

2
3 February 3, 2016

4
5 Executive Director Pat Foye
6 Port Authority Of New York and New Jersey

7
8
9 Dear Executive Director Foye,

10
11 Manhattan Community Board 4 (MCB4) is pleased to learn from the minutes of the October 22,
12 2015 board meeting of the Port Authority Of New York and New Jersey (PANYNJ) that the
13 board "strongly endorses ... substantial public and stakeholder input" on plans to replace the Port
14 Authority Bus Terminal (PABT) at 625 Eighth Avenue in Manhattan.

15
16 As stakeholders, we hope we can meet with you as soon as possible to discuss the plans and the
17 competition for designing a new terminal ("Bus Terminal Design Competition").

18
19 We note with concern, however, that a working group of four commissioners — whose mandate
20 was "to examine a broad range of approaches for the replacement of the PABT and to identify
21 the most promising alternative" — recommended construction of a new terminal west of Ninth
22 Avenue.

23
24 MCB4's response to this is categorical: any plan to build on Ninth Avenue and on the side streets
25 between Ninth and Tenth Avenues is unacceptable to this board and will be met with opposition
26 by the Hell's Kitchen community. According to the minutes, one of the "key priorities" of the
27 PANYNJ Board's analysis includes "minimizing construction-related disruption to...adjacent
28 neighborhoods." Obliteration is not minimizing.

29
30 Two of the commissioners pushing for a new terminal to be build on Ninth Avenue are from
31 New Jersey. These commissioners should be apprised of that fact that Ninth Avenue is the "Main
32 Street" of the Hell's Kitchen neighborhood. Businesses thrive and people live on the Avenue and
33 on the adjacent side streets. We invite these commissioners to shop at the stores lining the
34 Avenue, to talk to some of the residents, to visit the Metro Baptist Church on West 40th. They
35 will surely get some "stakeholder input."

36
37 We note with approval that participants in the design competition are "encouraged to suggest
38 alternative sites" for a new bus terminal if it is determined that the proposed Ninth Avenue site is
39 "not optimal." It is *not* optimal. Only alternative sites should be considered.

40
41 We support Commissioner Rechler's opposition to obliterating a neighborhood to build a new
42 terminal. We also agree: building a bus station in New Jersey is an idea which deserves more
43 consideration. Congestion in midtown Manhattan needs to be reduced not increased.

44
45 Sincerely,
46 Delores, JD cc Electeds

2
3 February 3, 2016

4
5 Alan Steel, CEO
6 Jacob K. Javits Convention Center
7 655 West 34th Street
8 New York, NY 10001
9

10 **Re: Jacob K. Javits Convention Center Expansion**

11
12 Dear Mr. Steel:

13
14 Manhattan Community Board 4 was pleased to learn from the press event held by NYS
15 Governor Andrew Cuomo and subsequent press releases and news reports of the proposed Jacob
16 K. Javits Convention Center (Javits) Expansion to commence later this year.
17

18 We also want to thank you for reaching out to us and coming to present the proposal to the
19 community as well as taking questions and commentary. We look forward to many more such
20 discussions. While the Community Board's role is clearly advisory, it should also remain
21 participatory.
22

23 New areas created by the expansion include a 60,000-square-foot ballroom, with an additional
24 500,000 square feet of continuous space on the same level, resulting in a fivefold increase for
25 meeting and ballroom space. It will feature the largest ballroom in the Northeast, according to
26 the Governor's office.
27

28 Originally designed by James Ingo Freed of Pei Cobb Freed & Partners in 1986, the structure has
29 seen several structural iterations and add-ons, including in 2014. As a result, the Manhattan site
30 gained a new façade and flooring; mechanical, technology and sustainability systems; and a
31 6.75-acre green roof—the second largest in the country, according to the announcement. As it
32 stands now, the center has a LEED Silver certification.
33

34 Sustainable energy is also a focus in this project, which the state hopes will acquire a LEED
35 Platinum certification. A 34,000-square-foot solar energy array will be installed on the roof, set
36 to be the largest of its kind on a public building in New York. Expanding on its green space, the
37 building will incorporate a 22,000-square-foot green roof terrace capable of holding up to 2,500
38 guests, providing views to the Hudson River.
39

40 A four-level, 480,000-square-foot truck garage capable of housing hundreds of tractor-trailers at
41 one time will be built to alleviate potential traffic and ensure pedestrian safety. This garage will
42 take the place of what is currently Javits North, a temporary structure on 40th Street.
43

44 Although the New York convention center is not the biggest (Chicago's McCormick Place holds
45 that title), it is the busiest. According to the state's proposal site, Javits hosted 177 events and
46 more than 2 million visitors in 2014. This created 175,000 jobs and generated \$1.8 billion in
47 local business by those staying in the area, which reportedly garnered an estimated 478,000 hotel
48 stays. The expansion is expected to create 4,000 full-time jobs, 2,000 part-time jobs, and 3,100
49 construction jobs.

50
51 The financing will be done by the Javits Center within its existing resources. As a result, the
52 community expects the marshalling yards on 33rd Street and the site on east side of 11th Avenue
53 between 35th and 36th Streets will be leased out or sold. The community board wants it
54 understood that any outreach and discussion related to the expansion should also and include any
55 plans for these two sites.

56
57 Thank you.

58
59 Delores Rubins, Jean-Daniel Noland

60
61 Cc: Electeds

62
63
64

DRAFT



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

Delores Rubin
Chair

Jesse Bodine
District Manager

7

8 **Clinton/Hell’s Kitchen Land Use**

Item No. 18

9

10 February XX, 2016

11

12 Michael Evans

13 President

14 Moynihan Station Development Corporation

15 421 Eighth Avenue, 3rd Floor

16 New York, NY 10001

17

18 **Re: Expanded Moynihan/Penn Station Redevelopment Project**

19

20 Dear Mr. Evans:

21

22 On the recommendation of its Clinton/Hell’s Kitchen Land Use Committee, Manhattan
23 Community Board 4 (MCB4) voted on February 3, 2016, by a vote of XX in favor, XX opposed,
24 XX abstaining, and XX present but not eligible to vote, to present the Board’s priorities and
25 recommendations with regards to the redevelopment of Moynihan/Penn Station. MCB4 is
26 pleased to learn that this plan, which will transform a landmark in the heart of Manhattan, is
27 moving forward.

28

29 **The Project**

30 Located above the Penn Station Rail Yard between Eighth and Ninth Avenues from West 31st to
31 West 33rd Streets, the project will entail the redevelopment of one of the busiest transportation
32 hubs in the country. The project includes:

33

- 34 • Reconstruction of the existing Penn Station (referred to as Moynihan Station East)
- 35 • Construction of the previously approved Moynihan Station in the Farley Building on the
36 west side of Eighth Avenue (referred to as Moynihan Station West)
- 37 • Relocation of the Theater at Madison Square Garden to the Farley Building
- 38 • Use by private developers of up to 8 million square feet of existing development rights
39 associated with the Farley Building and the Penn Station/Madison Square Garden site,
40 only 1.1 million of which is proposed to be used onsite as “destination retail” space above
41 Moynihan Station East, with the remainder to be made transferable into the area around
42 Moynihan Station

43

44

45 **MCB4 Comments on Proposed Plans**

46 MCB4 has considered the impacts of earlier plans; its recommendations are on record since
47 2007. While Penn Station is situated within the Manhattan Community Board 5 boundaries, the
48 proposed Moynihan portion of the project falls under MCB4's boundaries. MCB4 would
49 therefore like to make the following recommendations regarding the impacts of the proposed
50 redevelopment of the site, as they relate to our Community District:
51

52 **Proposed Moynihan Station Development Rights Transfer Area**

53 The Board has concerns regarding the 8 million square feet of development rights that could be
54 distributed in or around the Moynihan Station. Such a scale of development would threaten the
55 strong neighborhood character that MCB4 has worked, for over three decades, to preserve. Most
56 prominently, our efforts to carefully plan and successfully negotiate density limits during the
57 Hudson Yards rezoning would be quickly undone with the transfer of development rights to our
58 district.
59

60 ***Ninth Avenue Corridor***

61 ***The Board recommends development rights be transferred only 100 feet east of Ninth Avenue.***
62 Development rights must not enter the Ninth Avenue Corridor. This will ensure that our
63 community retains its neighborhood character, while also protecting the West Side from a wave
64 of real estate development that would threaten to diminish affordability for our residents.
65

66 ***West 30th and West 31st Streets between Eighth and Ninth Avenues***

67 The Board also has concerns about the inclusion of the block south of the Farley Building,
68 located between 30th and 31st Streets and bounded by Eighth and Ninth Avenues, into the area
69 around Moynihan Station. The original Pennsylvania Station was constructed in a low-density,
70 middle class neighborhood. This block, which is the bastion of such scale of development in the
71 area, was rezoned in 1999 in order to preserve that character on West 29th and West 30th Streets.
72 The block has maintained its historic scale, in sharp contrast to the extensive development that
73 has occurred around it. ***The introduction of high-density development on this block should not***
74 ***be taken lightly. The Board requests that the Moynihan Station Development Corporation***
75 ***consider limiting the transfer of development rights between West 30th and West 31st Street to***
76 ***100 feet east of Ninth Avenue.***
77

