

2
3 January 7, 2015

4
5 Carl Weisbrod
6 Chair
7 NYC Department of City Planning
8 22 Reade Street
9 New York, NY 10007

10
11 **Re: 332 West 44th Street Garage**
12 **EXG 332W44 LLC**

13
14 Dear Chair Weisbrod,

15
16 Manhattan Community Board 4 (MCB4) is pleased to provide its recommendation on an
17 application by EXG 332W44 LLC (the "Applicant") for a modification of a special permit
18 previously granted pursuant to Zoning Resolution Sections 13-562, 74-52, and 96-11 (CPC
19 No. C 090377 ZSM) to reflect a number of changes to upgrade the garage (the "Garage") at
20 332 West 44th Street and its operations.

21
22 Located in the Preservation Area of the Special Clinton District, the property, a 17,272
23 square-foot parcel known as Lot 48 of Block 1034, is zoned C6-2. The property has 172 feet
24 of frontage on the midblock of West 44th Street and a depth of 100.5 feet. The portion of
25 the site fronting West 43rd Street is 25 feet wide and 100.5 feet deep.

26
27 A public presentation on the proposed development and the required zoning actions was
28 heard by Manhattan Community Board 4's Clinton/Hell's Kitchen Land Use and Zoning
29 Committee on December 10, 2014. Manhattan Community Board 4 at its Full Board
30 Meeting on January 7, 2015, by a vote of for, against, and present but not eligible,
31 recommended **approval** of the application **with the following conditions**:

- 32
- 33 1. The Applicant landscapes and maintains a planted area of at least ten feet on one side of
34 the West 43rd Street Garage driveway and cooperates with MCB4 to get a tree planted near
35 the Garage driveway on West 43rd Street;
 - 36
37 2. The Applicant replaces the roll-down gate with a white picket iron gate on West 43rd
38 Street so the landscaping will be visible to the public;
 - 39
40 3. The Applicant delivers, within six months if possible, a white box core and shell for the
41 proposed retail spaces on West 44th Street;
 - 42
43 4. The Applicant agrees not to rent the retail spaces on West 44th Street to establishments
44 requiring a liquor license;
 - 45 5. The Applicant considers the feasibility of art installations in the driveway on West 43rd
46 Street or in the proposed retail spaces on West 44th Street;

1 6. The Applicant submits a time-frame for the new facade improvements on West 44th
2 Street; and,

3
4 7. The Applicant submits to MCB4 a letter of commitment to the above conditions.
5

6 **Proposed Changes To The Garage**

7 The Applicant proposes a number of changes to upgrade the Garage in order to improve
8 the internal operations and efficiency. According to the Applicant, the changes "will have no
9 negative effect on the area and street traffic capacity." The changes include:

10
11 • Installing new, wider staircases at the front two corners of the building on West 44th
12 Street frontage and elevators at the eastern side of that frontage. Consequently, parking
13 areas on the ground floor, second and third levels, and the rooftop would be reconfigured.
14 The capacity for the Garage would be reduced by 13 spaces, from 350 spaces to 337 spaces.
15

16 • Adding on the eastern portion of the West 44th Street frontage a new entry lane to
17 improve access and avoid congestion on the street. The width of the existing curb cut
18 would be increased from 11 to 22 feet to accommodate the new entry lane.
19

20 • Redistributing on the ground floor the required 17 reservoir spaces to reflect the
21 additional entry point and to accommodate vehicle movements on ramps in one direction
22 only.
23

24 • Relocating the customer service area from the center of the Garage to the West 44th
25 Street frontage (eastern side).
26

27 • Reconfiguring the internal pedestrian walking areas.
28

29 • Reserving the remaining Garage frontage (middle and western side) for active retail users
30 to improve the overall appearance of the building and to enliven the streetscape. The
31 employee bathroom and locker area would be relocated to the rear of the building under
32 the "up" ramp; and the required bicycle parking area (22 spaces) would be relocated to the
33 rear of the building behind the ramps.
34

35 Minor changes would be made on the upper levels of the Garage, including the addition of a
36 675 square foot office area on the second level and realignment of the lifts on the rooftop to
37 improve circulation and promote safer movement of vehicles.
38

39 MCB4 would like to thank the applicant for its willingness to discuss with the Board
40 improvements to the Garage which would be acceptable, and agreeable, to the community.
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2
3 January 7, 2015

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5 Hon. Gale A. Brewer
6 Manhattan Borough President
7 1 Centre Street, 19th Floor
8 New York, NY 10007

9
10 **Re: Resolution To Support Passage of A5355/S3076**

11
12 Dear Manhattan Borough President Brewer,

13
14 Manhattan Community Board 4 (MCB4) is pleased to provide its recommendation on the
15 Manhattan Borough Board's resolution in support of Assembly Bill Number 5355 and
16 Senate bill 3076 in 2015.

17
18 The bills, sponsored respectively by, among others, Representative Richard Gottfried and
19 Senator Brad Holyman, seek to amend the Public Service Law, in relation to the siting of
20 electric substations. The Borough Board resolution supports the bills.

21
22 A public discussion of the proposed Borough Board resolution was held by Manhattan
23 Community Board 4's Clinton/Hell's Kitchen Land Use and Zoning Committee on December
24 10, 2014. Manhattan Community Board 4 at its Full Board Meeting on January 7, 2015, by a
25 vote of for, against, and present but not eligible, recommended that the Chair of
26 MCB4 vote **not to approve** the Borough Board's resolution **unless** the following actions
27 are taken:

28
29 1. The following sentence is deleted from the resolution: "... Substations generate
30 electro-magnetic fields, which are thought by some to increase the risk of certain cancers;";
31 and,

32
33 2. There is a review to determine if 500 square feet is the proper threshold for a facility in
34 which electric current is transformed to be described as a "major utility transmission
35 facility."

36
37 **THE BOROUGH BOARD RESOLUTION**

38 The New York State Assembly and Senate bills the Borough Board resolution supports seek
39 to amend Article VII of the Public Service Law ("Siting of Transmission Facilities") by
40 adding a third category to section 2 ("Major utility transmission facility" means:) The third
41 category would be: "*c. a facility in which electric current is transformed from the*
42 *transmission system to the distribution system or a facility within the distribution system that*
43 *is larger than five hundred square feet and in which electric current is transformed.*"

44
45 Translated into English, the third category expands the definition of a "Major Utility
46 transmission facility" to include electric substations. (A substation is used to step down

1 high voltage (generated in power stations) for domestic and commercial usage. A typical
2 substation includes power lines, transformer, and switches and relays)

3
4 According to the bills sponsors, this would mandate that a public review of the siting of
5 electric substations be required by law.

