

2  
3 October 7, 2015

4  
5 Ms. Madlyn Wils  
6 President and Chief Executive Officer  
7 Hudson River Park Trust  
8 Pier 40, 2<sup>nd</sup> 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,

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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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119  
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

127  
128

2  
3 September 28, 2015

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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 9<sup>th</sup> Avenue,  
34 between West 37<sup>th</sup> and West 38<sup>th</sup> 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 38<sup>th</sup> 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 • *No action be taken by DOB that encourages or permits any interior or*  
86 *exterior demolition at these buildings. These buildings have both a long*  
87 *history of tenant harassment and are subject to the zoning required*  
88 *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 lead 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 9<sup>th</sup> Avenue buildings. The excluded buildings from this range, 493 and 495 9<sup>th</sup> 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 9<sup>th</sup> Avenue) could not be saved, the organizations on the call  
140 would work jointly to require structural shoring to preserve the 497 9<sup>th</sup> 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 27<sup>th</sup>, 2015 but was rescheduled for September  
144 1<sup>st</sup>, 2015, pending a meeting between DOB, the owner, and his engineers. The call for  
145 September 1<sup>st</sup>, 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 9<sup>th</sup>  
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 36<sup>th</sup> Street were fully occupied a year ago and now  
177 have only a handful of tenants. Today 414 West 36<sup>th</sup> 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 36<sup>th</sup> 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 9<sup>th</sup> Avenue buildings.

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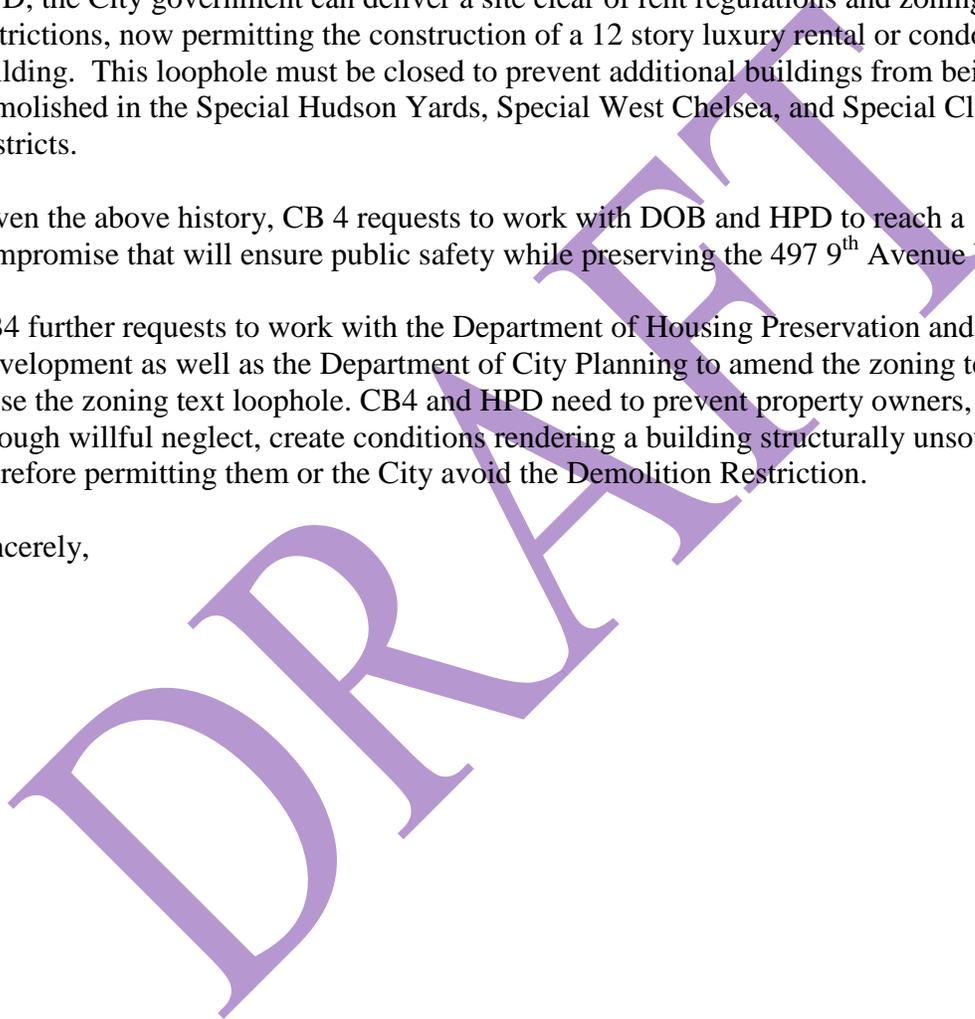
**Conclusions**