78 **The relocation of the Theater at Madison Square Garden should take into consideration**
79 **the impact of traffic in the area.**

80 While MCB4 is not opposed to the relocation of the theater, as part of any relocation, there must
81 be adequate planning for anticipated increase in traffic. The Board is highly aware and concerned
82 about the impact that an additional 8 million square feet of new development would have on
83 traffic in the area. Adding to that congestion is the relocation of the Theater at Madison Square
84 Garden to the Farley Building. This relocation will introduce vehicles that will be traveling one
85 block further west, to a block that will be receiving significantly more pedestrian and vehicular
86 traffic after the development of the new Moynihan Station. Moreover, livery vehicles, which idle
87 as they wait for passengers, will present additional congestion to the area. ***The impacts of traffic***
88 ***congestion resulting from this redevelopment must be further studied, and strategies to***
89 ***mitigate these effects must be implemented by your development corporation.***
90

91 **The Moynihan/ Penn Station Design should accommodate the expected flow of travelers**
92 **and pedestrians.**

93 Our concerns regarding traffic congestion also apply to projected pedestrian traffic. Penn Station
94 is already the busiest transit hub in North America, handling 650,000 people each day. The
95 development of the Moynihan Station will greatly increase this number. Similarly, the crowds
96 attending events at the newly-relocated Theater at Madison Square Garden will present a
97 logistical challenge. ***The Board requests that the Moynihan Station Development Corporation***
98 ***fully explore and implement pedestrian infrastructure that will help keep congestion at a***
99 ***minimum.*** This will ensure that neighborhood residents, as well as visitors, enjoy a pleasant and
100 efficient pedestrian experience.

101
102 **Conclusion**

103 MCB4 is pleased to see that plans for the new Moynihan/Penn Station are once again taking
104 shape. The Board looks forward to continuing working with your office in order to advance the
105 Moynihan/Penn Station redevelopment in a manner that will make this transportation hub more
106 efficient and modern while also taking into consideration the community's concerns regarding
107 neighborhood impacts.

108
109 Sincerely,

110
111
112
113 Delores Rubin
114 MCB4 Chair

115
116
117
118 Jean-Daniel Noland, Chair
119 Clinton/Hell's Kitchen Land Use Committee

120
121
122 cc: Governor A. Cuomo
123 State Senator B. Hoylman
124 State Assembly Member R. Gottfried
125 Mayor B. de Blasio
126 C. Weisbrod Department of City Planning
127 E. Hsu-Chen, Department of City Planning
128 Borough President G. Brewer
129 Councilmember C. Johnson
130 Manhattan Community Board 5

2
3 January 28, 2016

4
5 Adam Ganser
6 Vice President of Planning and Design
7 Friends of the High Line
8 The Diller – von Furstenberg Building
9 820 Washington Street
10 New York, NY 10014

11
12 **Re: The Spur**

13
14 Dear Mr. Ganser,

15
16 Friends of the High Line presented its much changed plan for the High Line Spur and Passage
17 (High Line Section 3, Phase 2) to the Waterfront, Parks and Environment Committee meeting on
18 January 14, 2016. The plan is a simplified design in comparison to the previous versions, which
19 contained a hanging locomotive or a central cupcake amphitheater, while still maintaining a
20 sense of grandiosity. The committee positively received this version of the plan, while still
21 expressing several concerns. The committee unanimously voted to support the new design.

22
23 The High Line Spur crosses 10th Avenue at 30th Street and is the final section of the High Line to
24 be developed. The designers want to integrate the transition between the existing Section 3 of the
25 High Line with the spur, one of the largest spaces on the High Line. The designers are conscious
26 that the space can be used to display public art, contain public programming, provide views in all
27 directions over 10th Avenue and westward towards the Hudson River, become a major entrance
28 to the High Line from the east, and provide space for needed High Line storage as well as new
29 restroom facilities. The designers have included a central platform (a “plinth”) to support art
30 installations that can be raised and lowered. The lighting design, whether from a 70 foot pole or
31 from the top of a nearby building, is intended to focus downward and illuminate only the spur
32 itself. On one side of the open space a series of amphitheater-like seating steps are to be
33 installed, providing space for relaxation or as the foundation of a theater in the round. Flexible
34 seating is to be located throughout the major part of the spur platform. The design has been
35 intended to maintain and highlight the unique rail track configuration of this section of the High
36 Line. The connecting rail bed, moving east from the existing section 3 of the High Line, passes
37 under Tower C’s 70 foot high archway. This section is to have seating, overlooks, and at least
38 one concession to be licensed by the Department of Parks and Recreation. The entire area will be
39 planted with trees and shrubs appropriate for the available light restricted as a result of
40 neighboring buildings. Construction of this phase of the High Line is scheduled to begin in the
41 fall of 2016 and be completed around the end of 2017.

42
43 While the committee saw the wonderful potential for this new space of the High Line, it still had
44 several concerns and suggestions.

- 46 • Concern was expressed that the edge of the platform be sufficiently secure so as not to
47 impact traffic flow on 10th Avenue.
48
- 49 • The first entrance point on the Eastern side of the platform is merely a stairway with the
50 closest elevator being several hundred feet away. Thus access will be restricted for people
51 with limited mobility. In addition concern was expressed that there may not be space for
52 adequate circulation of pedestrians through this site and there may not be adequate
53 emergency evacuation facilities or plans.
54
- 55 • Since the space was presented to the committee as a location for rotating art installations,
56 the hope was expressed that a significant number of artists from Community District 4 be
57 represented.
58
- 59 • Concern was expressed that the space never be closed in its entirety for private events.
60
- 61 • Not only should rainwater be retained by adequate plantings but excess rainwater should
62 be retained in holding tanks and used for the cleaning and watering needs of this part of
63 the High Line. In addition holding tanks for the collection of rainwater and its beneficial
64 use should be considered for other parts of the High Line as well.
65
- 66 • It was clear to the committee that because of the restricted available sunlight, solar
67 voltaic collectors in this part of the High Line are impractical. A suggestion was made
68 that the designers consider the installation of small wind turbines in this relatively windy
69 location. Dismay was expressed that solar collectors have not been installed on other
70 parts of the High Line.
71
- 72 • Finally, the committee was intrigued by the suggestion that a Manhattan Community
73 Board 4 meeting be held on one of the High Line's protected spaces sometime in the
74 future.
75

76 We appreciate The Friends of the High Line presentation of this new phase of construction along
77 the rail bed. We look forward to this project's successful completion and to continuing our
78 interaction with friends of the High Line as we have over the years.

2
3 February 3, 2016

4
5
6 Hon. Meenakshi Srinivasan, Chair
7 Landmarks Preservation Commission
8 Municipal Building, 9th floor
9 One Centre Street
10 New York, NY 10007

11
12 **Re: LPC Application for Flood Protection Barriers at Starrett-Lehigh Building, 601 West**
13 **26th Street**

14
15 Dear Chair Srinivasan:

16
17 On the recommendation of its Chelsea Land Use Committee, Manhattan Community Board 4
18 (CB4), at its regularly scheduled meeting on February 3, 2016, voted, by a vote of XX in favor,
19 XX opposed, XX abstaining and XX present but not eligible to vote, to recommend approval of
20 an application for flood protection barriers at the Starrett-Lehigh Building, 601 West 26th Street.

21
22 Background

23 The Starrett-Lehigh Building, originally built as a freight terminal with warehouses and offices
24 over rail lines, was completed in 1931. Considered a fine example of International Style in
25 architecture, it was designated a New York City landmark in 1986 and is part of the West
26 Chelsea Historic District, established in 2008. The building encompasses a full city block
27 between 11th and 12th Avenues, and is currently occupied by office and retail uses. Separated
28 from the Hudson River by only Hudson River Park and 12th Avenue (West Side Highway), the
29 building is in Flood Zone A which has the highest risk of flooding from a hurricane's storm
30 surge. The building sustained significant damage from Hurricane Sandy's storm surge in 2012.

31
32 Proposal

33 The applicant proposes to install 13 flood protection barriers on the West 26th Street side of the
34 building at selected doorways and storefronts as part of a building-wide resiliency campaign.
35 Four different types of barriers, averaging four feet in height, are proposed:

- 36
37
- Type 1: Stanchions on jamb at three locations
 - Type 2: Stanchions on building face at five locations
 - Type 3: Stanchions with removable central supports at three locations
 - Type 4: Window coverings at two locations.
- 38
39
40
41

42 Stainless-steel brackets would be installed at or near the jambs of doorways and storefronts. For
43 some of the wider openings, holes in the sidewalk, covered with vanity plates, will be made to
44 accommodate temporary posts. The hardware (steel planks and temporary posts) will be stored in
45 the building. When a flood is anticipated, occupants of the building would be evacuated, leaving
46 a staff of five who would install the central supports and drop the barriers – steel planks – into

1 the brackets. This flood protection, which is water-tight, is designed for a 100-year flood (revised
2 Federal Emergency Management Agency [FEMA] guidelines).