6
7 The Borough Board's resolution to support passage of the bills contends:

8
9 WHEREAS, Siting a substation is within the unreviewed discretion of a utility; and

10
11 WHEREAS, no procedure exists for the siting of electric substations, even though a
12 utility can take property for a substation site by condemnation; and

13
14 WHEREAS, These substations can have significant impacts on the surrounding
15 communities, especially in densely populated areas; and

16
17 WHEREAS, Substations generate electro-magnetic fields, which are thought by some
18 to increase the risk of certain cancers; and

19
20 WHEREAS, Electric substations should be subject to Public Service commission
21 review, just as power plants and transmission lines are; and

22
23 WHERAS, A5355 introduced in the Assembly by Assembly Member Richard Gottfried
24 and S3076 introduced by Senator Brad Hoylman in the Senate would;

25
26 Expand the definition of major utility transmission facility to include a facility in which
27 electric current is transformed from the transmission system to the distribution system or
28 a facility within the current distribution system that is larger than 500 square feet and in
29 which electric current is transformed.

30 Extend all the requirements of Article VII to electric substations.

31 Set out a procedure for the granting of a certificate of environmental capability and
32 public need before a facility can be built.

33 Include environmental impact studies, public hearings, and judicial review of the
34 decision.

35
36 **MCB4 COMMENTS**

37
38 ***Electro-Magnetic Rays And Cancer***

39 MCB4 does not doubt that "some" may think that electro-magnetic rays "increase the risk
40 of certain cancers." The Board, however, finds no conclusive evidence to justify such a
41 belief. This may be because there is no conclusive evidence.

42
43 According to the National Cancer Institute at the National Institute of Health
44 (<http://www.cancer.gov/cancertopics/factsheet/Risk/magnetic-fields>) while "several
45 early epidemiologic studies raised the possibility of an association between certain cancers,
46 especially childhood cancers, and extremely low frequency electric and magnetic fields

1 (ELF-EMFs), most subsequent studies have not shown such an association." And that
2 "Studies of animals exposed to ELF-EMFs have not provided any indications that ELF-EMF
3 exposure is associated with cancer, and no mechanism has been identified by which such
4 fields could cause cancer."
5

6 The Cancer Research UK (United Kingdom) supports this contention: "Research has looked
7 into the electromagnetic radiation (EMR) produced by electricity in the home and from
8 overhead power lines as a possible cause of cancer. No conclusive link has been found so
9 far. The most recent research studies seem to show that this type of electromagnetic
10 energy does not increase the risk of cancer."

11 (<http://www.cancerresearchuk.org/about-cancer/cancers-in-general/cancer-questions/does-electromagnetic-energy-cause-cancer>)
12
13

14 **Public Review**

15 While MCB4 finds the call for public review to be an worthy goal, we note that The New
16 York City Zoning Resolution 74-61 Public Transit, Railroad or Electric Utility Substations
17 already deals with the siting of electrical utility substations:
18

19 In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special
20 Downtown Jamaica District#, the City Planning Commission may permit electric
21 utility substations (including transformers, switches, or auxiliary apparatus) or
22 public transit or railroad electric substations, limited in each case to a site of not
23 less than 40,000 square feet nor more than 10 acres, provided that the following findings
24 are made:
25

- 26 (a) that there are serious difficulties in locating such #use# in a nearby
27 district where it is permitted as-of-right;
- 28 (b) that the site for such #use# is so located as to minimize the adverse
29 effects on the integrity of existing and future development;
- 30 (c) that the architectural and landscaping treatment of such #use# will
31 blend harmoniously with the rest of the area; and
- 32 (d) that such #use# will conform to the performance standards applicable
33 to M1 Districts.
34

35 And although it doesn't require an environmental study, the Zoning Resolution states that
36 the City Planning Commission "may prescribe appropriate conditions and safeguards to
37 minimize adverse effects on the character of the surrounding area, including requirements
38 for soundproofing of electric substations, for the construction of fences, barriers, or other
39 safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or
40 other artificial illumination, or for landscaping or screening."
41

42 An enterprising and eagle-eyed public member of the Clinton/Hell's Kitchen Land Use and
43 Zoning Committee also points out that section 93--054 exempts Hudson Yards Special
44 District from section 74-61 and instead uses 93-19 Authorization for Electrical Utility
45 Substations:
46

1 Electrical utility substations shall be allowed in the #Special Hudson Yards District# in
2 order to serve the needs of the Special District, and the regulations thereof shall be
3 modified as necessary to accommodate the operational needs of the substation, upon
4 authorization of the City Planning Commission which shall be issued upon finding, with
5 respect to a proposed site, that:

6
7 (a) to the extent reasonably permitted by the operational needs of the substation, the
8 architectural and landscaping treatment of such #use# will blend harmoniously with the
9 abutting area; and

10
11 (b) if the site proposed for such #use# is Subareas D4 or D5 of the Hell's Kitchen
12 Subdistrict D of the #Special Hudson Yards District#, that there are difficulties in locating
13 such #use# in other Subdistricts of the #Special Hudson Yards District#.

14
15 The City Planning Commission may, consistent with cost-effective operations and capital
16 planning, and the operational needs of the substation, prescribe appropriate conditions and
17 safeguards on matters necessary to effectuate the provisions of paragraph (a) of this
18 Section which are not regulated by other applicable codes, laws, rules or regulations. The
19 applicant shall provide the Department of City Planning with a general description of such
20 codes, laws, rules or regulations and a certification that the proposed substations shall
21 comply therewith.

22
23 ***Space And Time***

24 MCB4 is not convinced that a "facility" only 500 square feet or larger is of a sufficient size to
25 be considered a "major utility transmission facility." We suggest a review to determine if
26 500 square feet is the proper threshold. We also suggest the bill include time frames for the
27 scheduling of public review.

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29 Manhattan Community Board 4 hopes a revised Borough Board resolution will be one we
30 can vote to support.

