Buildings. Currently there is a Memorandum of Understanding (MOU) in place

47 between Young Woo/RXR Realty and HRPT to lease the pier for a period of 99 years. It is
48 assumed the project will cost more than \$300 million, a significant increase from the original
49 proposal which was priced around \$120 million. In order to finance this project, the developers
50 must rely on historic tax credits offered for the historic preservation of the pier. To qualify for
51 such credits and to be considered for financing, a long lease is deemed necessary. The lease
52 period in the MOU triggers a Significant Action for HRPT and they will be required to hold
53 public hearings on the matter before it can be approved by the HRPT Board.

54

55 The rooftop park design plans as shown to WPE indicate there will 13,399 square feet of new
56 green space added to Hudson River Park. Pier 57's total amount of square feet is 450,000,
57 approximately 2.75 FAR, well below 5 FAR that is permitted. The unenclosed roof park will
58 have a total capacity of 2,600 people. The space will include active and passive areas with
59 lawns, planters which serve as benches, green walls, stadium seating and a pavilion. The
60 Stadium seating area can seat over 1,000 people and designed with the Tribeca Film Festival in
61 mind. The pavilion will have a glass façade that can be fully opened. Around the pavilion will
62 be rest rooms, a space for lawn games and open passage and concession. RXR Realty is
63 responsible for park operations and maintenance as well the entire Pier 57.

64

65 Because Pier 57 is a historic pier and Young Woo and RXR Realty are applying for historic tax
66 credits as part of their funding plan, there are some restrictions to their design, including being
67 prohibited to plant trees on the rooftop park. The green spaces will be carefully planned to have
68 bloom throughout all the seasons. Bulkheads and other structures will be hidden behind green
69 walls. The lawn will be designed with built-in irrigation systems and a blend is being developed
70 that will be resilient and handle the expected conditions. Permanent shade structures are also
71 restricted so the RXR design team came up with moveable micro shades that can be placed all
72 throughout the park and come in 3 sizes, 36", 48" and 60". The shade itself can be tilted and
73 manipulated. These round shades will be on poles that can be put in slots all along the roof. The
74 pavilion will have a large shade structure that can be reshaped depending on the use. The shade
75 is a white sail-like fabric that is slightly translucent.

76

77 Although the overall design is quite impressive, MCB4 has some reservations around noise that
78 may potentially disturb the surrounding neighborhood and park visitors. Our experience within
79 our district is amplified sound, recorded music or otherwise creates a disturbance in our
80 community. We are pleased to know RXR Realty has hired a sound engineer and HRPT has
81 included in the proposed lease a non-disturbance agreement with the proposed Pier 55 as well as
82 language in the lease that Pier 57 is prohibited from making noise that would be a disturbance to
83 their neighbors. RXR Realty did however disclose their concern was over the 2- 1,000 ton
84 cooling tower on the eastern part of the pier more so than any type of amplified sound from a
85 restaurant or other vendor in the rooftop park.

86 MCB4 would also like assurances that other than the Tribeca Film Festival the rooftop park will
87 not be subject to excessive closures to the general public. Our Board understands Pier 57 is a
88 commercial pier, but MCB4 would like to see as much public open green space as possible
89 within Hudson River Park.

90

91 Another area for concern was the potential increase in traffic especially with the Pier 55 project
92 in the same vicinity. As noted in our May letter, HRPT has assured MCB4 that Pier 55 and Pier
93 57 events will not be scheduled for the same day. The updated environmental assessment also
94 included a new traffic analysis. According to the study conducted by HRPT the new project of
95 office space added to retail indicated there would be no adverse vehicular traffic affects and
96 expects the new plan will stagger the potential travel times to the pier which will be an
97 improvement from to previous plan which had only retail. The proposed parking allowed at Pier
98 57 is another issue for MCB4. We would strongly urge that any parking is accessory only as
99 public parking will increase vehicular traffic across the bikeway and the new esplanade currently
100 under construction with the help of federal funds.

101
102 Finally MCB4 would like to see more sustainable infrastructure in the design of the Pier 57
103 rooftop park. We were pleased the plans call for using grey water for heating and cooling, but
104 we would hope RXX Realty would consider finding a way to implement solar and reconsidering
105 the LED lighting around the pavilion.

106
107 Overall, MCB4 is pleased with the rooftop park design for Pier 57. The design presented to our
108 Board was very detailed and showed much thought has gone into considering the community
109 needs. As mentioned the timely and frequent updates from HRPT are very much appreciated.
110 MCB4 looks forward to having access to public open green space within our district and
111 continuing to be included in the public process as the Pier 57 project progresses.

112
113 Sincerely,

114
115 Christine Berthet
116 Chair

Maarten de Kadt Co-Chair
Waterfront, Parks &
Environment Committee

Delores Rubin Co-Chair
Waterfront, Parks &
Environment Committee

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120 cc: Brad Hoylman, NY State Senator
121 Richard Gottfried, NY State Assemblymember
122 Linda B. Rosenthal, NY State Assemblymember
123 Jerrold Nadler, Congressman
124 Gale Brewer, Manhattan Borough President
125 Corey Johnson, NYC Councilmember
126 Margaret Forgione, DOT

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128

2
3 September 28, 2015

4
5 Vicki Been
6 Commissioner
7 NYC Dept. of Housing Preservation and Development
8 100 Gold Street
9 New York, NY 10038

10
11 Martin Rebholz
12 Manhattan Borough Commissioner
13 NYC Dept. of Buildings
14 280 Broadway
15 New York, NY 10007

16
17 **Re: 485-491 and 497 Ninth Avenue Declaration of Unsafe Buildings and**
18 **Proposed Demolition**

19
20 Dear Commissioners Been and Borough Commissioner Rebholz:

21
22 At the Clinton-Hell’s Kitchen Land Use Committee meeting on September 9, 2015 a
23 discussion took place regarding the declaration of unsafe buildings and proposed
24 demolition of 485-491 and 497 Ninth Avenue. On February 19, 2013, Community Board
25 4 wrote a request for assistance to the Department of Housing Preservation and
26 Development (HPD) and the Department of Buildings (DOB) for preservation of these
27 buildings and avoidance of any further demolition. Despite this request, the buildings
28 were allowed to deteriorate further due to the owner’s continued neglect and HPD’s and
29 DOB’s lack of action, which has led to DOB’s proposed demolition.