3
4 MCB4 has some concerns about the appearance of the steel stanchions that would be installed on
5 the exterior of the building, and encourages the applicant to explore other options -- more
6 attractive elements or equipment that could be stored inside the building and deployed in the
7 event of an expected flood.

8
9 CB4 is pleased that the Starrett-Lehigh Building, an historically-important structure, would be
10 well-protected from flooding, and recommends that the Landmark Preservation Commission
11 approve this application.

12
13 Sincerely,

14
15 Delores, Lee, Betty

DRAFT

2
3 February 3, 2016

4
5 Hon. Meenakshi Srinivasan, Chair
6 Landmarks Preservation Commission
7 Municipal Building, 9th floor
8 One Centre Street New York, NY 10007
9

10 **Re: Recurring Seasonal Bar, High Line Hotel, 180 Tenth Avenue**

11 Dear Chair Srinivasan:

12
13
14 On the recommendation of its Chelsea Land Use Committee, Manhattan Community Board No.
15 4 (CB4), at its regularly scheduled meeting on February 3, 2016, voted, by a vote of XX in favor,
16 XX opposed, XX abstaining and XX present but not eligible to vote, to recommend approval,
17 with conditions, of an application to the Landmarks Preservation Commission (LPC) for a
18 Master Plan for a recurring seasonal bar in the areaway/forecourt of the High Line Hotel at 180
19 Tenth Avenue.
20

21 The conditions CB4 is placing on its recommendation of approval are informed by the
22 community's deep disappointment with the loss of visibility of the General Theological
23 Seminary's historic facades. This loss is caused by features added to the building's areaway that
24 are far beyond those presented to CB4 and in a public hearing of the Commission in 2013, and as
25 approved by the Commission under Certificate of Appropriateness (CofA) 14-5938, issued on
26 7/8/13.
27

28 The current areaway is unrecognizable as the design for which this CofA was issued. The CofA
29 specifically noted that the proposal would "not create a visual barrier in the streetscape." The
30 originally-proposed entry gate in the perimeter fence was in fact scaled back in response to the
31 Commission's stated concerns specifically regarding creation of a visual barrier. This concern
32 has since been disregarded by the Hotel in its introduction to the areaway of a tall perimeter
33 privet hedge and a multitude of commercial elements, of which the bar and its canopy are only
34 the greatest obstructions to views of the historic architecture.
35

36 CB4's conditions align with the Commission's original intent to avoid visual barriers and they
37 reflect the community's lack of confidence in the Hotel to honor the specifics and spirit of
38 permits it is issued by the Commission.
39

40 **Background**

41
42 The High Line Hotel, located at 180 Tenth Avenue, is part of a complex of English Gothic style
43 buildings, the General Theological Seminary, which is in the Chelsea Historic District. The Hotel
44 is seeking a Master Plan permit for the same bar that was first installed illegally in the summer of
45 2014. The Landmarks Preservation Commission cited the bar as a violation in Warning Letter
46 WL15-0086, issued on August 5, 2014, for "installation of bar in the areaway without

1 (permit[s]).” The violation was cured when the bar was removed as the end of the outdoor dining
2 season approached.

3
4 The bar was reinstalled at the beginning of the outdoor dining season in 2015 under a temporary
5 permit issued by the LPC staff without public review or a public hearing. The permit, which
6 may not be renewed, allowed a temporary installation to be in place for up to one year.

7
8 Working with Manhattan Borough President Gale Brewer’s office, the community obtained the
9 agreement of the Commission not to issue a further permit for the bar without a Master Plan.
10 The current application is for a Master Plan for a recurring seasonal bar, considered to be a
11 permanent fixture, and requires both community board review and a public hearing.

12
13 **Community Board 4 Conclusions and Conditions to its Recommendation**

14
15 The original illegally-installed bar had seating for multiple patrons as well as room for stand up
16 service, despite its designation as a service bar. Acknowledging that the bar could only be a
17 service bar, the owner removed the bar seating and replaced it with seating facing the forecourt
18 for the 2015 season. However, the owner did not reduce the size of the bar, which is much larger
19 than is necessary for a service bar.

20
21 The applicant states that there are no changes between the proposed bar and the one installed for
22 the 2015 season. The 2015 bar was large and could easily be seen from the sidewalk, towering
23 over the courtyard fence and blocking views of the historic building facade (see attached photos).
24 CB4 believes that an appropriately sized service bar would be far less damaging to the
25 community's views of this beautiful building. Therefore, our recommendation of approval of the
26 application for a Master Plan includes the following conditions:

- 27
28 • No part of the bar will be higher than the fence currently enclosing the forecourt;
29 • There will be no shade canopy or other attachment to the bar that increases its height above
30 this limit;
31 • The length of the bar from north to south will be no greater than one half the width of the
32 building facade it will partially obscure, specifically, no more than one half the clear
33 dimension from the south handrail flanking the entry walk stair to the south perimeter fence;
34 and
35 • The depth of the bar from east to west will be no greater than the depth of the bar installed
36 for the 2015 season.

37
38 In addition to these conditions designed to protect the views of the building, CB4 requires the
39 opportunity to review the plan annually to ensure that the installed structure conforms to any
40 approved Master Plan.

41
42 Sincerely,

43
44 Delores

45
46 Lee, Betty

2
3 February 3, 2016

4
5 Martin Rebholz
6 Manhattan Borough Commissioner
7 NYC Dept. of Buildings
8 280 Broadway
9 New York, New York 10007

10
11 **Re: Non-Zoning Compliant Demolition**
12 **559 West 22nd Street – AKA 162 Eleventh Avenue (Block 694, Lot 1)**
13 **DOB Applications No. 121574536, 121498370**
14

15 Dear Borough Commissioner Rebholz:

16
17 On the recommendation of its Chelsea Land Use Committee, Manhattan Community Board No. 4
18 (CB4), by a vote of XX in favor, XX opposed, XX abstaining and XX present but not eligible to
19 vote, voted to request that the New York City Department of Buildings (DOB) revoke application
20 No. 121574536 for the interior demolition of 559 West 22nd Street and rescind application No.
21 121498370 for the addition of two-and-a-half floors to the property. CB4 bases its requests on the
22 belief that applications regarding this property contain false and materially misleading statements
23 and do not meet the requirements for demolition.
24

25 Furthermore, in light of recent DOB approval of another demolition application that was not in
26 compliance with the Zoning Resolution, CB4 requests a meeting with you to clarify the system it
27 uses to track protected residential buildings subject to ZR 98-70 for the Special West Chelsea
28 District (SWCD), ZR 121-50 for the Special Garment Center District and ZR 93-90 for the Special
29 Hudson Yards District.

30 **I. Background**

31 559 West 22nd Street is a four story building located between Tenth and Eleventh Avenues, in
32 Subarea D of the Special West Chelsea District (SWCD). It therefore is subject to ZR 98-70, which
33 subjects the property to the modified harassment provisions of paragraphs (a) through (d) of ZR 93-
34 90, and to the demolition provisions of 93-91.
35

36 The building has been a single room occupancy (SRO) building since 1943. Beginning in March
37 2013, a series of job applications relating to the partial demolition of the building (DOB No.
38 121574536) and for the addition of two-and-a-half floors (DOB No. 121498370) was submitted to
39 DOB. The demolition application was approved on the day the application was filed, while the
40 application for the vertical addition was not approved until February 5, 2015, nearly two years after
41 it was filed.
42

1 Under the provisions of ZR 98-70, buildings in the SWCD, including 559 West 22nd Street, are
2 subject to demolition restrictions contained in ZR 93-91, as approved by the City Council in 2005
3 and adopted in October 2011.

4
5 In order to be exempt from these demolition restrictions, a building must be:

- 6
- 7 • under an active government-funded program; or
- 8 • a hotel; or
- 9 • a school dormitory; or
- 10 • a clubhouse

11 **559 West 22nd Street is in none of these categories and thus is not exempt from the SWCD**
12 **demolition restrictions.**

13
14 A building can also be demolished if it:

- 15
- 16 • has received a Certificate of No Harassment (CONH); and
- 17 • has been deemed unsafe; or
- 18 • cannot feasibly be rehabilitated through any government funding program

19 The owners of 559 West 22nd Street obtained a CONH on XX, which was subsequently revoked by
20 the New York City Department of Housing Preservation and Development (HPD) on XX and then
21 reinstated on XX. Although 559 West 22nd Street has received a CONH, it has not been deemed
22 unsafe by DOB nor has the owner sought funding from any of the multiple HPD programs available
23 for building rehabilitation, including the Multifamily Preservation Loan Program, the Participation
24 Loan Program, and 8A.