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32 Sincerely,

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34 Christine, JD
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3 January 7, 2015

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

11
12 **Re: Pier 54/Pier 55**

13
14 Dear Ms. Madelyn Wils,

15
16 Manhattan Community Board 4 (MCB4) is pleased that the Hudson River Park Trust
17 (HRPT) has secured the generous donation of over \$100 million from the Diller- von
18 Furstenberg family. MCB4 does, however, have concerns regarding the proposed project
19 of Pier 55 for which these funds are earmarked. MCB4 does recognize that Pier 54/55 is
20 just south of our District in Manhattan Community Board 2 (MCB2). Albeit the process is
21 for MCB2 to carefully examine the potential impacts of the Pier 55 project on their
22 community, certain aspects of the proposed plan will affect MCB4 due to the close
23 proximity of our community board border and the fact that this proposed project may
24 impact the park as a whole. For these reasons MCB4 feels compelled to comment.

25
26 Traffic in and around Pier 54/55 is a primary concern for MCB4. As is the case with the
27 High Line in our district, the proposed pier is bound to attract multitudes of visitors to
28 Hudson River Park. MCB4 has been on record regarding high traffic problems that occur
29 during large events within the park. MCB4 would like to ensure any plans for Pier 54/55
30 include mitigation of potential traffic issues for the areas both immediately in the vicinity
31 of, and also north of the proposed Pier 55.

32
33 Noise is also a concern for the residents of MCB4. HRPT has done a wonderful job
34 improving noise conditions for events within the Park and maintaining an open dialog with
35 the community as well as rapid response to complaints. MCB4 would like to know that
36 noise issues will be considered during the planning of this new section of the park.

37
38 Understanding the financial needs of HRPT, the generous donation from the Diller- von
39 Furstenberg family is obviously welcomed. MCB4 has eagerly awaited the completion of
40 the Park within our district. The Pier 55 press release stated that HRPT will have the ability
41 to concentrate efforts to complete other parts of the park. It is our hope that funds,
42 perhaps even funds generated by this project, can be secured to build out the unfinished
43 areas in the MCB4 district.

44
45 While the current plans that were revealed for the proposed new Pier 55 seem innovative
46 and conceptually appealing, MCB4 is concerned over the lack of public involvement

1 throughout the process. As private/public partnerships increase projects tend to be
2 more about the vision of the donors than the needs of the residents. This is troublesome
3 for our Board as our diverse population continues to grow and our demographics are
4 changing. Since we rank among the bottom of districts with open green space we need to
5 ensure our available green spots satisfy the various segments of the population. Defining
6 and meeting the needs of the community should be a priority when planning new public
7 space. MCB4 looks forward to the next phase of the project which will undoubtedly
8 include community input.

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10
11 Sincerely,

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13 Christine Berthet
14 Chair

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

Delores Rubin Co-Chair
Waterfront, Parks &
Environment Committee

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18 cc: Brad Hoylman, NY State Senator 97
19 Richard Gottfried, NY State Assemblymember 98
20 Linda B. Rosenthal, NY State Assemblymember
21 Jerrold Nadler, Congressmember 99
22 Gale Brewer, Manhattan Borough President 100
23 Corey Johnson, NYC Councilmember
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3 January 7, 2015

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5 Brad Hoylman, NY State Senator
6 Richard Gottfried, NY State Assemblymember
7 Linda B. Rosenthal, NY State Assemblymember
8 Jerrold Nadler, Congressman
9 Gale Brewer, Manhattan Borough President
10 Corey Johnson, NYC Councilmember

11
12 **Re: Pier 54/Pier 55**

13
14 Dear Community Representatives,

15
16 Manhattan Community Board 4 (MCB4) would like to express some concerns regarding the
17 generous donation of over \$100 million from the Diller- von Furstenberg family to the
18 Hudson River Park Trust (HRPT). MCB4 does recognize that Pier 54/55 is just south of
19 our District in Manhattan Community Board 2 (MCB2), but certain aspects of the proposed
20 plan have larger implications that are troublesome and MCB4 would like to go on record
21 voicing these concerns.

22
23 As was stated in MCB4's letter to HRPT the current plans that were revealed for the
24 proposed new Pier 55 seem innovative and conceptually appealing, but there was no public
25 involvement throughout the planning process. As private/public partnerships increase
26 projects tend to be more about the vision of the donors than the needs of the residents.
27 Since some public funds are necessary to make this proposal a reality the community needs
28 must be taken into account. For our district this is critical as our diverse population
29 continues to grow and our demographics are changing. Since we rank among the bottom
30 of districts with open green space we need to ensure our available green spots satisfy the
31 various segments of the population. We firmly reiterate what we expressed to HRPT that
32 defining and meeting the needs of the community should be a priority when planning new
33 public space.

34
35 MCB4 is also concerned about the inequity among green spaces throughout our city.
36 MCB4 is known for fighting for affordable housing within our district that includes a mix of
37 income bands, equal fixtures and availability throughout a development. In that same spirit
38 MCB4 believes Parks in less affluent areas deserve improvements. Far too many developers
39 receive generous benefits when adding affordable housing. The pristine open spaces
40 within their vicinity only add to their property values and sales profits. MCB4 envisions a
41 process whereby donors and developers alike contribute to the open spaces nearest to
42 them as well as a "Sister" Park that could use updated amenities that would benefit the
43 community.

44
45 While MCB4 understands that budgets for many agencies across our City may see
46 reductions and private/public partnerships can help over shortfalls, ultimately public

1 services like parks are for the residents. As residents as well as representatives of the
2 community, MCB4 would like to work with our elected officials to address these concerns,
3 which we are sure are shared by others across our great city.

4
5 Sincerely,

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7 Christine Berthet
8 Chair

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

Delores Rubin Co-Chair
Waterfront, Parks &
Environment Committee

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2
3 January 7, 2015

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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. # 174-04-BZ**
11 **Amendment to Variance for 124 West 24th Street**

12
13 Dear Ms. Perlmutter:

14
15 On the recommendation of its Chelsea Land Use Committee, and after a duly noticed public
16 hearing at the regular Board meeting on December 7, 2014, Manhattan Community Board
17 No. 4 (CB4), by a vote of __ in favor, __ opposed, __ abstaining and __ present but not eligible,
18 voted to recommend denial of an application to reopen and amend the variance granted in
19 2005 to 124 West 24th Street (Block 799, Lots 1001-1026, the "Site") under BSA
20 #174-04-BZ (the "Variance").

21
22 The application seeks restoration of unused development rights barred by BSA in granting
23 the Variance, with the intention of transferring them to another parcel in a zoning lot to be
24 created by a merger of contiguous parcels on Block 799. The Board believes that the
25 proposed amendment would violate the conditions on which the Variance was granted. The
26 Board also believes that the intended conveyance of the development rights to a proposed
27 transient hotel would be detrimental to the public welfare.