The property owner of 485-491 9<sup>th</sup> 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 9<sup>th</sup> 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

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36

1 **Transportation Planning Committee**

**Item # 18**

2

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

7

8 The Street Vendor Project of the Urban Justice Center  
9 40 Rector Street, 9<sup>th</sup> 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 2<sup>nd</sup> Avenue and 9<sup>th</sup> Avenue between West 30<sup>th</sup> Street and West 55<sup>th</sup>  
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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3  
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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13  
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 31<sup>st</sup> 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 9<sup>th</sup> and 10<sup>th</sup> Avenues West 31<sup>st</sup> and West 33<sup>rd</sup>  
28 Street - Brookfield is required (as per Section 93-73 of the zoning text) to provide a "connector"  
29 between West 31<sup>st</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> 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 <sup>th</sup> Street	16
Update the projected completion date for 606 West 57 <sup>th</sup> Street	17
Update the construction start date for 424 West 55 <sup>th</sup> Street	18
Update the projected completion date for 540 West 53 <sup>rd</sup> Street	19
Update the projected completion date for 525 West 52 <sup>nd</sup> Street	20
Update the projected completion date for 301 West 46 <sup>th</sup> Street	21
Update the projected completion date for 546 West 44 <sup>th</sup> Street	22
Update the projected completion date for 525 West 28 <sup>th</sup> Street	25
Update the projected completion date for 515 West 28 <sup>th</sup> Street	26
Update the projected completion date for 560 West 52 <sup>nd</sup> Street	28
Update the projected completion date for 429 West 18 <sup>th</sup> Street	29
Update the projected completion date for 464 West 25 <sup>th</sup> Street	34
Update the projected completion date for 565 West 23 <sup>rd</sup> 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 <sup>th</sup> Street	39
Update the projected completion date for 500 West 52 <sup>nd</sup> Street	41
Update the projected completion date for 552 West 52 <sup>nd</sup> Street	42

Update the projected completion date for 460 West 37 <sup>th</sup> Street	44
Update the projected completion date for 201 7 <sup>th</sup> 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

<b>Item</b>	<b>Page/s</b>
Move 450 West 41 <sup>st</sup> 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 <sup>th</sup> Avenue (Slaughterhouse) page from the Proposed Developments section to the newly renamed HPD or EDC Development Pipeline section	51
Move 450 West 41 <sup>st</sup> Street and 493 11 <sup>th</sup> Avenue from Proposed Developments Map to newly renamed HPD or EDC Development Pipeline Map	48, 38
Move 450 West 41 <sup>st</sup> Street and 493 11 <sup>th</sup> 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 9<sup>th</sup> Avenue & 705 10<sup>th</sup> 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 9<sup>th</sup> Avenue** (Block 1044, Lot 3) -- MTA Site, East side of 9<sup>th</sup> Avenue and West 54<sup>th</sup> Street  
21

22 **705 10<sup>th</sup> Avenue** (Block 1077, Lot 29) --DEP Site, West side of 10<sup>th</sup> Avenue between West 48<sup>th</sup>  
23 & West 49<sup>th</sup> 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 24<sup>th</sup> 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 24<sup>th</sup> 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 24<sup>th</sup> 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 W23<sup>rd</sup> Street; 23<sup>rd</sup> & 9<sup>th</sup> 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 23<sup>rd</sup> & 9<sup>th</sup>  
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 23<sup>rd</sup> Street, the southeast  
19 corner of the intersection of West 23<sup>rd</sup> 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 23<sup>rd</sup> 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 notwithstanding, 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 16<sup>th</sup> 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