30
31 **Background**

32
33 485-497 Ninth Avenue is a block-front of 7 tenements on the west side of 9th Avenue,
34 between West 37th and West 38th Streets, in Subarea D5 of the Special Hudson Yards
35 District (SHYD). These buildings, under the prior ownership of Martin Fine and the
36 current ownership of David Israeli since 1996, have been the subject of long-term tenant
37 harassment, lack of services, HPD enforcement actions, and over 300 legal actions since
38 the early 1980s. Between 1968 and 1996, the long-term owner, Martin Fine, who was
39 regularly named by the Village Voice as one of the City’s top 10 worst landlords, tried to
40 vacate all of the buildings, but was unable to do so.

41
42 485-497 Ninth Avenue is located within the SHYD, and as such the tenements are subject
43 to both anti-Harassment (ZR § 93-90) and Demolition Restriction (ZR § 93-91) zoning
44 provisions. ZR § 93-90 states that before there can be any material alteration to the
45 building, the owner must obtain a Certificate of No Harassment (CONH) or, if they are
46 not able to obtain one, must comply with the Harassment Cure Requirements. No

47 application for a CONH has been submitted for these buildings. Additionally, according
48 to ZR § 93-91, no multiple dwellings in Subarea D5 the Special Hudson Yards District
49 can be either partially or fully demolished unless found structurally unsound.

50
51 In 1995, demolition work was being done at 404 West 38th Street. During the demolition
52 preparation, the building partially collapsed and a construction worker fell off of the
53 scaffolding and onto the adjacent below grade Lincoln Tunnel roadway. As a result, the
54 City found that building as well as the two adjacent buildings at 501-505 Ninth Avenue
55 to be structurally unsound, issued an emergency vacate order, and had HPD demolish the
56 buildings. *What the owner had attempted to do, remove the long term tenants of these*
57 *buildings (some with 50 year tenancies), DOB accomplished with the vacate order.* The
58 owner's very actions led to the City's demolition order. Today the site of those buildings
59 remains a vacant lot.

60
61 As part of the HPD enforcement actions, an Article 7A Proceeding was brought to
62 appoint a 7A Administrator. Martin Fine stymied that proceeding for years by putting the
63 buildings into bankruptcy. In 1996, he sold the buildings to David Israeli, the son of
64 diamond merchants. Martin Fine then sold the adjacent parking lot and all of the
65 development rights from the buildings to Dermot Companies. After multiple legal actions
66 against the long term tenants, David Israeli offered to settle the 7A Proceeding. As part of
67 that settlement, 493-495 Ninth Avenue was gut renovated and all nine of the remaining
68 tenants were consolidated into those buildings, the remaining units were rented, and the
69 building was fully occupied. David Israeli has repeatedly committed to renovate the
70 existing vacant buildings but has never done so.

71
72

73 **January – February 2013**

74

75 On January 17, 2013, DOB issued an immediate emergency violation for failure to
76 maintain the building in a code compliant manner, namely the presence of partial
77 collapses and water damage throughout the structure.

78

79 On February 19, 2013, Manhattan Community Board 4 (CB4) sent a letter to the
80 Commissioner of HPD and the Manhattan Borough Commissioner of DOB. This letter
81 made several requests for action to preserve the buildings and avoid demolition required
82 for an unsafe structure. These requests outlined a plan-of-action to preserve the
83 structures. Despite their explicit nature, no requests were satisfied, save for first which
84 has not been applicable. These requests were:

85

- 86 • *No action be taken by DOB that encourages or permits any interior or*
87 *exterior demolition at these buildings. These buildings have both a long*
88 *history of tenant harassment and are subject to the zoning required*
Demolition Restriction.
- 89 • *Since these buildings were intentionally neglected, the owner should be issued*
90 *Orders to Correct the structural and façade issues.*

- *If issues are found with the structural stability of any or all of the buildings and the owner does not correct these issues, HPD should move to safely correct the issues and seal the buildings.*
- *Liens should then be placed on the property for the City to recoup full cost of the repairs.*

On February 27, 2013, the Environmental Control Board accepted a Certificate of Cure for the January 17, 2013 violation despite minimal action being taken to restore the decaying buildings. At that time the rear of the structure was covered with a tarp, providing the building interior some protection from the elements.

April 2015

In early April 2015 the coverings of the rear building façade became unsecured exposing the true condition of the structure. At that time it became apparent that the building had undergone demolition work without the required DOB permits, exposing wooden structural members. This situation is analogous to the partial collapse that occurred in 1995, which ultimately led to the death of a construction worker as well as the demolition of a 100 year old structure.

At the request of CB4, DOB inspected the property on April 14, 2015 and issued a Stop Work Order under DOB Violation #041415BS04JM01.

On April 22, 2015, Jesse Bodine, District Manager of Manhattan Community Board 4 sent an email to John Waldman, Government and Community Affairs Liaison at DOB, and Vito Mustaciuolo, Deputy Commissioner for the Office of Enforcement and Neighborhood Services at HPD, requesting Orders to Correct the structural issues, or in absence of action by the property owner, HPD to make the corrections. No action was taken.

August – September 2015

FDNY conducted an inspection of the property and found the structural condition of the building to be alarming and referred the case to DOB. On August 4, 2015, DOB found the buildings structurally unsound and proposed demolition of the 485, 487, 489, 491, and 497 9th Avenue buildings. The excluded buildings from this range, 493 and 495 9th Avenue, are both occupied by long term and existing tenants. On August 17, 2015, a conference call was held between Byron Munoz, John Waldman, and Martin Rebholz of DOB, Amy Marcus, Michael Barrios, and Jordan Press of HPD, Jesse Bodine, Patty Gouris and Joe Restuccia of CB4, Manhattan Borough President Gale Brewer, Eli Szenes-Strauss representing NY state senator Brad Hoyleman, and Gabby Dann-Allel representing NY state senator Dick Gottfried.