25
26 **559 West 22nd thus does not meet the criteria and is not a candidate for legal demolition.**

27 II. False DOB Filings - Demolition and Planned Work

28 Beginning in March 2013, thirteen job applications were submitted to DOB for 559 West 22nd
29 Street:

DOB Applications Filed Between March 2013 and October 2015

Application No.	Date Filed	Description on Application ¹
121498370	3/4/2013	Zoning filing for addition of 2.5 floors
121574536	3/26/2013	Interior demolition and construction throughout; <u>no change in egress or occupancy</u>
121570834	5/10/13	Installation of plywood enclosure fence; no change in egress or

¹ Emphasis added.

		occupancy
121523672	7/8/2013	Interior structural and foundation work throughout; no change in egress or occupancy
121767338	9/9/2013	Interior sprinkler work throughout; no change in egress or occupancy
121767329	9/9/2013	Interior plumbing work throughout; no change in egress or occupancy
121767347	9/9/2013	Mechanical duct work throughout; no change in egress or occupancy
121756439	10/11/2013	Interior renovation throughout; <u>no change in egress or occupancy</u>
122029875	6/4/2014	Installation of temporary bracing in conjunction with <u>partial demolition of existing building</u>
122029866	06/04/2014	Excavation, temporary bracing and underpinning
121756439	6/8/2015	Post-Approval Amendment
121756439	7/1/2015	Post-Approval Amendment
121767338	10/23/15	Post-Approval Amendment

1
2 Application No. 121498370, dated March 4, 2013, for the addition of two-and-a-half
3 floors at 559 West 22nd Street, and application No. 121574536, dated March 26, 2013, for
4 the interior demolition of the building, predate all other related applications noted above.

5
6 **Therefore, the first two applications and all subsequent applications should have**
7 **included forms indicating that the proposed work would:**

- 8
9
- Change the number of dwelling units in the building
 - Change the number of kitchens *and* bathrooms in the building
 - Change the layout, configuration, *and* location of any portion of a dwelling unit
 - Change the layout, configuration *and* location of any portion of a kitchen or bathroom
 - Demolish dwelling units *and* portions of the building serving dwelling units
 - Change the use *and* occupancy of dwelling units

10
11
12
13
14
15
16 Over the course of two years, several professionals submitted false statements in response
17 to questions contained in the first two job applications and in multiple subsequent
18 applications. All of the forms with false statements were accepted by DOB.

19
20 **CB4 believes that these false DOB filings were made in order to avoid compliance**
21 **with SWCD zoning requirements regarding a Certificate of No Harassment and**
22 **demolition restrictions.**

23III. False HPD Filings

1 The DOB applications were accompanied by corresponding HPD1 Anti-Harassment Area
2 Checklist forms and HPD3 Single Room Occupancy Multiple Dwelling forms that
3 contained false statements.²
4

5 Some of the submitted HPD1 forms state that 559 West 22nd Street is an exempt building,
6 or that the proposed work is exempt, contradicting statements made in other HPD1 forms.
7 The false statement that the building is not a multiple dwelling has been made nine times
8 since March 2013. This statement is inconsistent with statements on other forms, but more
9 importantly it is an incorrect statement that should have been noted by any professional
10 reviewing the application.
11

12 Furthermore, within the Special West Chelsea District, residential buildings cannot be demolished,
13 nor can they undergo a Material Alteration without first obtaining a Certificate of no Harassment. In
14 Section 93-90 of the Zoning Resolution, a Material Alteration is defined as follows:
15

16 (13) Material alteration³
17

18 “Material alteration” shall mean any alteration to a
19 #multiple dwelling# or other #building#, including, but not
20 limited to, **an alteration which reduces or increases the**
21 **#floor area# of the #multiple dwelling# or other**
22 **#building#, #converts floor area# from #residential# to**
23 **non-#residential use#, changes the number or layout of**
24 **#dwelling units# or #rooming units#, or adds or removes**
25 **kitchens or bathrooms; provided, however, that #material**
26 **alteration# shall not include:**
27

- 28 (i) an #incidental alteration# which does not change the
29 layout of #dwelling units# or #rooming units#, or
30
31 (ii) a repair or replacement of existing elements of such
32 #multiple dwelling# or other #building# without
33 materially modifying such elements.
34

35 **Approval for the material alteration of 559 West 22nd Street was received before an**
36 **application for a Certificate of No Harassment was in place and thus was invalid.**

37 IV. Non-Compliance with SWCD Zoning Requirements

38 CB4 believes that in submitting forms containing false statements, the applicants actively sought to
39 avoid complying with the SWCD zoning requirements. We also believe that the applications and
40 their corresponding forms with false and inconsistent statements shroud the full intent of the
41 proposed work.

² See Appendix A

³ Emphasis added.

1
2 **CB4 believes that the developer intends a complete interior demolition and a vertical addition,**
3 **both contrary to the Zoning Resolution.**

4 **V. Conclusion and Requests**

5 During the West Side rezonings of West Chelsea, Hudson Yards and the Western Railyards, CB4
6 worked to preserve the affordable housing and community character in the neighborhoods of
7 Chelsea and Clinton/Hells Kitchen, creating a balance between development and preservation. The
8 City's Zoning Resolution has been a key tool in achieving that goal.
9

10 However, by approving the demolition of 559 West 22nd Street, a building protected from such
11 demolition by the Zoning Resolution, DOB has negated the Board's efforts and demonstrated the
12 need for proper systems to ensure that job applications adhere to the Zoning Resolution.
13

14 Based on the series of false statements in every job filing and the lack of compliance with the
15 Zoning Resolution, CB4 requests the following immediate actions with regard to the proposed work
16 at 559 West 22nd Street:
17

- 18 • An audit of DOB applications No. 121574536, 121498370, 121570834, 121523672,
19 121767338, 121767329, 121767347, 121756439, 122029875, 122029866,
20 121756439, 121756439, and 121767338.
- 21 • The complete revocation of DOB application No. 121574536.
- 22 • The rescinding of the plan approval for DOB application No. 121498370.

23 The Board has serious concerns regarding DOB approval of demolition applications claiming to
24 have no effect on the number of units in a building. We therefore request a meeting with you in
25 order to clarify DOB's protocol for residential buildings in the West Chelsea, Hudson Yards, and
26 Garment Center Special Districts protected from demolition under Sections 98-70, 93-90 and 121-
27 50 of the Zoning Resolution.
28

29 Sincerely,
30

31
32
33 Delores Rubin
34 MCB4 Chair
35

36
37
38 John Lee Compton, Co-Chair
39 Chelsea Land Use Committee
40

41 Betty Mackintosh, Co-Chair
42 Chelsea Land Use Committee

43 Cc: NYS Senator B. Hoylman

1 NYS Assembly Member R. Gottfried
2 Borough President G. Brewer

Application Number:	12149	12157	12157	12152	12176	12176	12176	12175	12202	12202	12175	12175	12176
Date Filed:	8370	4536	0834	3672	7338	7329	7347	6439	9875	9866	6439	6439	7338
Applicant:	3/4/20	3/26/2	5/10/2	7/8/20	9/9/20	9/9/20	9/9/20	10/11/2013	6/4/20	6/4/20	6/8/20	7/1/20	10/23/2015
	13	013	013	13	13	13	13	2013	14	14	15	15	2015
	Glasgow ⁴	Glasgow	Glasgow	Hughes ⁸	Tucci	Tucci	Tucci	Glasgow	Bronzi	Bronzi	Glasgow	Glasgow	Ryan

DRAFT

3 Councilmember C. Johnson

4

5

6

7

APPENDIX A
HPD1 Anti-Harassment Area Checklist Responses

Structure is on a cure requirement or cure compliance lot		No	No		No								
Proposed work is exempt from alteration/demolition, or structure is exempt		Yes	Yes		No	No	No	Yes	No	No	Yes	Yes	No
Work does not include a material alteration		No	No		No	No	No	No	Yes	Yes	No	No	No
Alteration is to provide accessibility		No	No		No								
Work does not include the full or partial demolition of a multiple dwelling		No	No		No								
Not a multiple dwelling		Yes	Yes		Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Multiple dwelling initially occupied for residential purposes after 1/1/1974		No	No		No								
City-owned multiple dwelling		No	No		No								
Exempt hotel		No	No		No								
Multiple dwelling restricted for clubhouse of school dormitory		No	No		No								
Exempt institutional residence		No	No		No								
Multiple dwelling that is subject of an HPD program		No	No		No								

1

⁴ Although required to do so, the applicant did not complete an HPD3 Form.