28
29 **Background**

30
31 124 W24th Street, the Site, is a seven story building located in an M1-6 zone, which does not
32 allow residential uses as of right. On June 14, 2005 the Board of Standards and Appeals
33 (BSA) granted to the then owner of the Site the Variance permitting the second through
34 sixth floors of the Site to be converted to residential uses.

35
36 In seeking the Variance, the owner submitted evidence that the Site had unique physical
37 conditions that created practical difficulties and unnecessary hardships in complying with
38 the provisions of the Zoning Resolution regarding M1-6 districts. The owner also
39 submitted feasibility analyses demonstrating that the value of the unused development
40 rights were insufficient to generate a reasonable return from a conforming use.

41
42 BSA determined that a reasonable return would be generated by permitting
43 non-conforming residential uses alone, without the sale of the unused development rights,
44 and therefore granted the Variance with the condition that the FAR on the site not exceed
45 4.81, amended on February 24, 2006 to 4.843 by letter.

47 **Application**

48

49 The current owner of the Site seeks an amendment to the Variance to approve the
50 restoration and right to convey the unused development rights on the Site on the
51 understanding that the owner will seek BSA approval to relocate the rights to a newly
52 formed zoning lot. There will be no modifications made to the building on the Site.

53

54 **CB4 Recommendation**

55

56 In granting the Variance in 2005, BSA determined that the non-conforming residential use
57 was sufficient to generate a reasonable return and specifically capped the Site's FAR at the
58 existing 4.843. BSA barred the use of the unused FAR because the non-conforming use
59 alone provided the owner with a reasonable return, while the value of the development
60 rights in 2005 added to the non-conforming use would have generated a return that BSA
61 considered greater than reasonable. The value of the development rights in 2015, which
62 is much greater than the 2005 value, added to the non-conforming use would generate an
63 even greater return, which BSA should consider unreasonably large.

64

65 CB4 believes that permitting the restoration and transfer of the unused development rights
66 from the Site would unfairly benefit an owner of the Site. The owner is not entitled to
67 additional the windfall profits to be realized by overturning the terms of the Variance.

68

69 At the December 15, 2014 CB4 Chelsea Land Use Committee (CLU) meeting, a
70 representative for the applicant provided an interpretation of BSA's 2005 decision to
71 justify the proposed amendment to the 2005 variance. He contended that BSA meant that
72 the FAR cap of 4.8 only pertained to the existing building for residential use, and that the
73 unused FAR could be used for M1-6 uses such as a hotel. And that since there was so much
74 discussion of the value of the unused development rights, BSA intended them to be
75 transferred in the future by the owner of the property for commercial or manufacturing
76 uses. CLU does not find evidence in BSA's decision that BSA intended this. The 2005 BSA
77 decision (174-04-BZ), only states that regarding the "applicant's development rights" ...a
78 conforming development would not yield a reasonable rate of return." The City
79 Environmental Quality Review (CEQR#04-BSA-179M) states, among its conditions for the
80 variance to residential conversion: "THAT the floor area ratio shall not exceed 4.81."

81

82 We also believe that the subsequent assemblage of development rights for the purpose of
83 building a transient hotel larger than would be permitted on a single lot would be
84 detrimental to the community. We have too many examples of large, out-of-scale hotels
85 towering over their neighbors in Community District 4. CB4 strongly supports requiring
86 special permits for the construction of transient hotels, as well as revised zoning including
87 comprehensive bulk controls that would keep the height of buildings within limits
88 appropriate for their neighborhoods.

89

90 CB4 believes that amending the Variance to permit the restoration and right to convey the
91 "unused" development rights from the Site would constitute an unwarranted excess

92 economic benefit, to one or more of the owners, and would be detrimental to the public
93 welfare. We therefore recommend that BSA deny the application.

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95 Sincerely,

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97 Christine, JLC, Betty

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DRAFT

2
3 January 7, 2015

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

11
12 **Re: Application for Townhouse Renovation, Enlargement & Penthouse Addition -**
13 **353 West 20th Street, Manhattan**

14
15 Dear Chair Srinivasan:

16
17 At a regular Board meeting on January 7, 2014, Manhattan Community Board 4, by a vote
18 of __in favor, __opposed, and __abstaining and __present but not eligible, voted to
19 recommend, with reservations, approval of an application for alterations and additions
20 to the mid-19th century row house at 353 West 20th in the Chelsea Historic District. This
21 vote reflects the recommendation of the CB4 Chelsea Land Use Committee which voted on
22 this application on December 15, 2014.

23
24 The applicant proposes to restore the part of the street façade visible from the public way
25 to its historic appearance, add a set-back, two-story rooftop addition, modestly extend the
26 first two stories into the rear yard, and modernize the rear building face with larger glazed
27 openings and new cladding.

28
29 The Board is pleased that the front façade of the townhouse will be restored to its original
30 style. Windows, doors, cornices and decorative elements will reflect the building's
31 historical origins.

32
33 However, the Board feels that this proposal challenges the merit of the Commission's
34 limitation of its purview to publicly visible portions of buildings in historic districts.
35 Specifically, the proposed rooftop addition takes its shape in part from the line of sight
36 from the opposite sidewalk, and slopes back to match its diagonal profile. What results is
37 an otherwise arbitrary and unsympathetic building form shaped by the Commission's very
38 definition of its own purview. This shape - which is also of unharmonious materials, color
39 and detailing - will be visible from all the windows of neighboring buildings across the
40 street, and even from their front steps. Viewed in orthogonal elevation, the addition
41 overwhelms the modest brick façade below. While views of the addition from vantages
42 above the opposite sidewalk are technically outside the Commission's purview, they are for
43 many a part of the experience of the street wall of the historic district, which in this case
44 would not be improved, but worsened, for having been so literally shaped by the
45 Commission's policy.

47 The applicant's claim that "precedence can be viewed at numerous buildings within the
48 district, but most importantly with the adjacent east building, 351 West 20th Street," only
49 highlights the drawback to this approach to preservation. The cited next-door row house
50 has a historic pitched roof with dormers which contribute to the building's formal
51 composition in a way fully experienced only from higher, but habitable, elevations than the
52 public way. From these above-sidewalk viewpoints, the applicant's proposal will only
53 create an impression of a false front and superficial historic preservation.