The Manhattan Borough President proposed taking the buildings through eminent domain. CB4 noted that there are 5 rent regulated tenants in the 493 building, there are 4 rent regulated tenants in the 495 building, and these buildings are Demolition Restricted

137 by the zoning. DOB expressed their concern for safety, particularly the ease of which a
138 fire could spread from the unsound to the occupied buildings. It was agreed that if the
139 southern buildings (485-491 9th Avenue) could not be saved, the organizations on the call
140 would work jointly to require structural shoring to preserve the 497 9th Avenue building
141 as it was fully sealed from the elements and shares a façade with the occupied buildings.
142

143 A follow-up call was scheduled for August 27th, 2015 but was rescheduled for September
144 1st, 2015, pending a meeting between DOB, the owner, and his engineers. The call for
145 September 1st, 2015 was delayed since the meeting with the owner and his engineers was
146 scheduled for the same time. When the call started, DOB stated that its previous meeting
147 was successful. The owner had agreed to submit plans for demolition of southern
148 buildings and preservation of the northern building. He had also proposed that he would
149 undertake the demolition using his own contractors to avoid the added expense of HPD
150 undertaking the demolition.

151
152 Additionally, it was explained that the proposed demolition will require the existing
153 tenants with units on the southern side of the 493 building to vacate their units during the
154 day. Clinton Housing Development Company offered to provide accommodations during
155 these times. It was agreed the group on the call would reconvene in 2 weeks to discuss
156 the progress.

157
158 On September 14, 2015, the owner filed full demolition plans with the department of
159 buildings. On September 21, 2015 DOB reviewed the plans and determined that the
160 plans are inadequate, and will refer the case to HPD to proceed with demolition of all 5
161 structures.

162 163 **Impacts**

164
165 With no action taken, as requested by the 2013 letter from Community Board 4 and again
166 requested in April 2015 by the District Manager, 5 residential buildings over a century
167 old are proposed to be demolished, directly against the intent of the Demolition
168 Restriction in Special Hudson Yards District. When the Demolition Restriction to SHYD
169 was adopted in 2010, it preserved 1144 affordable housing units. The buildings proposed
170 for demolition were counted as 20 of these units. Further, the tenants residing in 493 9th
171 Avenue will have to be temporarily vacated during portions of demolition.

172 173 **Additional Impacts**

174
175 There are two other Demolition Restricted sites in SHYD which have given CB4
176 concerns. Both 414 and 452 West 36th Street were fully occupied a year ago and now
177 have only a handful of tenants. Today 414 West 36th Street, an existing 21 unit tenement,
178 has plans for a 3 story expansion and is listed as unoccupied in its DOB filing
179 (Application 122525641). 452 West 36th Street, a 20 unit tenement, now has very few
180 remaining tenants. These buildings are at risk. Community Board 4 would like to work
181 with HPD to ensure enforcement of SHYD's Demolition Restriction and avoid a repeat
182 of the events that occurred at the 485-491 and 497 9th Avenue buildings.

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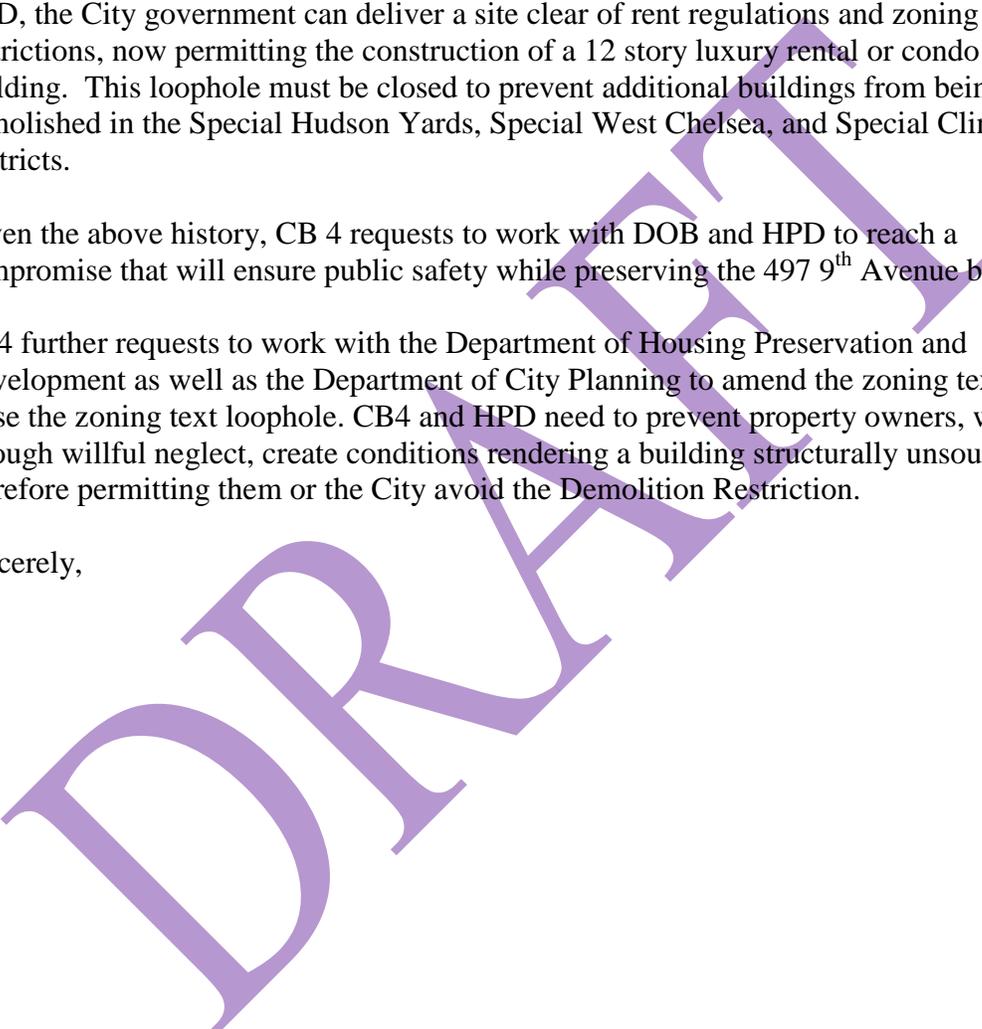
Conclusions

The property owner of 485-491 9th Avenue has exploited a loophole in Zoning Resolution in order to increase the land values despite a 2010 zoning text amendment restricting demolition. ***Fines levied by DOB against the property owner for creating a structural condition that allows him to demolish the buildings only amount to \$1,600 for work without a permit.*** The penalty imposed is not a sufficient deterrent to prevent the loss of more buildings. Due the owner’s willful neglect and lack of enforcement from DOB and HPD, the City government can deliver a site clear of rent regulations and zoning restrictions, now permitting the construction of a 12 story luxury rental or condo building. This loophole must be closed to prevent additional buildings from being demolished in the Special Hudson Yards, Special West Chelsea, and Special Clinton Districts.