1
2

HPD3 Single Room Occupancy Multiple Dwelling Responses⁵

Applicat ion Number : Date Filed: Applica nt:	121498 370 3/4/201 3 Glasgo w	121574 536 3/26/20 13 Glasgo w	121570 834 5/10/20 13 Glasgo w	121523 672 7/8/201 3 Hughes	121767 338 9/9/201 3 Tucci	121767 329 9/9/201 3 Tucci	121767 347 9/9/201 3 Tucci	1217564 39 10/11/2 013 Glasgo w	1220298 75 6/4/2014 Bronzino	1220298 66 6/4/2014 Bronzino	121756 439 6/8/201 5 Glasgo w	121756 439 7/1/201 5 Glasgo w	1217673 38 10/23/2 015 Ryan
Change in number of units		No	No	Yes	No	No	No	No	No	No	No	No	No
Change in number of kitchens or bathrooms		No	No	Yes	No	No	No	No	No	No	No	No	No
Change in layout, configuration or location of any portion of a dwelling unit		No	No	Yes	No	No	No	No	No	No	No	No	No
Change in layout, configuration or location of any portion of a kitchen or bathroom		No	No	Yes	No	No	No	No	No	No	No	No	No
Demolishes any dwelling unit and/or demolishes any portion of the building serving dwelling units		No	No	Yes	No	No	No	No	No	No	No	No	No
Change in use or occupancy of any dwelling		No	No	Yes	No	No	No	No	No	No	No	No	No

⁵ False statements noted in grey

unit or occupancy of any portion of the building													
Purpose of work is to make public areas accessible without altering any dwelling unit		Yes	No answer	No answer	Yes	Yes	Yes						
Purpose of work is to make a dwelling unit accessible		Yes	No answer	No answer	Yes	Yes	Yes						
Work will be performed by a city agency or by a contractor pursuant to a contract with a city agency		Yes	No answer	No answer	Yes	Yes	Yes						

1

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HPD1 Anti-Harassment Area Checklist Responses¹

Application Number: Date Filed: Applicant:	121498370 3/4/2013 Glasgow ²	121574536 3/26/2013 Glasgow	121570834 5/10/2013 Glasgow	121523672 7/8/2013 Hughes ⁸	121767338 9/9/2013 Tucci	121767329 9/9/2013 Tucci	121767347 9/9/2013 Tucci	121756439 10/11/2013 Glasgow	122029875 6/4/2014 Bronzino	122029866 6/4/2014 Bronzino	121756439 6/8/2015 Glasgow	121756439 7/1/2015 Glasgow	121767338 10/23/2015 Ryan
Structure is on a cure requirement or cure compliance lot		No	No		No	No	No	No	No	No	No	No	No
Proposed work is exempt from alteration/demolition, or structure is exempt		Yes	Yes		No	No	No	Yes	No	No	Yes	Yes	No
Work does not include a material alteration		No	No		No	No	No	No	Yes	Yes	No	No	No
Alteration is to provide accessibility		No	No		No	No	No	No	No	No	No	No	No
Work does not include the full or partial demolition of a multiple dwelling		No	No		No	No	No	No	No	No	No	No	No
Not a multiple dwelling		Yes	Yes		Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Multiple dwelling initially occupied for residential purposes after 1/1/1974		No	No		No	No	No	No	No	No	No	No	No
City-owned multiple dwelling		No	No		No	No	No	No	No	No	No	No	No
Exempt hotel		No	No		No	No	No	No	No	No	No	No	No
Multiple dwelling restricted for clubhouse of school dormitory		No	No		No	No	No	No	No	No	No	No	No
Exempt institutional residence		No	No		No	No	No	No	No	No	No	No	No
Multiple dwelling that is subject of an HPD program		No	No		No	No	No	No	No	No	No	No	No

¹ False statements noted in grey.

² Although required to do so, the applicant did not complete an HPD3 Form.

HPD3 Single Room Occupancy Multiple Dwelling Responses³

Application Number: Date Filed: Applicant:	121498370 3/4/2013 Glasgow	121574536 3/26/2013 Glasgow	121570834 5/10/2013 Glasgow	121523672 7/8/2013 Hughes	121767338 9/9/2013 Tucci	121767329 9/9/2013 Tucci	121767347 9/9/2013 Tucci	121756439 10/11/2013 Glasgow	122029875 6/4/2014 Bronzino	122029866 6/4/2014 Bronzino	121756439 6/8/2015 Glasgow	121756439 7/1/2015 Glasgow	121767338 10/23/2015 Ryan
Change in number of units		No	No	Yes	No	No	No	No	No	No	No	No	No
Change in number of kitchens or bathrooms		No	No	Yes	No	No	No	No	No	No	No	No	No
Change in layout, configuration or location of any portion of a dwelling unit		No	No	Yes	No	No	No	No	No	No	No	No	No
Change in layout, configuration or location of any portion of a kitchen or bathroom		No	No	Yes	No	No	No	No	No	No	No	No	No
Demolishes any dwelling unit and/or demolishes any portion of the building serving dwelling units		No	No	Yes	No	No	No	No	No	No	No	No	No
Change in use or occupancy of any dwelling unit or occupancy of any portion of the building		No	No	Yes	No	No	No	No	No	No	No	No	No
Purpose of work is to make public areas accessible without altering any dwelling unit		Yes	Yes	Yes	Yes	Yes	Yes	Yes	No answer	No answer	Yes	Yes	Yes
Purpose of work is to make a dwelling unit accessible		Yes	Yes	Yes	Yes	Yes	Yes	Yes	No answer	No answer	Yes	Yes	Yes
Work will be performed by a city agency or by a contractor pursuant to a contract with a city agency		Yes	Yes	Yes	Yes	Yes	Yes	Yes	No answer	No answer	Yes	Yes	Yes

³ False statements noted in grey .

2
3 February 3, 2016

4
5 Ms. Margaret Forgione
6 Manhattan Borough Commissioner
7 New York City Department of Transportation
8 59 Maiden Lane, 37th Floor
9 New York, NY 10038

10
11 **RE 6th Avenue Bike Lane (14-33rd Streets)**

12
13 Dear Commissioner Forgione:

14
15 Manhattan Community Board 4 supports the installation of a parking protected bicycle
16 lane from 14th to 33rd Street on 6th Avenue, but deplors the lack of important safety
17 features.

18
19 Manhattan Community Board 4 has been an early adopter and a champion of bike lanes
20 in the past, causing NYCDOT to install the first protected bike lane in the city on lower
21 8th and 9th Avenues. We applauded the NYC Department of Transportation initiative, in
22 response to requests from MCB's 2, 4 and 5, to install a parking protected bicycle lane on
23 6th Avenue between West 8th and West 33rd Street as part of an effort to create an
24 expanded network of protected bicycle lanes to enhance safety and achieve the goals of
25 the Mayor's Vision Zero initiative.

26
27 In November we had asked NYCDOT to revisit the bike lane proposed design in order to
28 improve safety and be more consistent with Vision Zero and we appreciate them coming
29 back in a timely manner.

30
31 We are pleased that the NYCDOT agreed to restore pedestrian refuges at every avenue
32 crossing. These installations are critical to reduce crossing length for seniors and children
33 in particular. Such refuges have been installed at all crossings on the 8th and 9th Avenue
34 bike lanes.

35
36 However due to their smaller footprint, these refuges will be equipped with neither
37 detectible warning pads, nor tree pits. The former is concerning since institutions for the
38 Vision Impaired persons are located in the vicinity of the proposed bike lane. We request
39 that:

- 40
- 41 • Every pedestrian ramp on each side of the pedestrian crossings on 6th Avenue be
42 brought to ADA compliance and retrofitted with detectible warning pads;
 - 43 • The surface of the refuge at street level be textured
 - 44 • NYCDOT works with the community to identify refuges to be planted with lower
45 bushes or flowers, and maintained by a local group. This will contribute to
46 catching more run-off water and provide gardening opportunities to the
community.

- 47 • NYCDOT implement a training program to help drivers and bicyclists to
48 understand new signals
49

50 We are dismayed that the NYCDOT refuses to install more life-saving features at all the
51 intersections where drivers turn left.
52

53 NYCDOT proposes to install fully exclusive split phases only at 14th and 23rd Streets
54 intersections with 6th Avenue, thus leaving unsafe conditions at 9 intersections that
55 account for 65 % of all injuries on that stretch. NYCDOT’s data from other protected
56 bicycle corridors indicate injury and fatality reductions of approximately 50%, as
57 compared to 20% to 30% in corridors without split phases¹.
58

59 NYCDOT ‘s explained that during this study, no one analyzed crash data to figure how
60 crashes were taking place, NYCDOT blamed it on NYPD inability to collect accident
61 (sic) data.
62

63 In a corridor where pedestrians experienced most of the severe injuries (27 versus 10 for
64 bicyclists, and 15 for vehicles) in 2009 to 2013, it is baffling that NYCDOT would fail to
65 analyze available data and that pedestrian safety would not be given a higher attention.
66 This is even more incomprehensible in the context of the recent announcement that
67 for 2016, the mayor unveiled \$115 million in new capital investment for plans to make
68 hazardous left-turns safer.
69

70 We request that:

- 71 • NYCDOT study two specific intersections (15th and 25th Streets) that are listed in
72 the top 10% of KSI (killed or severely injured) in Manhattan and return to CB4 in
73 4 months with the detail of the crashes as well as corrective actions to make these
74 intersections safer
75 • NYCDOT also study which other intersections would benefit from the new left
76 turn protection feature touted by Mayor di Blasio (neck downs made of paint and
77 flexible bollards)
78

79 We also request that NYCDOT collect and report additional data that can assist
80 NYCDOT, Community Boards and other policy makers to better understand which
81 features of the enclosed bicycle lanes are most useful in reducing crashes, injuries and
82 fatalities. This should include data on “mixed zones versus split phases” specific
83 pedestrian and traffic counts for any streets they judge to not be feasible for split phases,
84 and more specifics on the crashes that do occur.
85