54
55 The Board requests that the Commission revisit and clarify its position regarding
56 alterations within historic districts which are not visible from the public way. The Board
57 would appreciate an opportunity to discuss this issue with the Commission, which arises
58 often in the Board's review of historic district proposals.

59
60 CB4 recommends approval of this application except for the two-story rooftop addition
61 which is not harmonious with the historic character of the front façade of the townhouse
62 and other nearby townhouses.

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65 Sincerely,

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67 Christine, Lee, Betty
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3 January 7, 2015

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

11
12 **Re: Application for Townhouse Renovation at 354 West 20th Street**

13
14 Dear Chair Srinivasan:

15
16 At a regular Board meeting on January 7, 2015, Manhattan Community Board 4 by a vote
17 of __in favor, __opposed, and __abstaining and __present but not eligible, voted to
18 recommend approval of an application for a townhouse renovation. This vote reflects the
19 recommendation of the CB4 Chelsea Land Use Committee, which voted on this application
20 on December 15, 2014.

21
22 The proposed townhouse renovation would maintain the existing footprint of the building.
23 CB4 is pleased that the proposal seeks to restore the front facade to its original style.
24 Security bars will be removed and the single front door will be replaced with two doors
25 and a transom above which will be consistent with the historic style of adjacent houses.

26
27 An addition, a penthouse, will be added above the 4th floor, on the roof, and set back from
28 West 20th Street, so it will not be seen from the sidewalk across the street.

29
30 In the rear of the property, a brick shed and brick walls will be demolished, allowing for
31 more light and better air flow; a fence, similar to nearby fences, will be constructed around
32 the back yard. The applicant is proposing to remove the existing rear facade of the
33 townhouse. Aluminum windows would be replaced with larger steel windows for the top
34 two floors, and steel sliding folding glass doors with balustrades for the bottom two floors
35 to bring in more light. We are in support of this change since the rear facades of
36 neighboring townhouses are of varying styles. The applicant will salvage and reuse bricks
37 from the backyard walls and shed on the rear facade. There is no extension on the rear of
38 the building.

39
40 CB4 recommends approval of this proposal to LPC.

41
42 Sincerely,

43
44 Christine, Lee, Betty
45
46

2
3 January XX, 2014

4
5 The Honorable Pat Donahoe
6 Postmaster General
7 United States Postal Service
8 475 L'Enfant Plaza SW
9 Washington, D.C. 20260-0010

10
11 **Re: Sale of Air Rights above Old Chelsea Station Post Office**
12 **217 West 18th Street**

13
14 Dear Hon. Donahoe:

15
16 Manhattan Community Board 4 (CB4) recently was informed that the United States Post
17 Office (USPS) intends distributing a request for proposal ("RFP") in January 2015 to sell the
18 air rights over the Old Chelsea Post Office at 217 West 18th Street, New York, NY. CB 4 is
19 extremely disturbed by USPS's the lack of community outreach about this proposal which
20 would result in a significant development. An in-depth discussion and meaningful input
21 from the local community, elected officials and CB4 are essential.

22
23 Background and Community Input

24 In 2013 the Postal Service declared its intention to close the station and sell the property.
25 This proposal threatened to demolish a significant historic building that is on the State and
26 National Register of Historic Places and curtail the postal services for the local community.
27 The proposal was vehemently opposed by both the community and elected officials and the
28 proposal was withdrawn. Furthermore, CB4 advocated to the New York City Landmarks
29 Preservation Commission (LPC) for the site to receive a New York City Landmark
30 designation (see enclosed letter). The LPC did not make that designation.

31
32 CB4 first learned of USPS's new proposal to sell the site's air rights when a notice was
33 posted at the Old Chelsea Station in late November 2014. The notice provided only a 15-day
34 comment period for the general public to respond and did not provide any significant
35 information regarding the details of the RFP process. CB4 is aware that the UPPS has
36 asserted that community groups were notified by mail of these development plans in
37 August 2014 but CB4 was not included in that mailing and furthermore, CB4 heard from
38 several of the community groups that they did not receive any such notification.

39
40 CB4 understands that the letter was sent to Gov. Andrew Cuomo, Mayor Bill de Blasio,
41 Manhattan Borough President Gale A. Brewer and CB4 dated November 26, 2014 provides
42 CB4 a 60-day period to offer comments about the proposed sale ending January 25, 2014.
43 CB4 has requested USPS to attend a public meeting; however, to date USPS has declined to
44 attend. In addition, it was only after CB4 and Congressman Jerrold Nadler's office made
45 requests of USPS that USPS provided information that was essential for CB4 to properly
46 comment on the proposal.

47 For these reasons CB4 is discouraged by USPS's lack of transparency and outreach to the
48 community regarding this important issue. Therefore, CB4, along with local elected
49 officials, urges USPS to extend the comment period and to attend a community meeting
50 hosted by CB4.

51

52 Description of Proposal

53 The USPS intends to sell unused development rights over the Old Chelsea Station to raise
54 money and plans to convert the property to condominium ownership with a "Residential
55 Unit," a "USPS Unit," and common elements (lobby, gym, mechanicals, etc.). The post office
56 is to continue to operate. The existing building is to have a preservation covenant. USPS
57 intends to issue a Request for Proposals (RFP) in January 2015 for the air rights sale for a
58 new eight-story residential tower, set back from the front of the post office to preserve the
59 "visual aesthetics of the existing façade". The proposed 7,409 SF residence would rise 83
60 feet above the existing post office roof. Conceptual renderings suggest a modern slab
61 building. The site is in a C6-2A zoning district which permits residential uses. Buildings
62 near the Old Chelsea Station are primarily residential, many with ground floor retail. Most
63 heights range from three to seven stories; several are nine to 15 stories.

64

65 CB4 Concerns and Recommendations

66 To provide local residents and organizations an opportunity to voice concerns and pose
67 questions about the proposal, CB4 held a public hearing at its January 7th full Board
68 meeting. *[Mention if USPS representative attended meeting and what they did.]* Written
69 testimony from Chelsea organizations and residents along with a summary of comments
70 and questions from that public hearing are enclosed.