Given the above history, CB 4 requests to work with DOB and HPD to reach a compromise that will ensure public safety while preserving the 497 9th Avenue building.

CB4 further requests to work with the Department of Housing Preservation and Development as well as the Department of City Planning to amend the zoning text to close the zoning text loophole. CB4 and HPD need to prevent property owners, who through willful neglect, create conditions rendering a building structurally unsound, therefore permitting them or the City avoid the Demolition Restriction.

Sincerely,



1 Clinton\Hell's Kitchen Land Use
2 September 28, 2015

Item# 17

3
4 Maria Torres Springer
5 President
6 New York City Economic Development Corporation
7 110 William Street
8 New York, NY 10038
9

10 **Re: Former Slaughterhouse Site Redevelopment RFP**
11 **493 Eleventh Avenue, New York.**

12
13 Dear Ms. Torres Springer:

14
15 Manhattan Community Board 4 (MCB4) is very pleased to note the release from the New York
16 City Economic Development Corporation (EDC) of the Request for Proposal (RFP) being
17 prepared for the Former Slaughterhouse site (the Site).
18

19 The Board would like to thank EDC — and especially the EDC team working on this project —
20 for its willingness to collaborate with the community and work with the Board to create the best
21 possible development of this site. The Board appreciates especially the graciousness and
22 professionalism EDC's team has exhibited throughout a number of frank discussions with
23 members of the Clinton Land Use Committee.
24

25 As you know, the release of the RFP is the culmination of an ongoing process of many years.
26 MCB4 has been involved with the Site for decades; most recently, it was identified as a
27 “Proposed Development” site in MCB4’s 2014 Affordable Housing Plan. MCB4 has been
28 proactive with regard to this Site, and with the development of affordable housing within our
29 district. MCB4’s view is to advocate for our neighbors and residents to ensure their voices are
30 heard in any public process for affordable housing. MCB4 can maintain community consensus
31 when all can trust they are part of the process.
32

33 We are pleased to see many of our priorities are included in the RFP. However, we would like to
34 stress our desire that the selected project meet the following parameters which are not expressly
35 outlined in the RFP for the Former Slaughterhouse Site:
36

37 **1. Permanent Affordability**

38 While MCB4 would like to thank EDC and HPD for agreeing to make 100% affordable housing
39 a goal, we stress the desire to assure that affordability is permanent. Financing which relies on
40 any units reverting to market rate after a specified period, for example, would not meet that goal.
41

42 **2. Range of Incomes**

43 To sustain economic diversity in the District, a range of income bands for the affordable housing
44 units (80/100/125/165% Average Median Income) should be the goal.
45

46 **3. Family-Size Units**

47 MCB4 and the community re-emphasize a need for a preponderance of two- and three-bedroom
48 apartments, with 50% of the units to be two-bedroom units.
49

50 **4. Commercial Space**

51 Community preferences for the ground level commercial space include an affordable

1 supermarket or fresh market.

2

3 **5. Design Considerations**

4 As respondents are expected to seek rezoning to meet RFP parameters, MCB4 wishes to stress a
5 our recommendations for a maximum height of 450 feet and a residential Floor Area Ratio
6 (FAR) of 12. We are pleased to note that the RFP requires LEED Silver certification at a
7 minimum. The building's design should include façade articulation with strong masonry base and
8 avoid looking like a dystopian glass box.

9

10 **6. Environment and Surroundings**

11 MCB4 is pleased to read the acknowledgement in the RFP that “Pedestrian safety and traffic
12 calming are of particular importance at this Site”, and would like to re-emphasize the need for
13 pedestrian safety and traffic management initiatives on the streets around the development.
14 We re-emphasize the opportunity for creating a plaza or a playground by utilizing the eastern
15 portion of 39th Street, which has been closed off between Eleventh and Twelfth Avenues

16

17 MCB4 asks EDC to consider the above listed parameters when reviewing submissions. MCB4
18 considers a collaborative plan between MCB4, the community and EDC will ensure the best
19 outcome for our neighborhood’s future. We look forward to continuing to work with both EDC
20 and HPD during this phase of the development, to select a proposal which best reflects the
21 current and future needs of the community.

22

23 Sincerely,

24

25 Christine Berthet
26 Chair
27 Committee

Jean-Daniel Noland
Chair, Clinton / Hell’s Kitchen Land Use

28

29 cc: Hon. Gale A. Brewer, Manhattan Borough President
30 Hon. Adriano Espaillat, New York State Senate
31 Hon. Richard Gottfried, New York State Assembly
32 Hon. Corey Johnson, City Council

33

34

35

36

1 **Transportation Planning Committee**

Item # 18

2
3 NYC Bid Association
4 c/o Hudson Yards/Hells Kitchen Alliance
5 412 West 42nd Street
6 New York, NY 10036

7
8 The Street Vendor Project of the Urban Justice Center
9 40 Rector Street, 9th Floor
10 New York, NY 10006

11
12 City Council Member Corey Johnson
13 250 Broadway, Suite 1804
14 New York, NY 10007

15
16 October 7, 2015

17
18 **Re: Proposal by the NYC Bid Association for study of the effect of lifting the ban on**
19 **additional Street Vending permits and licenses**

20
21
22 Dear NYC Bid Association, Street Vendor Project and Councilmember Johnson:

23
24 Manhattan Community Board #4 appreciates the presentations made both the NYC Bid
25 Association and the several local street vendors (through the Street Vendor Project) to the
26 Transportation Planning Committee regarding the likely upcoming legislation to lift the cap on
27 Street Vending licenses and permits and to reactivate the NYC Vendor Review Panel. We
28 understand the problems presented by the cap and the prevention of any street vending in several
29 areas and believe these proposals should be studied. We also agree with the NYC Bid
30 Association that these proposals, as well as alternatives to addressing these issues, should be
31 studied by a broad range of potentially affected groups in advance of legislative proposals.