86 With Vision Zero as a mandate, one expects NYCDOT to take this opportunity to make
87 whole corridors safer for all users.
88
89

¹ Protected Bike Lanes in NYC – NYCDOT - September 2014
<http://www.nyc.gov/html/dot/downloads/pdf/2014-11-bicycle-path-data-analysis.pdf>

1 **Transportation Planning Committee**

Item # 24

2
3 February 3, 2016

4
5 Margaret Forgione
6 Manhattan Borough Commissioner
7 NYC Department of Transportation
8 59 Maiden Lane, 37th Floor
9 New York, NY 10038

10
11 **Re: Parking Regulations Change 26th Street Between Sixth and Seventh Avenues**

12
13 Dear Commissioner Forgione:

14
15 Manhattan Community Board #4 (CB4) requests that the Department of Transportation (DOT)
16 remove the “No Standing 1am -7am All Days” parking regulations on the south side of West
17 26th Street between Sixth and Seventh Avenues. Currently the parking regulations on this block
18 are “No Standing 1am - 7am All Days” and “3 Hour Metered Parking Commercial Vehicles
19 Only Others No Standing Monday - Friday 8am -7pm.” We request that the new parking
20 regulation become only “3 Hour Metered Parking Commercial Vehicles Only Others No
21 Standing Monday - Friday 8am -7pm.”

22
23 CB4 makes this recommendation after residents and owners of commercial establishments from
24 West 26th Street requested our assistance removing this parking regulation. CB4 believes the
25 “No Standing 1am -7am All Days” comes from a time when many bars and nightclubs were
26 concentrated in this area, and is no longer necessary as the block has become primarily
27 commercial and residential. The removal of the “No Standing” regulation will enable the
28 businesses to operate more efficiently, and has the approval of the residents of this block.

29
30 Sincerely,

31
32 cc
33 Manhattan BP
34 Council Member Corey Johnson
35 CB5

2
3 February 3, 2016

4
5 Ms. Margaret Forgione
6 Manhattan Borough Commissioner
7 New York City Department of Transportation
8 59 Maiden Lane, 37th Floor
9 New York, New York 10038

10
11 **Re: Safety Concerns at the Intersections Around 23rd Street and 11th Avenue**

12
13 Dear Commissioner Forgione:

14
15 Manhattan Community Board 4(CB4) requests that the Department of Transportation (DOT)
16 study the intersections of Eleventh Avenue and West 23rd Street, West 24th Street, and West
17 22nd Street for pedestrian safety and traffic flow improvements. The very unusual traffic pattern
18 at this series of intersections, current signal timing, and the intersection of two two-way streets
19 does not allow for safe pedestrian crossing or optimal traffic flow. At West 24th Street, 11th
20 Avenue changes from one-way southbound to two-way; as a result, pedestrians who cross West
21 24th Street with the walk signal, are in conflict with northbound drivers on 11th Avenue, who all
22 must turn west at 24th Street, and the southbound drivers headed towards 23rd street and the
23 West Side Highway. In addition the pedestrians who cross 11th Avenue at 23rd Street are in
24 conflict with the West 23rd Street traffic, which is turning both north and south and traffic from
25 Eleventh Avenue turn east onto 23rd Street. At both intersections the pedestrians do not have any
26 exclusive time to cross without major conflicts with cars. It is worth noting that 11th Avenue
27 joins with the West Side highway a block away and all cars are travelling at fairly high speed and
28 the presence of the Hudson River Park which includes a playground and sporting fields in this
29 area makes this issue more urgent. New York Police Department (NYPD) crash data* for the two
30 year period from 2011 to 2014 reports:

- 31
- 32 ● 143 people were Involved were involved in a crash at the intersection of 11th Avenue
- 33 and West 23rd Street
- 34 ● 68 people were Involved were involved in a crash at the intersection of 11th Avenue and
- 35 West 24th Street
- 36 ● 48 people were Involved were involved in a crash at the intersection of 11th Avenue and
- 37 West 22rd Street
- 38

39 A total of 259 people were involved in some type of crash at these intersections and as traffic to
40 the Hudson River Park and residential development in the area increases so will these numbers.

41
42 In a letter dated October 10, 2012 (attached) CB4 requested the assistance of the DOT in
43 correcting the problems at the 23rd Street and 11th Avenue intersection. As of today no
44 improvements have been made. We believe it is urgent that the DOT study this intersection and
45 we recommend the following improvement be made as soon as possible:

46
*NYC Crashmapper

<http://nyc.crashmapper.com/11/8/14/2/standard/collisions/2/10/40.704/-73.874>

- 47 ● CB4 requests that DOT work with NYPD to place a traffic agent at the intersection of
48 23rd Street and 11th Avenue immediately, while the DOT is studying the intersections
49 and safety improvements are being implemented
50 ● The turning east signal on northbound Eleventh Avenue and the West 23rd Street signal
51 should be green at the same time. In addition the green arrow to turn east on the
52 southbound 11th Avenue, should be changed to a Split Phase Signal, removing the
53 conflict between cars and pedestrians.
54 ● A Split Phase Turn Signal should also be installed to protect the south crossing of 11th
55 Avenue from cars turning southbound from West 23rd Street.
56 ● Considering the complexity of this intersection, the installation of a Barnes's dance may
57 be warranted.
58

59 It's time to fix these intersections and CB4 urges the DOT to take action quickly.
60

61 Sincerely,
62

63 cc

64 Electeds

65 Hudson River Park Trust

66 NYPD Traffic

67 NYPD 10th Precinct
68

2
3 February XX, 2016

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

10
11 **Re: Harborview Affordable Housing--NYCHA Site**
12 **Hudson Yards Points of Agreement**
13 **Proposed RFP--Open Space Parameters**
14

15 Dear Commissioner Been:

16
17 On the recommendation of its Housing, Health, and Human Services Committee, Manhattan
18 Community Board 4 (MCB4) voted, by a vote of XX in favor, XX opposed, XX abstaining, and
19 XX present but not eligible to vote, to recommend that the open space design recommendations
20 for the **Harborview Affordable Housing--NYCHA Site** (the “Harborview Site”) be included
21 into the RFP for proposed new building (“the Project Site”) that will be constructed on the site.
22

23 The Harborview Working Group presented design recommendations for the open space, focusing
24 on connecting the existing NYCHA developments—the Harborview Terrace family Building and
25 the senior building—with the proposed new affordable housing development on the Harborview
26 Ste. MCB4 believes that the proposed design recommendations, which were developed after a
27 planning process with the Harborview Tenant Association, local elected officials, community
28 organizations, and NYCHA (the “Working Group”), offer solutions to ensure that any new
29 development will be integrated into the existing NYCHA campus through open space
30 improvements.
31

32 **Background**

33
34 The Project Site is approximately 34,000 square feet and is currently used as a 37 car NYCHA
35 tenant parking lot and basketball courts. The site is located on the blocks between West 55th and
36 West 56th Streets, between Tenth and Eleventh Avenues. The northern block of Harborview
37 Terrace is part of the former Clinton Urban Renewal Area (CURA) that was condemned for
38 affordable housing in 1969. The site is part of a 1974 Large Scale Residential Development
39 (LSRD) that encompasses both the north and south blocks of Harborview Terrace.
40

41 In 2005, the New York City Council and the Administration agreed to develop affordable
42 housing on the NYCHA Harborview Site and committed that the site would generate at least 155
43 affordable units, including 63 low-income units (up to 60% of AMI), 46 moderate income units
44 (up to 135% AMI) and 46 middle income units (up to 165% of AMI). The Hudson Yards Points
45 of Agreement (HY POA) stated that the new building would be no taller than the existing

46 Harborview building. The HY POA also noted that all of the units would be permanently
47 affordable, with NYCHA and HPD leading the development of the site.
48

49 An RFP was issued in accordance with these parameters in 2007 and the Atlantic Development
50 Group was selected as the developer. The Uniform Land Use Review Procedure (ULURP)
51 application for the project was certified in May 2008 and was approved by Council in November
52 2008. MCB4 did not support the original project for several reasons (see attached letter dated
53 July 11, 2008)¹ including:
54

- 55 • The inclusion of market-rate units that were never agreed to in the HY POA
- 56 • The creation of a floor area bonus through the Inclusionary Housing Program
- 57 • The project only generated 72 moderate and middle income units, less than the 92
58 moderate and middle units committed to in the HY POA.
- 59 • The majority of the proposed units were studios and one bedroom apartments, which did
60 not meet the community's need for family-sized units.
- 61 • The project included a concentration of senior housing. MCB4 believes that senior
62 housing should be integrated throughout the community.
63

64 The Atlantic Development Group encountered legal issues and the project did not proceed.
65

66 In August of 2013 as part of the negotiations over the Culture Shed, the City Council and the
67 Administration agreed to release a new RFP for the project on or before December 31, 2013 (see
68 attached letter dated July 31, 2013)². MCB4 agreed to reschedule the RFP release date to 2014 in
69 order to allow for more community input for the parameters of the RFP. After the RFP is
70 awarded, the developer will submit a ULURP for, at a minimum, a Special Permit to build over a
71 rail cut and modification to the existing LSRD.
72

73 **Harborview Working Group Recommendations for RFP - 2014** 74

75 In early 2014, a working group comprised of the Harborview Tenants Association, MCB4,
76 Housing Conservation Coordinators, Clinton Housing Development Company, Assembly
77 Member Linda Rosenthal, Council Member Helen Rosenthal, Manhattan Borough President
78 Gale Brewer and New York State Senator Brad Hoylman was formed (the "Working Group").
79 The group met on February 18th, May 1st, May 16th, and June 9th. As a result of those meetings,
80 the Working Group defined key objectives for inclusion in the Affordable Housing RFP:
81

- 82 • A public process in which HPD and NYCHA continues to engage with the Harborview
83 Working Group during the development of RFP parameters, the ULURP process, and
84 throughout the construction of the new affordable housing building.
- 85 • Site planning that will integrate the existing NYCHA facilities with the new affordable
86 housing building and incorporate design guidelines to increase the bulk and number of
87 units in the new building while also providing adequate light and air for existing
88 residents.

