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 R. Bodine
District Manager

October 27, 2016

Michael P. Carey
Executive Director
Office of Citywide Event Coordination and Management
Street Activity Permit Office
100 Gold Street, 2nd Flr
New York, NY 10038

Re: Proposed Rule Changes to Street Events

Dear Mr. Carey,

The Arts, Culture, Education & Street Life Committee ("ACES") of Manhattan Community Board 4 ("MCB4") thanks Director Dawn Tolson of the Street Activity Permit Office ("SAPO") for presenting at our October 18, 2016 meeting. Also in attendance were several community groups and event operators.

Based on the comments from the community, the committee recommends that the current rules remain in effect and that SAPO reach out and hold hearings with community groups and operators in all five boroughs to develop new regulatory reforms. We are concerned that having operated under the current regulations since 2007, introducing this wide range of significant rule changes on such short notice will create a chaotic environment for both the operators and community organizations, that have relied on these street activites for their community needs and programs. Some of the groups have already begun planning their events for 2017. The community groups are especially concerned that a number of the changes SAPO has proposed will lead to their inability to comply and they will not be able to continue their street events. These new proposed changes include:

- Requiring that 50% of the vendors have a business or local presence within the same community board.
- Requiring a community sponsor to have an indigenous relationship to the specific street where the event is proposed.
- New fees that make it impossible for many smaller events to be economically viable.

The committee agrees that these events do have an impact on both residents and small businesses in terms of noise, accessibility and traffic congestion. However, the results from

SAPO's analysis of its own study suggest that the impact is mostly felt in Community Boards 2, 5 and 7. The committee feels that SAPO is proposing a "one size fits all" remedy.

The committee also requests that SAPO review the permitting of operators such as the Hell's Kitchen Flea Market ("HKFM") which supports a non-profit foundation, Hell's Kitchen Foundation, Inc. which is dedicated to advancing the needs of local artists. The HKFM operates year round on West 39th Street between 9th and 10th Avenues, an almost unpopulated side street. HKFM is self-sufficient for waste removal, security and traffic control. Using no City resources, operators such as HKFM should not be subject to the same regulations as Multi-Block Street Festivals. These operations often result from community requests with support from local officials.

The committee agrees that revisions to the current regulations may be necessary to address the changes that have developed throughout the City of New York. The changes being proposed are significant but there has not been sufficient time nor opportunity for the community and operators to adequately engage with SAPO. Implementing these proposed rules changes without a constructive dialogue about the issues raised before the committee will negatively impact local community sponsors.

Thank you very much and we look forward to a continuing dialogue with your office on this matter.

Sincerely,

Delores Rubin	Allen Oster	Austin Ochoa
Chair	Co-Chair	Co-Chair
Community Board 4	ACES Committee	ACES Comittee

cc: Hon. Gael A. Brewer, Manhattan Borough President
Hon. Corey Johnson, City Council

Clinton/Hell's Kitchen Land Use Committee **Item # 09**

October 28 2016

Ms. Lizette Chaparro and Mr. Brian Backscheider,
Clinton Housing Development Company
403 W 40th Street
New York NY 10018

Re: Presentation on City-Owned Net Lease Buildings Community Development Plan

Dear Ms. Chaparro and Mr. Backscheider,

The Committee would like to thank you for your presentation of CHDC's City-Owned Net Lease Buildings Community Development Plan for Affordable Housing, Community Cultural Facilities, and Open Space at our October 11th meeting. The Plan comprises a phased development of the following district sites, aligned with the goals of the Clinton Preservation Local Development Corporation (CPLDC):

- 560 W 52nd Street–Affordable Units, Community Facility, Green Space.
- 500 W 52nd Street–Affordable Senior Housing for Performing Artists and Homeless Individuals, Community Facility.
- 464 W 25th Street–Affordable Units.
- 545 W 52nd Street– Cultural Facility, Green Space.
- 460 W 37th Street–Affordable Units, Community Facility, Cultural Facility.
- 552 W 52nd Street–Affordable Units, Community Facility, Cultural Facility.
- 555 W 51st Street–Green Space
- 726 Eleventh Avenue/553 W 51st Street–Cultural Facility