32
33 Manhattan Community Board #4 appreciates the long history of street vending in NYC and its
34 role in empowering immigrants and U.S. veterans (who have priority for receiving licenses) as
35 well as being a part of NYC street life. We also appreciate that the limit on vending permits,
36 unchanged since the early 1980's has led to a "black market" of vending permits costing as much
37 as \$20,000/year and substantial illegal street vending. The lack of a legislatively mandated Street
38 Vendor Review Panel for the last 15 years has left restrictions on vending in any C4, C5, or C6
39 zoning districts or between 2nd Avenue and 9th Avenue between West 30th Street and West 55th
40 Street, parts of lower Manhattan, and on other streets at various dates and times, creating

41 additional pressure on surrounding areas, including substantial portions of CB4. We appreciate
42 how the myriad of requirements and restrictions, and related extra costs, create hardship for
43 many of street vendors - as pointed out by the long-term neighborhood based vendors who
44 presented to the Transportation Committee.
45

46 However, we are also concerned, as pointed out by the NYC Bid Association, that lifting the
47 existing cap will place additional pressure on already overcrowded sidewalks, affect (both
48 positively and negatively) the ambiance of neighborhood retail corridors and have other
49 unintended consequences. Reactivating the Street Vendor Review Panel to add and/or remove
50 location restrictions and/or legislative proposals to change restricted streets should be done with
51 thought and include study on affected areas and in an inclusive manner.
52

53 We encourage City Council members to consult with organizations such as the NYC Bid
54 Association, the Street Vendor project, pedestrian and cyclist advocates, economic development
55 experts, community and block associations and Community Boards in drafting legislative
56 remedies to the problems presented by the black market in vendor licenses and the lack of
57 flexibility in the definition of existing vending restricted areas. We encourage the Council to
58 both look at existing studies, as well as request new research, to ensure a fair and balanced
59 approach.
60

61 We also encourage the two organizations who presented to the Transportation Planning
62 Committee – The Street Vendors Project and the NYC Bid Association, who both have
63 important and unique perspectives and constituencies related to street vending – to begin an
64 active dialogue to define some of the issues that may require study and to come up with ideas for
65 reform.
66

67 Thank you for your consideration.
68

69 Sincerely,
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4
5 Borough Commissioner Margaret Forgione
6 NYC Department of Transportation
7 59 Maiden Lane, 35th Floor
8 New York, NY 10038
9

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11 October 7, 2015
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14 **RE: Proposed Revocable Consent for sidewalk and above space for an elevator and**
15 **extended above-ground Plaza on West 31st Street between 9th Avenue and Dyer Avenue**
16

17 Dear Borough Commissioner Forgione:
18

19 Manhattan Community Board #4 opposes the application of Brookfield Office Properties for a
20 revocable consent to construct an elevator and overhead plaza near the corner of West 31st Street
21 and Dyer Avenue, including on public sidewalk and space unless they agree to provide a
22 minimum of 8' continuous clearance between the elevator and the bollards in order to provide
23 sufficient pedestrian right of way.
24

25 As part of the Brookfield's Manhattan West project - which will include a two 60+ story
26 commercial buildings, a 62 story residential building, a hotel or residential tower that is still in
27 planning and 2 acre Plaza development between 9th and 10th Avenues West 31st and West 33rd
28 Street - Brookfield is required (as per Section 93-73 of the zoning text) to provide a "connector"
29 between West 31st Street and the 2 acre Plaza, located approximately 20' above street level.
30 Brookfield has proposed both a staircase and an elevator to access the Plaza area. While the
31 staircase will be located within their property line, the elevator will take up 3' by 10'-10" of the
32 sidewalk, and 3' by 64'-7" of air space above for the elevator queuing area, which require a
33 Revocable Consent for the use of public right-of-way.
34

35 Community Board #4 supports the concept of a connector and appreciates several elements of
36 the design and proposal, including the 10' 10" by 9' glass enclosure of a rectangular glass
37 elevator, the proposed uniform lighting style and the 24 hour elevator operation and Plaza access
38 from West 31st Street. However, we are disappointed that the distance between the elevator and
39 surrounding bollards (required by the NYPD Counter Terrorism Division) leaves only 7'-4" to
40 7'-8" along the West 31st Street and Dyer Avenue corner. We believe strongly that a minimum of
41 8' of continuous pedestrian access should be provided, consistent with Community Board #4
42 requirements generally for pedestrian (including those in wheelchairs) sidewalk access and a

43 necessity given the likely increased pedestrian traffic from the proposed new residential
44 entrance, additional landscaping and grand staircase entrance to the above Plaza area that will be
45 adjacent to the elevator along West 31st Street. We note that a bulb out at the corner would not
46 only create the requested 8' pedestrian access, but would also enable better ambiance and
47 improved safety for those crossing West 31st Street at Dyer Avenue, a likely highly trafficked
48 corner given the new residential tower immediately to the east and the entrance for the High Line
49 and Hudson Yard development to the west.*
50

51 We thus request that the Department of Transportation deny the Revocable Consent unless the
52 street design includes a bulb-out or otherwise enables 8' pedestrian clearance.
53

54 Sincerely,
55
56

57 * Community Board #4 will be commenting later this year on the full Brookfield proposal for
58 West 31st Street.