71

72 *Requests to USPS about Process*

- 73 • Significant expansion of the period of time during which USPS accepts public
74 comments as well as the comments of local officials and CB4.
- 75 • Review by CB4, elected officials and community of a draft version of RFP before it is
76 issued with sufficient time to analyze and comment on it.
- 77 • Inclusion in the RFP of ongoing community participation and oversight in project
78 development.
- 79 • Explanation of USPS response to the December 5, 2014 letter of the Historic Council
80 of Historic Preservation which states: "It is the opinion of the ACHP that the USPS
81 finding of no adverse effect is based on an insufficient assessment of adverse effects
82 for the referenced undertaking and is not supported by the covenant as presently
83 written."

84

85 *Questions and Concerns about Proposal*

- 86 • The USPS announcement states that the post office and the residence will share
87 "common elements" (lobby, gym, mechanicals, etc.). How much space in the existing
88 building will be shared or used for the proposed residence? Will this sharing of
89 space effect the operation of the post office?
- 90 • The description of the proposed residential development should include a zoning
91 analysis and discussion of the impacts on nearby buildings.

- The RFP should require that the design of the new residential portion respects and relates to the existing historic building. The current rendering may be conceptual but it certainly does not show any sensitivity to the Old Chelsea Station as “a handsome, well-proportioned Colonial Revival style building” (from Statement of Significance for the National Register). CB4 and the local community should have input in the style and materials of the exterior of the new residence.
- The proposed residence should include 30 percent affordable apartments in accordance with CB4 policy for new residential development (for all types: rental, cooperative and condominium housing).
- Explain if USPS explored the possibility of transfer of air rights to adjacent property, and if not possible, describe why. Is there a specified geographic area where development rights can “land” or are they restricted to the area above the existing post office building?
- Clarify whether or not the post office will remain open during construction of the residential portion above and the shared space on ground floor.

New York State Assembly Member Richard Gottfried asserts in his December 11, 2014 letter to the USPS that “it has become commonplace for local and elected officials and community groups to find themselves blindsided by USPS development plans.” We sincerely hope that in this instance we can start a cooperative process that proves Assemblyman Gottfried wrong. A transparent process will benefit both the USPS and the community.

Sincerely,

Christine, Lee, Betty

Cc: Elected officials
Mr. Daniel Delahaye, USPS Federal Preservation Officer
Mr. Joseph J. Mulvey, USP Real Estate Specialist, Facilities Implementation

1 **Transportation Planning Committee**

Item #: 20

2
3 January 7, 2015

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: Martz Coach Company Bus Drop off Request West Side of 9th Avenue and 36th**
12 **Street**

13
14 Dear Commissioner Forgione,

15
16 Manhattan Community Board 4 (CB4) recommends denial on the application from the
17 Frank Martz Coach Company for a bus stop located on the west side of 9th Avenue between
18 35th and 36th Streets. CB4 does not believe this is an appropriate location for this proposed
19 bus stop because of the following reasons:

- 20
- 21 • The Frank Martz Company currently operates out of several gates within the Port
22 Authority Bus Terminal (PABT), and we believe the proposed location is too close in
23 proximity to the PABT to warrant a curbside bus stop. Furthermore we do not want
24 to encourage bus companies who are already operating in the PABT to move their
25 operations on to our already congested streets.
 - 26 • The proposed location is in very close proximity to a Lincoln Tunnel approach, and
27 having a curbside operation could increase congestion.
 - 28 • The proposed location is already identified as an MTA accessible bus stop, and CB4
29 does not believe it would be appropriate to encourage private buses to block this
30 stop.
 - 31 • The adjacent side walk has very wide tree pits, which could obstruct the curb side
32 operation of the bus.
 - 33 • The proposed location is adjacent to a parking lot, which has two entrances directly
34 in front of the proposed bus stop.
 - 35 • The proposed location is frequently used by the NYPD as parking for their personal
36 cars, and as an illegal layover location by another bus company. Adding a legal bus
37 stop will only add more elements to an already congested curb.

38
39 Manhattan Community Board 4 appreciates the opportunity to comment on this
40 application, and we hope the DOT will deny this application for the reasons listed above.

41
42 CC:

43 Council Member Cory Johnson
44 Assembly Member Dick Gottfried
45 State Senator Brad Holyman

1 **Transportation Planning Committee**

Item #: 21

2
3 January 07, 2015

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

9
10 **Re: “No Parking and No Standing during Peak Hours” Regulation Request**
11 **511 9th Avenue**

12
13 Dear Commissioner Forgione:

14
15 Manhattan Community Board 4 (CB4) requests a change to the parking regulation for the
16 curb located outside of 511 9th Avenue between 39th and 38th streets in Manhattan. The
17 curb is located outside of a newly constructed mixed use building which consists of two
18 retail spaces, community facility, hotel, and residential units. The current regulation is “No
19 Standing 7am-10am and 4pm-7pm Monday – Saturday; 3 hour metered parking
20 commercial vehicles only 10am-4pm Monday – Saturday; others no standing 2 hour
21 metered parking 7pm-11pm Monday – Saturday. We request that the regulation be
22 changed to “No Standing 7am-10am and 4pm-7pm Monday – Saturday” and “No Parking
23 10am-4pm Monday – Saturday and No Parking Sunday.” This change will make the
24 regulations on this block consistent with the other blocks along 9th Avenue in this area, and
25 will restore the regulations to what was previously in place before construction of the
26 building.

27
28
29 Sincerely,

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2
3 January 07, 2015

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

10
11 **re: 57th and 8th Avenue Pedestrian Safety Improvements**

12
13 Dear Commissioner Trottenberg:

14
15 Manhattan Community Board 4(CB4) requests pedestrian safety improvements at the
16 intersection of W. 57th Street and 8th Avenue. The Department of Transportation (DOT)
17 recently identified this intersection as the most dangerous intersections in the city, with
18 eight pedestrians either severely injured or killed from 2007 to 2011 ¹. The report also
19 indicated that two other intersections along the 57th street corridor were extremely
20 dangerous for pedestrians.

21
22 This particular intersection is congested with both pedestrians and vehicular traffic on
23 account of its proximity to both Columbus Circle and Times Square. Furthermore, West 57th
24 Street is a two- way street that is frequently used by trucks as an approach to the
25 Queensborough Bridge. The dangers at this intersection are further complicated by the
26 MTA buses which turn at this intersection for their layover locations on the north east side
27 of 8th Avenue and the absence of bike lane's turn signal or pedestrian refuges that would
28 help pedestrians on the southern block of 8th Avenue.