¹ See Appendix A July 11 2008 Letter

² See Appendix B July 31, 2013 Letter

- 89 • The renovation of the current community room, as well as the construction of a
90 community room in the new affordable housing building that will be open to all residents
91 of the Harborview Campus.
- 92 • A ground lease for the new affordable housing building, with the income funding repairs
93 and capital improvements in the Harborview Terrace Camps
- 94 • A building program that will:
 - 95 ○ not include any market rate units
 - 96 ○ maximize the number of units
 - 97 ○ require that 50% be two bedroom units
 - 98 ○ establish a 50% Community Preference and a 25% NYCHA preference for the
99 lottery, and expand the Community District 4 NYCHA preference to include the
100 nearby Amsterdam Houses located in Community District 7.
 - 101 ○ Establish a minimum compliance with the Enterprise Green Communities
102 Program
 - 103 ○ Ban smoking
 - 104 ○ Allow pets

105 **Harborview Campus Open Space Design Recommendations - 2015**

106
107 The working group reconvened in 2015 and arrived at the following preliminary
108 recommendations regarding open space:

- 109
- 110 • *Master plan for open space* that will include improved open space design for specific age
111 demographics including:
 - 112 ○ Adults and the elderly (seating, easy access);
 - 113 ○ Teenagers
 - 114 ○ School-age children
 - 115 ○ Toddlers (adjacent to school age playground)
- 116 • *Open space improvements* – The RFP should provide parameters for improvements to the
117 existing open spaces on the Harborview campus, all of which are to be done by the
118 developer that is awarded the RFP.
- 119 • *Existing trees* - The RFP should provide for one-for-one replacement of the eleven
120 existing trees within the Harborview campus.
- 121 • *Playground* – The Harborview Tenants Association has agreed to relocate and/or
122 reconfigure the playground as long as the new space is equivalent or larger in size.
- 123 • *Additional funding* - Manhattan Borough President Brewer and Councilmember
124 Rosenthal have been asked to provide additional funding for Harborview Campus open
125 space redevelopment and both have indicated they would consider such a request.

126
127 Delving deeper into open space needs on the existing Harborview Site, the Harborview Working
128 Group arrived at the following design recommendations.

- 129
- 130 • ***Children’s Playground*** – a newly designed playground with a water feature, along with a
131 children’s play area near the Senior Building, on the south side of West 55th Street.

- 132 • **Flexible Plaza** – a multi-purpose space that can be used for community events, including
133 Harborview Tenants’ Family Day, as well as for outdoor movies. The working group
134 expressed a desire to power outlets to service the area, as well as a water fountain and
135 lighting.
- 136 • **Planted Gardens** – year-round plants that will beautify the open space
- 137 • **Seating Areas** – seating for groups larger than four people, with special consideration for
138 strollers and wheelchair users. The Working Group also noted the need for shaded seating
139 areas, especially for seniors.
- 140 • **Safety** – Tenants emphasized the need for safety. Their safety requests were as follows:
 - 141 ○ **A mid-block crosswalk with a speed table.** Although the site is located midblock
142 and extends across West 55th Street, there is currently no traffic infrastructure to
143 ensure the safety of the many pedestrians who travel between the Family Building
144 and the Senior Building.
 - 145 ○ **Improved outdoor lighting.** This will allow residents to be better aware of their
146 surroundings and will help to discourage **XX**
- 147 • **Maintenance** – regular maintenance is key to preserving the vitality of the open space.
148

149 **Conclusion**

150
151 MCB4 is pleased to learn that the residents of Harborview have continued to be active
152 participants in the community planning process for the RFP. The Board feels confident in
153 supporting the open space design recommendations outlined above, as they reflect thoughtful
154 discussions about how to ensure that the new development on the site will incorporate residents
155 and offer them a broad range of benefits. We look forward to working with HPD in developing
156 an RFP that prioritizes the community’s and Harborview residents’ needs.
157

158 Sincerely,

159
160 Delores Rubin
161 MCB4 Chair

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165 Barbara Davis, Co-Chair
166 Housing, Health &
167 Human Services Committee

165 Joe Restuccia, Co-Chair
166 Housing, Health &
167 Human Services Committee

168
169 Cc: Assembly Member L. Rosenthal
170 Council Member H. Rosenthal
171 Borough President G. Brewer
172 State Senator B. Hoylman
173 Thehbia Walters, HPD
174 NYCHA
175 Maria Guzman, Harborview Tenant Association
176 S. Desmond, Housing Conservation Coordinators
177 J. Lawrence, Clinton Housing Development Company

2 January 26, 2016

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

10 **RE: Manhattan Community Board 4 (MCB4) response to official review period for the**
11 **Lease of Pier 57 to RXR**

12 Manhattan Community Board 4 is pleased that HRPT is entering in a formal lease for Pier 57 so
13 that the revitalization of this pier may now start.

14 We have reviewed the lease and are pleased that the terms comply with the FEIS, that periodic
15 review of the transportation staffing will be possible to adjust to the flux of operation and that
16 any future shuttle operation will be subject to a traffic study and Community board consultation.

17 We suggest that the lease include stipulations that the vast majority of the deliveries would be
18 done overnight to minimize potential conflicts with the bikeway.

19 HRPT still needs to comply with its longstanding commitment as part of the FEIS to install a
20 split phase signal at 10th Avenue for the vehicles turning westward on 15th Street.

21 We appreciate HRPT's willingness to explore the possibility of solar voltaic collectors as part of
22 the roof installation. We hope you will also consider small wind turbines in this relatively breezy
23 location. These types of installation will save on the cost of electricity use at the pier and will
24 also serve as educational examples to others if installed on this prominent location.

25 We suggest that HRPT and its architects find a way to capture and beneficially use rain water for
26 the operation of the pier (gray water for cleaning, watering plantings, HVAC water supply and
27 the like).

28 Finally we ask that HRPT and the operators of Pier 57 focus on hiring local residents, both for
29 the construction phase of this project and once Pier 57 is up and running. Further we request that
30 HRPT and the operators of Pier 57 give priority to artists residing or working in the
31 Clinton/Hell's Kitchen/Chelsea district for future art installations on this site.

32 We intend the comments of this letter to be complementary to and not a replacement of the
33 comments MCB4 offered in its October 7, 2015 letter to you.

34 We look forward to the successful completion and operation of this project.

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February XX, 2016

Hon. Bill de Blasio
City Hall
New York, New York, 10007

Dear Mayor de Blasio,

Manhattan Community Board 4 (MCB4) is greatly distressed by the failure of several City agencies, particularly the Department of Buildings (DOB), to uphold the Zoning Resolution protections in CD4’s special districts to preserve existing residential buildings from demolition. Recently a number of buildings have been approved for demolition as the result of neglect and false filings to the DOB and DOB’s incorrect interpretation of Zoning Regulations (ZR).

MCB4as approved at its February 3rd Full Board meeting, writes to you to request that you appoint an appropriate executive member of your staff to review and make institutional changes to stem the increase in instances where developers are allowed to raze affordable housing by evading the demolition restrictions and anti-harassment protection in the Special West Chelsea District (SWCD), Special Hudson Yards Special District (SHYD), and the Clinton Special District (SCD). Most recently, MCB4 has become aware of three sites that avoided abiding by the protections in the Zoning Resolution by neglecting buildings until their condition triggered an exemption from the demolition restriction by being declared unsafe or by submitting false statements in applications for demolition permits and new building permits. All of these actions were accepted by the Department of Buildings (DOB).

Indeed we are aware of three cases but we suspect that many more are going on undetected. At a time when your administration is recommending zoning changes to facilitate the creation of affordable housing- such instances show that protection of existing affordable housing stock is as - if not more - critical and all city agencies should be focused on such efforts.