DRAFT

2
3 September 30, 2015

4
5 All Members
6 Manhattan Community Board 4
7 330 West 42nd Street, 26th Floor
8 New York, New York 10036
9

10 **Re: Amendments to Affordable Housing Plan**

11
12 Dear Board Members:

13
14 This letter outlines the proposed changes to Community Board 4’s Affordable Housing Plan, which were
15 presented during the September 17, 2015 Housing, Health and Human Services Committee meeting. The
16 proposed changes are as follows:

17
18 The following items are in relation to projects that have experienced construction delays. We are currently
19 in discussions with the respective developers in order to provide more accurate construction start and
20 completion dates:
21

Item	Page
Update the projected completion date for 625 West 57 th Street	16
Update the projected completion date for 606 West 57 th Street	17
Update the construction start date for 424 West 55 th Street	18
Update the projected completion date for 540 West 53 rd Street	19
Update the projected completion date for 525 West 52 nd Street	20
Update the projected completion date for 301 West 46 th Street	21
Update the projected completion date for 546 West 44 th Street	22
Update the projected completion date for 525 West 28 th Street	25
Update the projected completion date for 515 West 28 th Street	26
Update the projected completion date for 560 West 52 nd Street	28
Update the projected completion date for 429 West 18 th Street	29
Update the projected completion date for 464 West 25 th Street	34
Update the projected completion date for 565 West 23 rd Street	35

22
23 The following item needs to be changed in order to reflect the fact that the New York City Economic
24 Development Corporation (EDC) is now involved in affordable housing development:
25

Item	Page
Change the title of the “HPD Development Pipeline” section to “HPD/EDC Development Pipeline”	38

26
27 The following items are in regards to projects that have experienced delays in the public approval process.
28 Therefore, their projected completion dates must be updated:
29

Item	Page
Update the projected completion date for 535 West 55 th Street	39
Update the projected completion date for 500 West 52 nd Street	41
Update the projected completion date for 552 West 52 nd Street	42

Update the projected completion date for 460 West 37 th Street	44
Update the projected completion date for 201 7 th Avenue	45

30
31 The following items reflect two projects whose statuses have changed from proposed projects to projects
32 that are now in development. Therefore, they must be moved to the appropriate section of the Plan:
33

Item	Page/s
Move 450 West 41 st Street (Covenant House) page from the Proposed Developments section to the newly renamed HPD or EDC Development Pipeline section; add note stating that the RFP is in development	50
Move 493 11 th Avenue (Slaughterhouse) page from the Proposed Developments section to the newly renamed HPD or EDC Development Pipeline section	51
Move 450 West 41 st Street and 493 11 th Avenue from Proposed Developments Map to newly renamed HPD or EDC Development Pipeline Map	48, 38
Move 450 West 41 st Street and 493 11 th Avenue from Proposed Developments Summary Table to newly renamed HPD or EDC Development Pipeline Summary Table	56, 47

34
35 Pending your approval, these changes will be incorporated into the Affordable Housing Plan and a new
36 version will be available for the public via the Community Board 4 webpage.

37
38 Sincerely,

39
40
41
42 Joe Restuccia
43 Co-Chair, Housing, Health and
44 Human Services Committee

Barbara Davis
Co- Chair, Housing, Health and
Human Services Committee

2 October 1, 2015

3 Vicki Been
4 Commissioner
5 NYC Dept. of Housing Preservation & Development
6 100 Gold Street
7 New York, NY 10038
8

9 **Re: Affordable Housing RFP's**
10 **MTA & DEP Sites (806 9th Avenue & 705 10th Avenue)**
11 **Western Railyards Points of Agreement**
12

13
14 Dear Commissioner Been,
15

16 At the September 17, 2015 meeting of Manhattan Community Board 4's (CB4) Housing, Health and
17 Human Services Committee reviewed the Board's Affordable Housing Plan. In its review, the Committee
18 extensively discussed the following affordable housing sites:
19

20 **806 9th Avenue** (Block 1044, Lot 3) -- MTA Site, East side of 9th Avenue and West 54th Street
21

22 **705 10th Avenue** (Block 1077, Lot 29) --DEP Site, West side of 10th Avenue between West 48th
23 & West 49th Street
24

25 These two publicly-owned sites were committed by the City to be developed as affordable housing as part
26 of the Western Railyards Points of Agreement (WRYPOA), copy attached. The Western Railyards
27 closing with Related Companies occurred on April 10, 2013. CB4 requests HPD now move ahead with
28 RFP process for these sites. The Board further requests one RFP be issued for both sites, similar to the
29 Elliot-Chelsea/Fulton Houses NYCHA/HPD RFP in 2006.
30

31 **The MTA Site**, a former bus depot that was demolished in 1996, is currently a vacant lot used for MTA
32 parking.
33

34 The proposed building will contain approximately 124 affordable units, its height not exceeding 85 feet.
35 The permanently affordable units will be a mix of 165% AMI or under, with 20% of the units being 80%
36 AMI, 40% being 125% AMI, and 40% being 165% AMI. Additionally, 50% of the building's units will
37 have 2 or more bedrooms. Under the New York City Zoning Resolution Section 23-90, the site will not
38 generate an Inclusionary Zoning bonus.
39

40 **The DEP site**, a Third Water Tunnel Access Shaft site, comprises:
41

- 42 • The Access Shaft Site
- 43 • Vacant land currently used for construction staging and parking for contractors working on
44 accompanying distribution water mains
- 45 • Air rights over the Amtrak rail cut (the majority of the footprint of the entire site)
- 46 • Vacant land used for DEP parking
47

48 While the DEP work will continue for another 2 to 3 years, the RFP and development process can move
49 ahead concurrently with the completion of this DEP water main work.

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The proposed building will contain approximately 143 affordable units, its height not exceeding 77 feet. The permanently affordable units will be a mix of 165% AMI or under, with 20% of the units being 80% AMI, 40% being 125% AMI, and 40% being 165% AMI. Additionally, 50% of the building's units will have 2 or more bedrooms. Under the New York City Zoning Resolution Section 23-90, the site will not generate an Inclusionary Zoning bonus.

The Community Board requests to meet and begin discussions with HPD regarding the issuance of the Affordable Housing RFP's for these two sites.

Sincerely,

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

Barbara Davis
Co-Chair, Housing, Health and
Human Services Committee

Cc: D. Hernandez, Deputy Commissioner, HPD
E. Enderlin, Deputy Commissioner, HPD
V. Simmons, Manhattan Planning, HPD
All Electeds



1 Quality of Life Committee

Item# 23

2

3 September 28, 2015

4

5 Vincent Bradley

6 Chair State Liquor Authority

7 New York State Liquor Authority

8 80 S. Swan Street, 9th Floor

9 Albany, New York 12210

10

11 Dear Chair Bradley

12

13 Firstly, Quality of Life Committee of Manhattan Community Board 4 (MCB4) would like to congratulate
14 you on your new position as Chair of the State Liquor Authority (SLA) and thank you and your staff for all
15 of your good work on behalf of our community. It is very much appreciated.