The presentation provided particular detail about the 10-story building at 545 West 52nd Street. As you are no doubt aware, the Committee has reviewed prior redevelopment efforts over many years, and more recently was witness to a prolonged legal conflict over the fate of the property. We are pleased to see that the matter is finally resolved, and that the building's community-based redevelopment is now moving forward

We are encouraged by the following features of the overall Plan:

The proposed mix of low-, moderate-, and middle-income apartments. Our district has suffered substantial losses of affordable units through escalating rents and development practices which have too often included tenant harassment and illegal demolition.

The inclusion of Community Facilities such as existing nonprofit organizations and PAL's after-school program.

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The incorporation of Cultural Facilities such as several Off-Broadway theatre companies–such as the Ensemble Studio Theater, INTAR, and Medicine Show Theater, whose representatives were in attendance–which currently call our district home. Such assets are key to the district's cultural and financial development.
The development of green space at the proposed Captain Post Garden on West 52nd Street and the Juan Alonso Garden extension on West 51st Street. Currently, less than 2% of our district's land is open space/recreational in use.

We are pleased to note CHDC's active engagement with Hell's Kitchen residents, arts organizations, and community-based organizations in their development process. We look forward to reviewing each project as they phase in.

Sincerely,

cc's:
HPD
CPLDC
CHA
Hudson Yards Development Corp
BID's? Block Associations?

DRAFT

Clinton/Hell's Kitchen Land Use Committee **Item #11**

November 2, 2016

Hon. Carl Weisbrod
Chair
City Planning Department
120 Broadway, 31st Floor
New York, NY 10271

Re: Billboard on Hudson Park and Boulevard – 518 W 39th Street

Dear Chair Weisbrod:

Manhattan Community Board 4 is writing to you about the property at 518 West 39th Street (Block 710, Lot 15).

It has come to our attention that a billboard is being erected on this site. This billboard was being erected with unauthorized concrete work. This area is zoned as manufacturing, which normally allows a billboard. However, this sign is on and over property that is mapped as a NYC park. It is part of Block 6 for the Hudson Boulevard and Park in the Special Hudson Yards District. The property has been in condemnation and has not been acquired yet, but the City is in the process of reinstituting the condemnation and starting a process for acquisition. And, to repeat, the property is on land mapped as a NYC park.

The MCB4 office has filed a 311 complaint (complaint#) for illegal use with the NYC Department of Buildings. We ask that the City Planning Department look at this issue and render its opinion on the use of such property for a billboard.

We look forward to your prompt response.

Sincerely,

Delores Rubin
Chair

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

cc: NYC Council Member Corey Johnson
Manhattan Borough President Gale Brewer

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Waterfront, Parks & Environment Committee **Item # 12**

October 28, 2016

Ms. Noreen Doyle
Executive Vice President
Hudson River Park Trust
Pier 40, 2nd Floor
353 West Street
New York, NY 10014

Re: RFP for Pier 84 Concession

Dear Ms. Doyle:

On behalf of Manhattan Community Board 4 ("MCB4"), we thank you for the information you provided to the Waterfront, Parks & Environment Committee ("WPE") regarding the Request For Proposal for the food concession at Pier 84.

Although no representative from the Hudson River Park Trust was available to attend our meeting (we recognize that the meeting was scheduled for the night of your gala), you provided information to WPE in the form of an email, outlining the proposed terms of the RFP. You asked for comments from MCB4 that could be incorporated into the RFP itself, so we would all be on the same page moving forward.

WPE discussed the current vendor at Pier 84 and identified the following concerns that we believe should be addressed in any contract with a vendor for the concession. These include the following:

1) The RFP should provide that the operator will play no amplified music from the facility.
2) The RFP should provide that noise abatement is a concern of the neighborhood, in addition to the ban on amplified music.
3) The new operator should reach out to the local block associations to have an on-going dialogue with the community
4) The operator should offer a mixed price menu, so there are affordable offerings as well as more expensive items on the menu.
5) WPE would appreciate being kept informed about the progress of the RFP and the selection of an operator.