29
30 To improve the safety conditions of this very complicated and dangerous intersection, CB4
31 requests the installation of split phase turn signals at all tuning points in this intersection
32 as soon as possible. We have found that the installation of dedicated turn signals, or split
33 phase signals are effective in improving pedestrian safety at dangerous intersections. The
34 instillation of a split phase signal at the intersection of West 23rd street and Seventh
35 Avenue has resulted in a 63% reduction in pedestrian injury.

36
37 Two other intersections on 57th Street are also included in the 20 most dangerous
38 intersections in the city, making 57th street the most dangerous corridor in the city. With a
39 growing number of large residential buildings being added to 57th Street, we request that
40 DOT undertakes safety improvements all along the corridor from river to river.

41

¹ <http://www.nyc.gov/html/dot/downloads/pdf/2011-nyc-top-20-pedestrian-crash-locations.pdf>

42 It is our hope that as part of the Vision Zero initiative, DOT will bring more high quality
43 pedestrian safety improvement proposals to this board for this intersection, for the
44 corridor and other dangerous intersections throughout our community.

45

46

47 Sincerely,

48

49 Cc

50 Margaret Forgione

51 Assembly Member Linda Rosenthal

52 Council Member Helen Rosenthal

53 Council Member Corey Johnson

54 Manhattan Borough President Gale Brewer

55 CB5

56 CB6

57

58

59

60

61

DRAFT

1 **Transportation Planning Committee**

Item #: 23

2
3 January 07, 2015

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

10
11 **Re: Revocable Consent 216 West 23rd Street Manhattan**

12
13 Dear Commissioner Trottenberg,

14
15 Manhattan Community Board 4 (CB4) has no objection to the application submitted by
16 Chelsea Dynasty LLC for revocable consent from the DOT to construct and use an access
17 ramp at 216 West 23rd Street. The applicant indicated the ramp will be four feet two and
18 one-half inches wide and six feet long on the sidewalk adjacent to the main entrance of the
19 building. The applicant appeared before the Transportation Committee and provided and
20 diagrams of the proposed ramp. The committee found no cause for concern regarding this
21 request and has no objection to the DOT granting the revocable consent for the access
22 ramp.

23
24 Sincerely,

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DRAFT

1 **Transportation Planning Committee**

Item #: 24

2
3 January 07, 2015
4 Patrick Foye
5 Executive Director
6 Port Authority New York and New Jersey
7 225 Park Avenue South, 18th Floor
8 New York, NY 10003
9

10 **Re: PANYNJ Operational Improvements**

11
12 Dear Mr. Foye

13
14 Manhattan Community Board 4 (CB4) would like to submit the following suggestions for
15 the operational improvements in Manhattan Community District four (MCD4) in the
16 vicinity of the Lincoln Tunnel and the Port Authority Bus Terminal (PABT). The PANYNJ
17 has a major impact on the traffic and quality of life in our community and we hope these
18 recommendations will help improve some of the major transportation issues experienced
19 by our community.
20

21 First we would like to thank the PANYNJ for their joint efforts with New Jersey Transit
22 (NJT) to reduce bus congestion on 10th Avenue between West 41st Street and West 33rd
23 Street in Manhattan, caused by the queuing NJT buses waiting to enter the (PABT). For
24 many years residents of MCD4 have complained about the overwhelming bus congestion
25 that occurs during peak hours in the West 30's on account of Lincoln Tunnel and PABT
26 traffic; NJT buses cause a large portion of this congestion. While this new approach has only
27 been in place for several weeks the impact is remarkable.
28

29 To continue incremental improvements for both commuters and our community we offer
30 the following recommendations to be included in the PANYNJ operational plan, as part of
31 the recent allocation of funds for operational improvements on the streets and in the
32 terminal.
33
34

35 ***IMPROVING BUS TIMELINESS AND CONGESTION: TRAFFIC CONTROL AGENT AT 41***
36 ***STREET AND NINTH AVENUE***

37 CB4 urges the PANYNJ to staff the critical position for traffic control at 41st Street and 9th
38 Avenue at peak hours 7 days a week. The Port Authority committed to the Department of
39 Transportation that they will post an agent at this location, as part of the change in traffic
40 flows being implemented in the Hell's Kitchen Traffic Study. This is a dangerous
41 intersection where last year a pedestrian was killed. Without an agent to enforce the "no
42 left turn except buses at peak hours", 41st Street between 9th and Dyer Avenues get backed
43 up with other traffic, delaying Tunnel bound buses. As a result buses gridlock this
44 intersection and cause congestion all the way up 9th Avenue. A traffic control agent will
45 help improve safety, improve bus timeliness and relieve congestion at this intersection.
46

47 **RELIEVING CONGESTION: WAYFINDING SIGNAGE**

48 The Lincoln Tunnel causes a great deal of the congestion on our streets . To improve the
49 traffic conditions and alleviate congestion on residential streets CB4 recommends PANYNJ
50 install way-finding signage on 9th Avenue, Dyer Avenue, and 10th Avenue at 34th street,
51 37th Street, 39th Street, and 42nd street to direct more crosstown traffic to the 11th
52 avenue entrances of the Tunnel. PANYNJ should also make sure that the new routes are
53 incorporated as preferred routes in commercial GPS path finding applications and
54 hardware. This change, which we have advocated for several years, has become timely as
55 NYC DOT expects to implement making 11th Avenue one way going south above West 44th
56 Street in the near future.

57
58

59 **BALANCING TRAFFIC: TRAFFIC CAMERAS**

60

61 Despite the incredible amount of congestion that occurs on New York City streets on
62 account of the Lincoln Tunnel, the PANYNJ has less visibility of the traffic through traffic
63 cameras than in New Jersey. To remedy this problem we recommend the installation of
64 more traffic cameras at the following locations:

- 65 ● 36th Street and Ninth Avenue (looking North)
- 66 ● 41st Street and Ninth Avenue (looking North)
- 67 ● 37th Street and Ninth Avenue (looking East)
- 68 ● 39th Street and Ninth Avenue (looking East)
- 69 ● 34th and Dyer Avenue (looking East)
- 70 ● 31st Street at 9th Avenue (looking East)
- 71 ● 35th and Ninth Avenue (looking East)
- 72 ● 30th Street at 10th Avenue (looking West and South)
- 73 ● 41st Street and 11th Avenue (looking North)

74

75 Additionally, CB4 recommends that PANYNJ utilize the already installed traffic cameras for
76 enforcement of traffic violations. The lack of enforcement for vehicles breaking traffic
77 regulations causes serious safety issues for the residents our community. We believe
78 enforcement through traffic cameras can help improve these safety concerns.