16

17 We are writing to respectfully request that the State Liquor Authority's (SLA) citizen complaint system be
18 upgraded in order to provide confirmation of receipt of complaints via a system whereby tracking numbers
19 would automatically, and immediately, be issued in a manner similar to 311.

20

21 This upgraded citizen complaint system would allow for complaint tracking by citizens, interested parties,
22 and the SLA, and would aide in the resolution of complaints received by creating a publically accessible
23 record.

24

25 We also remain interested in the creation of an online database that would provide law enforcement, and
26 the public, immediate access to stipulations agreed to by liquor serving establishments.

27

28 Lastly, we reiterate the need for at least one additional SLA investigator to be assigned within MCB4's
29 geographical boundaries, especially since we have an excess of liquor serving establishments, and
30 subsequently, an overabundance of problems and related complaints.

31

32 Please feel free to contact us at your earliest convenience to discuss. We look forward to hearing from you.

33

34 Sincerely,

35

36

37 Tina, David & Christine

38

39 cc: Michael Jones, SLA

40

2
3
4 October XX, 2015

5
6 Hon. Margery Perlmutter, Chair
7 Board of Standards and Appeals
8 250 Broadway, 29th Floor
9 New York, NY 10007

10
11 **Re: BSA Cal. # 333-78-BZ**
12 **Amendment to Variance for 136 West 24th Street**

13
14 Dear Ms. Perlmutter:

15
16 On the recommendation of its Chelsea Land Use Committee, and after a duly noticed public hearing
17 at the regular Board meeting on October 7, 2015, Manhattan Community Board No. 4 (CB4), by a
18 vote of __ in favor, __ opposed, __ abstaining and __ present but not eligible to vote, voted to
19 recommend denial of an application to reopen and amend the variance granted in 1978 to 136 West
20 24th Street (Block 799, Lots 60, the "Site") under BSA #333-78-BZ (the "Variance").

21
22 The application seeks restoration of unused development rights found to have no value by the Board
23 of Standards and Appeals (BSA) in granting the Variance in 1978, with the intention of transferring
24 them to another parcel in a zoning lot to be created by a merger of contiguous parcels on Block 799.
25 The Board believes that BSA has no legal obligation to grant the proposed amendment and that the
26 intended conveyance of the development rights would be detrimental to the public welfare.

27
28 **Background**

29
30 136 West 24th Street, the Site, is occupied by a five story building located between Sixth and Seventh
31 Avenues in an M1-6 zone, which does not allow residential uses as of right. In 1978 BSA granted to
32 the then owners of the Site the Variance permitting the second through fifth floors of the Site to be
33 converted to residential use. In granting the Variance, BSA determined that manufacturing and
34 commercial uses within the building were not financially viable. It further determined that such uses
35 were not viable in the surrounding area and that the building's unused development rights therefore
36 had no value. On approval of the variance the owners created a cooperative with four units.

37
38 **Application and Public Hearing**

39
40 The current owners of the Site seek an amendment to the Variance to approve the right to convey the
41 unused development rights on the Site to an undetermined, newly formed zoning lot created by
42 merging one or more lots.

43
44 During the public hearing, the application was presented not by the applicant or his representative,
45 but by a representative of the Extell Development Company which intends to purchase the
46 development rights if BSA approves the application. Also present at the hearing was a representative
47 of JHG Holdings who asserted that they have a contract with the owners to purchase the same
48 development rights and that the contract was under litigation.

50 Mr. David Class, the cooperative's president who said he has lived in the building since 1976, stated
51 that the intention of the cooperative is to use a portion of the proceeds of any sale of development
52 rights for building repairs and upgrades.
53

54 **CB4 Analysis and Recommendation** 55

56 CB4 is committed to balancing the desire for growth with the need for livable neighborhoods that
57 work for residents, businesses and visitors. One example of this is the pairing of the large-scale Sixth
58 Avenue zoning with the lower scale Chelsea zoning embodied in the Board's Chelsea 197-a plan
59 adopted by the City Council in 1996.
60

61 In recent years, however, the growing popularity of Chelsea with developers, due in part to the
62 creation of the Special West Chelsea District, has made achieving a reasonable balance increasingly
63 difficult. The greatly increased value of transferrable development rights combined with unfortunate
64 midblock zoning that lacks building bulk and height controls have put increasing pressure on the
65 community's lower scale midblocks.
66

67 The present application is the third to have come before the Board recently related to assemblages in
68 the midblocks between Sixth and Seventh Avenues. Based on its prior experience, the Board
69 believes it likely that if approved the proposed transfer of development rights will be used to build a
70 mid-block, out-of-scale transient hotel with its attendant traffic problems.
71

72 We believe that BSA has the authority to approve the application, but we also believe it has no legal
73 obligation to do so. While the Board is sympathetic to the residents' desire for funds to repair and
74 upgrade their building, we believe that the owners realized significant value from the original
75 variance that legalized their residential use of the building, and that any value from the sale of unused
76 development rights would be an unwarranted gain. We also believe that any transfer of the building's
77 unused development rights would contribute to inappropriate development and would be detrimental
78 to the community.
79

80 We therefore recommend that BSA deny the application to reopen and amend the Variance.
81

2
3 October XX, 2015

4
5 Department of City Planning

6
7 **Re: N 150051 ECM - 1141700-DCA**
8 **368 W23rd Street; 23rd & 9th Restaurant Corp**
9 **DBA: Chelsea Square Restaurant**

10
11 Dear Commissioner Menin:

12
13 On the recommendation of its Chelsea Land Use Committee, and after a duly noticed public
14 hearing at the regular Board meeting on October 7, 2015, Manhattan Community Board No.
15 4 (CB4), by a vote of ___ in favor, ___ opposed, ___ abstaining and ___ present but not
16 eligible to vote, voted to recommend the approval of the application by 23rd & 9th
17 Restaurant Corp/DBA: Chelsea Square Restaurant to renew an enclosed sidewalk café
18 license for 40 tables and 80 seats to be operated at 368 West 23rd Street, the southeast
19 corner of the intersection of West 23rd Street and Ninth Avenue, with the condition that
20 the applicant amend its application as discussed below.