Background:

47
48 During the West Side rezonings of West Chelsea, Hudson Yards and the Western Railyards,
49 MCB4 worked to preserve the affordable housing and community character in the neighborhoods
50 of Chelsea and Clinton/Hell's Kitchen, seeking a balance between development and
51 preservation. Specific language regarding anti-harassment (ZR § 93-90) and demolition
52 restrictions (ZR § 93-91) have been included in the City's Zoning Resolution of all three Special
53 Districts in Community District 4¹.

54
55 **485-497 9th Avenue:**

56
57 485-491 and 497 Ninth Avenue (West 39/39 Street) is located within the SHYD, and as such the
58 buildings are subject to both anti-Harassment (ZR § 93-90) and Demolition Restriction (ZR § 93-
59 91) zoning provisions. The past and current owners have been able to sidestep these protections
60 by neglecting the building and performing unpermitted partial demolition of the buildings,
61 forcing the DOB to declare the buildings unsafe and exempt from the ZR regulations².

62
63 Since 2013 MCB4 has written to the DOB and the Department of Housing Preservation and
64 Development (HPD) twice to request the city's intervention to require the owners to maintain
65 these buildings³. Unfortunately, no sufficient action was taken and in August of 2015 the
66 buildings were declared unsafe and a certificate for an emergency demolition was issued by
67 DOB. As a result of the owner's long term neglect and the "demolition through neglect"
68 provision in the ZR the owner will be able to demolish the buildings. Further, another building
69 at 497 9th Avenue, that is not unsafe, and is not even attached to the unsafe buildings was lumped
70 erroneously into the certificate for emergency demolition.

71
72
73
74 **319-321 West 38 Street:**

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76 319-321 West 38th Street (Eighth/Ninth Avenues) consists of two four-story and one three-story
77 residential building and have been a condominium since 1983. These buildings are located in the
78 Special Garment Center District (SGCD), within the P-2 Preservation Area in which both anti-
79 harassment (ZR § 93-90) and demolition restrictions (ZR § 93-91) apply. All three buildings are
80 in good condition and have been continuously occupied until the last few months.

81
82 In December of 2015, an MCB4 board member observed construction workers erecting
83 scaffolding around the site buildings, in preparation for demolition. The current owners did not
84 obtain a Certificate of No Harassment nor were the buildings deemed structurally unsound.
85 Furthermore, it was discovered that the owner and its representatives provided the DOB with
86 false filings which DOB reviewed and approved. MCB4, working with Elected Officials,

¹ <http://www.nyc.gov/html/dcp/pdf/zone/allarticles.pdf>

² <http://a810-bisweb.nyc.gov/bisweb/OverviewForComplaintServlet?requestid=2&vlcompdetlkey=0001844299>

³ http://www.nyc.gov/html/mancb4/downloads/pdf/2015%20PDFs/October_2015/16_CHKLU_letter_to_HPDP_and_DOB_re_485-497_Demo.pdf

87 contacted DOB which, after review, revoked the demolition permits and denied the new building
88 plans⁴.

89
90 **559 West 22nd Street:**

91
92 559 West 22nd Street (at 11th Avenue) is a four story building located in Subarea D of the SWCD
93 and has been single room occupancy (SRO) building since 1943. The building is subject to the
94 modified harassment provisions of paragraphs (a) through (d) of ZR 93-90, and to the demolition
95 provisions of 93-91. After thorough research, MCB4 discovered that the owners and their
96 representatives filed applications with false statements in regard to the demolition, the change in
97 dwelling units, layout, and occupancy. In addition, the building had not been deemed unsafe by
98 DOB and therefore not exempt from the ZR demolition restrictions. MCB4 is currently drafting a
99 letter to DOB requesting that the demolition be revoked and a full audit be done.

100
101
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103 **Conclusion**

104 Each of these histories exhibits a lack of oversight and enforcement of the ZR by DOB and a lack
105 of proactive involvement by the Department of Housing Preservation and Development. MCB4
106 has worked tirelessly with community groups, elected officials, and city agencies over the years
107 to preserve the maximum amount of affordable housing, which is often located in tenements
108 buildings. MCB4's goal has and continues to be to and create a balanced approach to the
109 development of the Westside. The Board is seriously concerned about the apparent lack of
110 proper systems to ensure that job applications adhere to the Zoning Resolution, and requests that
111 the city recognize the need for additional oversight in order to fulfill the intent of the protections
112 listed in the Zoning Resolution.

113
114
115 Thank you for your attention to this issue and we eagerly await your response.

116
117 Sincerely,

118
119 Delores Rubin
120 Chair
121 Manhattan Community Board 4

122
123 Jean Daniel Noland
124 Chair
125 Clinton\Hell's Kitchen Land Use Committee

126
127 Lee Compton
128 Co-Chair
129 Chelsea Land Use Committee

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⁴ http://www.nyc.gov/html/mancb4/downloads/pdf/Resolutions/january_2016/16_exec_letter_to_dob_re_319-321_west_38_st_demolition_finalcompressed.pdf

131 Betty Mackintosh
132 Chair
133 Chelsea Land Use Committee
134
135 cc: DOB Commissioner
136 HPD Commissioner
137 All Elected Officials
138

DRAFT



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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tel: 212-736-4536 fax: 212-947-9512
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Delores Rubin
Chair

Jesse Bodine
District Manager

January 26, 2016

Maria Torres-Springer
President
New York City Economic Development Corporation
110 William Street
New York, NY 10038

Vicki Been
Commissioner
Department of Housing Preservation & Development
100 Gold Street 10038

**Re: Covenant House – Hunter College Site
Block 1050, Lots 1, 6, 13
Request for Proposal (RFP)**

Dear Ms. Torres-Springer and Commissioner Been:

At the Manhattan Community Board 4 (MCB4) Executive Committee meeting on January 25, 2016, members discussed the Covenant House – Hunter College Site Request for Proposal (RFP). MCB4 has been engaged with the City Administration, the New York City Economic Development Corporation (EDC), the New York City Department of Housing Preservation and Development (HPD), and Covenant House to ensure that the RFP considers the community's needs. By a vote of 14 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote, the Executive Committee voted to request that the following two amendments, as well as the original letter (see enclosed), be included in the RFP¹.

- 1. Open space for Covenant House residents; and*
- 2. The entire Carnegie Library building, not just the facade, must be preserved*

The Development Site

The Development Site on block 1050 is located between West 40th and 41st, Tenth and Dyer Avenues, and comprises the following sites:

- Covenant House, along 10th Avenue between West 40th and 41st Streets (including the former Carnegie Library on West 40th Street and adjacent to Covenant House)

¹ See Appendix A: CHKLU Letter to EDC and HPD re Covenant House – Hunter College RFP

- Former Hunter College Voorhees Campus in the mid-block along West 41st Street

All the above mentioned properties on the Site are owned by different entities and have been present on the block for extended periods of time. Covenant House first began operating out of the site in 1976 and continues to help homeless youth with shelter, social services, opportunities for schooling, and training for future employment. Part of the Covenant House site is the former West 40th Street Carnegie Library, which is now used by Covenant House as a health clinic and gym. The Hunter College Voorhees Campus Annex was vacated in 2014 and remains vacant. Ownership of the building has been reverted to the City of New York.

Community Requests for the RFP

Our July 2015 letter to you outlined the following community parameters for the RFP. All of these requests are the same, although we would like to amend the following items:

Residential Housing

- Original requests remain the same
- Additional Request:
Covenant House Open Space Parameters should include an open space for the Covenant House residents while ensuring full frontage to create the maximum zoning footprint for an affordable housing building on West 41st Street.

Possible open space options could include:

- A two story atrium along a portion of West 41st Street, or
- An outdoor patio encompassing the second floor rear yards of both the Covenant House and the Affordable Housing Building on West 41st Street

MTA Number 7 Line and future West 41st Street Station ventilation building easement

- Original requests remain the same

West 40th Street Carnegie Library Building

- Original requests remain the same
- Request Clarification:
The entire building, not just the façade, should be preserved

Port Authority

- Given that the Port Authority is no longer part of the RFP, those requests should not be considered.

Further Conditions

- Original requests remain the same

Conclusion

The Board believes in the importance of preserving our neighborhood's historic assets and ensuring that new development brings along with it open space for residents. For this reason we again urge that that these two items be included in the RFP for the Covenant House - Hunter College Site.

MCB4 thanks the City Administration, EDC, and HPD, and Covenant House for working with our district to develop the parameters for the RFP. We look forward to working with you to ensure that the Community Requests for RFP are given serious and thoughtful consideration in the evaluation of RFP responses.

This letter is subject to ratification by the full board at its February 3rd meeting.

Sincerely,



Delores Rubin
MCB4 Chair



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

Enclosure

cc: Hon. Gale A. Brewer, Manhattan Borough President
Hon. Richard Gottfried, New York State Assembly
Hon. Brad Hoylman, New York State Senate
Hon. Adriano Espaillat, New York State Senate
Hon. Corey Johnson, City Council
Hon. Helen Rosenthal, City Council

Letter to EDC re: Response to Covenant House RFP will be available Monday, February 1st, 2016.