79

80 We hope the PANYNJ will seriously consider including the above recommendations in your
81 operational plan. We believe these suggestions will help improve the timeliness of buses,
82 the conditions of our streets and the everyday lives of the residents of CD4.

83

84 Finally CB4 continues to be a firm proponent of building the Galvin plaza bus garage and
85 would like to request the opportunity to review and comment on the master plan before it
86 is finalized. We also would like to request increased coordination of efforts to expedite the
87 funding for the Gavin Plaza Garage, between the Port Authority, MCB4, Local Elected
88 officials and other interested parties.

89

90 CB4 is grateful for the efforts that have been made to improve the safety of our streets and
91 we appreciate your cooperation on these matters.

92

93 cc:
94 NJT – Veronika Hakim
95 PANYNJ Mark Schaff
96 Polly Trottenberg, Commissioner DOT
97 DOT Margaret Forgione
98 PANYNJ Andrew Lynn
99 U.S. Congressman Jerry Nadler
100 NYC Councilmember Corey Johnson
101 NYS Assemblymember Richard Gottfried
102 NYS Senator Brad Hoylman
103 NYC Councilmember Helen Rosenthal
104 NYS Assemblymember Linda Rosenthal
105 Manhattan Borough President Gale Brewer

DRAFT

2 January 7, 2015

3 Mr. Timothy J. Naughton
4 Chief Executive Officer
5 Avalon Bay Communities
6 275 7th Avenue #2501
7 New York, NY 10001

8

9 **Re: Avalon Bay Employee Benefits**

10

11 Dear Mr. Naughton:

12

13 Manhattan Community Board 4 (CB4) is writing to express its concern over the apparent failure by
14 Avalon Bay to comply with the terms of agreement negotiated in conjunction with the 2005 West
15 Chelsea rezoning at Avalon West Chelsea Apartments. Avalon Bay, as the property owner of three
16 residential developments consisting of ___ residential units in CD4, is a significant stakeholder in
17 our community. Avalon West Chelsea Apartments at 282 11th Avenue is Avalon Bay's newest
18 rental development in CD4 and contains 691 market-rate rental units and 142 affordable units in its
19 two residential towers of thirty-one and thirteen stories respectively.

20

21 At the November 19, 2014 meeting of CB4's Housing, Health and Human Services Committee,
22 Chelsea residents, workers in nearby developments and Avalon Bay employees notified CB4 that
23 Avalon Bay, by failing to offer prevailing wage and to permit collective bargaining for building
24 services' employees of the West Chelsea Apartments, had violated the principles agreed to in the
25 West Chelsea Points of Agreement (WCPOA), executed in conjunction with the 2005 West Chelsea
26 rezoning.

27

28 The WCPOA dated June 20, 2005 sets forth additional benefits for the community and was agreed to
29 by the NYC Administration, NYC Council Speaker and interested parties (which specifically included
30 property owners benefiting from the rezoning). The WCPOA includes an agreement to develop a
31 number of publicly-owned sites as affordable housing, incentivize additional affordable housing
32 on-site, establish a 50% community preference for those affordable units and to ensure that the
33 beneficiaries of the rezoning, namely the developers of the up-zoned development sites, agree to
34 pay prevailing wage to their building services' workers. The benefits enumerated in the WCPOA
35 were intended to mitigate in part the impact on lower income residents that the up-zoning would
36 inevitably cause.

37

38 The WCPOA are set forth in a letter dated June 20, 2005 letter from then Deputy Mayor Daniel L.
39 Doctoroff to the NYC Council Speaker Gifford Miller. The full text of the WCPOA is attached and
40 relevant sections are excerpted below:

41

42 *Section 4. BUILDING SERVICES WORKERS*

43 *Private developers in the West Chelsea neighborhood, the Service Employees International Union,*
44 *Local 32BJ, the Mayor's Office, and the City Council have agreed to the following principles:*

45

46 *a) All Building Service workers, such as porters, handypersons, doorpersons, security officers,*
47 *watchpersons, elevator operators and starters, building cleaners, concierges, and building*
48 *superintendents, who are employed at newly constructed residential buildings are entitled to a fair*
49 *wage and benefits, taking into consideration the specific circumstances of each new building.*
50

51 *b) With respect to buildings of 50 or more residential units where less than 50% of the*
52 *apartments in a building are dedicated to housing that is affordable to individuals or families with a*
53 *gross household income at or below 125% of the Area Median Income of the New York, NY PMSA, as*
54 *determined by the U.S. Department of Housing and Urban Development Income, Building*
55 *Service Employees should receive a wage not less than the "prevailing wage."*
56

57 *c) Collective bargaining is the most appropriate mechanism to determine the wages and*
58 *benefits for Building Service Employees at all newly constructed residential buildings in the West*
59 *Chelsea neighborhood.*
60

61 CB4 was told that Avalon Bay, because it purchased the development site subsequent to the
62 rezoning, has claimed that it is not subject to the WCPOA and need not comply with the agreed
63 principles regarding prevailing wage and collective bargaining rights. The WCPOA was
64 negotiated as an overall benefit to the community to mitigate, in part, the impacts from the
65 up-zoning. CB4's unequivocal position is that the agreement must be honored by Avalon Bay as
66 the developer that has benefitted immensely from the up-zoning.

67 As a result of this up-zoning, properties in Chelsea are among the most expensive in the city, if not
68 the world. With each rezoning, our community has become increasingly polarized between those
69 who can afford to live in newer luxury buildings, and those lower income and generally longer term
70 residents who are in danger of being displaced. The provisions of the WCPOA governing worker's
71 rights were negotiated to ensure that, at the very minimum, workers in these luxury properties
72 receive at least living wages and benefits.

73 All three of Avalon's properties in CD4, including AVA Highline, Avalon Clinton and now Avalon
74 West Chelsea Apartments are situated on sites benefitting enormously from recently up-zonings.
75 CB4 is appalled that Avalon Bay, a developer that has benefitted so handsomely from the
76 up-zonings that have forever altered our community, is refusing to honor the agreement to pay
77 decent living wages to its building services employees. As a developer with a longstanding
78 interest in and as a member of our community, we urge Avalon Bay to do the right thing and honor
79 the term of the WCPOA with respect to its workers.

80 Sincerely,
81
82

83 Joe Restuccia
84 Co-Chair, Housing, Health and
85 Human Services Committee
86
87

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