



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**CHRISTINE BERTHET**  
Chair

**Jesse R. Bodine**  
District Manager

December 9, 2015

Martin Rebholz  
Manhattan Borough Commissioner  
NYC Department of Buildings  
280 Broadway  
New York, NY 10007

**Re: 517-525 West 45<sup>th</sup> Street  
Current Alt 1 #122204462**

Dear Commissioner Rebholz,

At the Manhattan Community Board 4 (MCB4) Clinton/Hell's Kitchen Land Use Committee meeting on November 12, 2015, concerns about an Application filed with the NYC Department of Buildings (DOB) to add up to two additional stories were brought to MCB4's attention by the tenants living at 517-525 West 45<sup>th</sup> Street. By a vote of 41 in favor, 0 opposed and 0 present but not eligible to vote, MCB4 voted to request that DOB conduct a full audit of Application #122204462 in light of the attached land survey based on the analysis below noting discrepancies among the existing buildings' heights.

**Background**

517-525 West 45<sup>th</sup> Street consists of five adjacent buildings of differing heights erected on a single zoning lot (block 1074, lot 18) between Tenth and Eleventh Avenues. The 517 building located on West 45<sup>th</sup> Street is four stories tall. Immediately to the west, the 525 building is five stories tall. Behind these two buildings, off an interior courtyard, is a two-story wing of the 525 building, called 525 rear, and the 523 building, also a five-story building.

Originally a factory, the buildings were designated a *de facto* multiple dwelling and deemed subject to the loft law in the 1980s after the then-owner sought to evict the residential tenants who had moved into the upper floors a decade earlier. Currently, there are 18 apartments, of which 8 are interim multiple dwelling (IMD) units. The IMD tenants of this building have long faced a series of tenant harassment tactics, including withdrawal of services and threatened use of force.

Situated on the midblock of West 45<sup>th</sup> Street between Tenth and Eleventh Avenues, the buildings are located in the Preservation Area of the Special Clinton District (SCD). Among other

requirements, the SCD Zoning Resolution mandates that an owner must first obtain a Certificate of No Harassment before a permit for a material alteration can be issued<sup>1</sup> and secondly, pursuant to Section 96-104(c) of the SCD, that the building height on a narrow street cannot exceed 66 feet, or 7 stories, whichever is less.

**Current Alteration Type 1 Filing - Application #122204462**

The Alteration Type 1 (Alt 1) filing in question, Application No. 122204462 seeks to add two additional stories to the four-story brick building known as 517 West 45 Street, and one additional story to the five-story 521-525 buildings all of which front along West 45th Street. As it is currently filed, the application states that the resultant building height as measured from curb to roof, will be 64.11 feet<sup>2</sup> for each of the 517, 521 and 525 buildings which is less than the 66 foot maximum height permitted under 96-104(c) of the SCD Zoning Text. While neither the current height of the buildings nor the height of the proposed additions is specified on the ZD-1 zoning diagram, the building plans associated with the alteration filing (copy attached), state the existing height of the 517 building to be 43 feet 4 inches and the 521-525 West 45 Street building to be 54 feet. Those numbers are summarized below:

**Building Heights as per Owner Submission to DOB**

	<b>517 W 45</b>	<b>521 W 45</b>	<b>525 W. 45</b>
<b>Curb</b>			
<b>Roof</b>			
<b>Building height</b>	43' 4"	54	54
<b>No. of stories</b>	4	5	5

**Building Heights as per Survey dated 10/1/15**

However, a recent survey conducted by Thomas Piciocco, a licensed surveyor who was engaged by the Tenants' Association, determined that the building heights as listed in the submitted building plans are inaccurate. The accurate existing building heights are listed below:

	<b>517 W 45</b>	<b>521 W 45</b>	<b>525 W. 45</b>
<b>Curb</b>	25.29	25.29 <sup>3</sup>	23.64
<b>Roof</b>		85.22	85.34
<b>Building height</b>		59.93	61.70
<b>No. of stories</b>	4	5	5

<sup>1</sup> Section 96-110 of the SCD requires that an owner obtain a Certificate of No Harassment (CONH) before DOB can issue a permit for a material alteration. In 2010, the then owner, Shabbat LLC applied for a CONH under Section 96-110 of the Special Clinton District (SCD) regulations. After a hearing on this matter, the request for a CONH was denied by NYC Department of Housing Preservation and Development.

<sup>2</sup> The building plans submitted by the owner as part of its filing list the overall building height, including the proposed additions to be 63 feet 8 inches, a discrepancy of 1 foot 3 inches from the owner's summary on the ZD-1 diagram.

<sup>3</sup> The actual curb elevation for the easterly side of the 521 building is not indicated; the curb measurement for 517 (a distance of 11 feet 3.5 inches) is noted instead.

Given the building heights as per the 10/1/2015 survey, the proposed addition of 1 story at 9 feet 8 inches at the 521-525 building would result in a building height of 69.60 feet at 521 and 71.37 feet at 525. Since the proposed addition of 2 stories at 20 feet 4 inches is intended to make the 517 building level with the 521-525 building, the height at the 517 building would be at least 69.60 feet.

***Therefore, the proposed additions will exceed the 66 foot height limit of the SCD.***

In light of the attached survey and the resultant information, MCB4 requests that DOB review Application #122204462 and conduct a full audit of this filing (and any associated filings) based on the fact that the building heights as proposed, exceed the maximum height limit of 66 feet, as set forth in Section 96-104(a) of the SCD Zoning Resolution.

Sincerely,



Christine Berthet  
Chair



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

Enclosure

cc: Hon. Brad Hoylman, State Senate  
Hon. Richard Gottfried, State Assembly  
Hon. Corey Johnson, City Council  
Deborah Rand, Assistant Commissioner, NYC HPD

18 L-B.1074

316871

FIVE STORY BRICK  
NOS 521-525

FOUR STORY  
BRICK  
NO: 517

ELEVATOR  
MACHINE ROOM

EL=85.34,RF  
EL=87.99,P

EL=85.22,RF  
EL=87.97,P

11'-3 1/2"

412'-6" TO ...  
ELEVENTH AVE.

EL=23.98,S

87'-7 1/2"

EL=25.81,S

CURB

EL=23.64,C

EL=25.29,C

WEST 45TH STREET



ELEVATIONS REFER TO NORTH AMERICAN  
VERTICAL DATUM OF 1988 (NAVD 1988)

SURVEYED OCTOBER 1, 2015

EARL B. LOVELL - S.P. BELCHER, INC.

*Thomas Piciocco*

L E D G E  
C CURB S SIDEWALK  
P PARAPET RF ROOF

LICENSED LAND SURVEYOR  
11 PARK PLACE

VICE PRESIDENT  
NEW YORK, N.Y. 10007