21
22 There have been no alterations to the enclosed sidewalk cafe since the last renewal and
23 CB4 has received no complaints about the establishment.

24
25 The application requires the applicant to answer a series of questions to demonstrate that
26 the cafe meets City requirements. The application reviewed by the Board is marked
27 "Yes" in answer to the question as to whether there is a minimum of 12 feet of sidewalk
28 space for the entire length of the property. Members of the CLU committee measured the
29 sidewalks and found that while the 23rd Street sidewalk space is greater than 12 feet, the
30 Ninth Avenue sidewalk space is approximately nine feet, of which only six feet are
31 usable by pedestrians because of delivery bikes attached to bike racks installed by the
32 Department of Transportation (DOT).

33
34 At the public hearing, the owners explained that the Ninth Avenue sidewalk space did not
35 comply because the sidewalk was narrowed to create the Ninth Avenue bike lane. They
36 also said that subsequent to that DOT had installed bike racks adjacent to their cafe on
37 what is the narrowest part of the block. The owners said that the majority of the bikes
38 belong to other businesses on the block and that they would not be affected adversely if
39 the bike racks were removed or relocated.

40
41 Increased pedestrian traffic from the High Line, the Hudson River Park and the general
42 development of Chelsea and West Chelsea has clogged our sidewalks, and the artificially
43 narrow sidewalk on the Ninth Avenue side of Chelsea Square Restaurant is a significant
44 bottleneck at busy times of day. We find DOT's decision to install bike racks in this
45 location following the narrowing of the sidewalk for the bike lane incomprehensible and
46 will work with DOT through our Transportation Committee to have the bike racks
47 relocated.

48

49 We believe that the applicant's state of non-compliance with the City's sidewalk space
50 requirement was created by DOT subsequent to the construction of the sidewalk cafe
51 enclosure. We therefore recommend approval of the application on the condition that the
52 applicant amend the application to mark "No" on the sidewalk space question and
53 request that the Department of Consumer Affairs waive the non-compliance as a
54 condition created by the City and thus beyond the applicant's control.

55

56 Our recommendation of approval not-with-standing, we are fundamentally opposed to
57 enclosed sidewalk cafes for three reasons:

58

- 59 i. They are permanent structures that appropriate public property for private use
60 without providing a public benefit;
- 61
- 62 ii. Unlike unenclosed sidewalk cafes which can add to community ambiance and
63 create more vibrant streetscapes, enclosed sidewalk cafes isolate diners from
64 sidewalk activity and the community; and
- 65
- 66 iii. Since they are permanent structures, they are difficult to remove should that be
67 warranted.

68

69 The pedestrian bottleneck created in this case by the combination of a narrow sidewalk
70 and poorly positioned bike racks is an additional concern, one we will seek to have
71 mitigated by the relocation of the bike racks.

72

73 We therefore recommend approval, with the stated condition, in the expectation that
74 Chelsea Square Restaurant will continue to be the popular, well-run restaurant it has been
75 for many years.

76

77 Thank you.

78

79 Sincerely,

80

2
3 October __, 2015

4
5 Hon. Margery Perlmutter, Chair
6 Board of Standards and Appeals
7 250 Broadway, 29th Floor
8 New York, NY 10007

9
10 **Re: BSA Cal. # 204-15-BZ**
11 **Special Permit Application for PCE at 98-100 Tenth Avenue**

12
13 Dear Ms. Perlmutter:

14
15 On the recommendation of its Chelsea Land Use Committee, following a duly noticed
16 public hearing at the regular Board meeting on October 7, 2015, Manhattan Community
17 Board No. 4 (CB4), by a vote of __ in favor, __ opposed, __ abstaining and __ present
18 but not eligible to vote, voted to recommend the approval of a Board of Standards and
19 Appeals (BSA) special permit for a Physical Culture Establishment (PCE) at 98-100
20 Tenth Avenue.

21
22 Pursuant to 73-36 of the Zoning Resolution, a 3,739 square foot PCE for SoulCycle,
23 located at the corner of Tenth Avenue and West 16th Street is proposed. The main
24 entrance would be on Tenth Avenue. The site is a portion of the first floor of a 440,937
25 square foot, twenty-four story building with commercial uses on the ground floor and
26 residential uses on the upper floors. The site is in a C6-3 district in the Special West
27 Chelsea District, and is located under the elevated High Line Park. The proposed facility
28 would be adjacent to the existing Equinox Fitness health club, previously approved by
29 BSA.

30
31 There are thirteen SoulCycle facilities in Manhattan and two in Brooklyn. The proposed
32 facility would have approximately 55 to 58 cycles; people would register for classes on
33 the SoulCycle website. It would be open Monday through Saturday from 5:30 a.m. to 11
34 p.m.; Sunday 7 a.m. to 9 p.m. Classes are staggered so the users are not expected to
35 crowd the sidewalk in front of the facility. The sign in the front will be illuminated
36 (similar to the Equinox), not flashing. To minimize sound and vibrations traveling to
37 other parts of the building, the facility will be constructed with a box in a box, sound-
38 proofing materials, and a floating floor. According to the applicant, there have been no
39 complaints about the Equinox.

40
41 CB 4 realizes that the facility's fee schedule is not relevant to the required BSA findings.
42 However the Board strongly encourages SoulCycle to offer discounted fees to residents
43 occupying the affordable apartments in the building the facility would be located in.

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CB4 believes that this PCE will be a well-run operation with minimal or no disturbance to the neighborhood and to the residential portion of the building it would be located in, and recommends approval of the proposed special permit. SoulCycle’s representative said that on-site managers would monitor noise levels, make themselves easily available to those who might be disturbed by noise or vibrations from the facility and rectify any problems as quickly as possible once they are brought to their attention.

Sincerely,

Christine, JLC, Betty

DRAFT