We appreciate that HRPT included these concerns in the RFP as issued.

However, since the RFP has been released, we have learned that there was one item that was not disclosed to WPE in advance of our meeting – that the RFP also calls for the operator to run two (2) food trucks on the Pier in addition to the fixed facility. MCB4 is very disappointed that this was not disclosed to us in advance, as this is a new use that is

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not currently in place at Pier 84. Further, given the amount of traffic around Pier 84, MCB4 does not believe that food trucks should be added to the concession, at least not without rigorous investigation and debate.

Given that we were not told about this usage and have had no presentations regarding the amount of additional congestion these food trucks would cause, or the suitability of food trucks in areas near a playground and a dog park, MCB4 has no choice but to object to the inclusion of the food trucks as part of the RFP. We ask that you update the RFP to delete the "mobile concessions" and reissue the RFP solely for the fixed facility that is currently in place.

Sincerely,

Cc Hon. Brad Hoylman, Senator
Hon. Dick Gottfried, Assembly Member
Hon. Corey Johnson, City Council Member
W46 Block Association
W47 Block Association

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Transportation Planning Committee **Item 13**

October 27, 2016

Luis Sanchez
Acting Manhattan Borough Commissioner
NYC Department of Transportation
59 Maiden Lane, 37th Floor
New York, NY 10038

Re: West 37th Street Bus Layover Parking

Dear Actions Commissioner Sanchez,

Manhattan Community Board 4 (CB4) supports the Hudson Yards / Hell's Kitchen Alliance (HYHKA) July 2016 request to relocate the existing 438' of bus layover parking from West 37th Street between Ninth and Tenth Avenues and install a mid block crossing.

CB4 recognizes the recent and ongoing changes to this block, including the increase in pedestrian traffic, the increased number of residential units, and the presence of a busy midblock food market with a new Street Seat on the north side close to the midblock As such, bus layover has become an inappropriate - and at times - unsafe use of the curb.

We also understand that DDC and DEP will soon initiate a project to replace water connections and Buses will have to be relocated during that period.

CB4 requests that DOT relocate the Bus layover parking to one of the following locations:

- West 39th street (10/11)
- West 41st Street (10/11) West of the Lincoln Tunnel access
- West 41st Street (11/12) South side of the street

Change the parking regulations on the portion of the West 37th Street where the current bus parking regulation is removed to:

- Two spaces for 1-hour Taxi relief of taxi layover (to be relocated from West 39th Street)
- Metered residential parking for the balance of that section.

Finally, a midblock pedestrian crossing should be installed at the westernmost limit of the Port Authority bridges as described in the attachment.

We look forward to hearing from DOT on their timeline for implementation.

Cc: HYHK Alliance

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Corey Johnson, New York City Council Member
Brad Hoylman, New York State Senator
Richard Gottfried, New York State Assembly Member
Andrew Lynn, Director of Planning & Regional Development, PANYNJ
Mark Schaff, Operations Manager, PANYNJ

DRAFT

Transportation Planning Committee **Item # 14**

October 28, 2016

Luis Sanchez
Acting Manhattan Borough Commissioner
Department of Transportation
59 Maiden Lane, 37th Floor
New York, NY

Re: Pedestrian Safety at 30th Street and 10th Avenue

Dear Acting Commissioner Sanchez,

Manhattan Community Board 4 (MCB4) requests the urgent intervention of the Department of Transportation to make the East Side of Tenth Ave between W 30th and West 31st and the crossing of Tenth Avenue on the north side of 30th Street safe for pedestrians before a tragedy happens. Both the Related company representing all the businesses in the building and the Hudson Yards / Hell's Kitchen Alliance BID have brought the matter to our attention.

Dyer Ave currently has two ingresses for Eastbound and Northbound traffic, one off of 30th St between 9th and 10th Avenue and one off of 10th Ave, just north of 30th Street, making the area confusing and dangerous. Because of construction staging, at certain times, the entrance from 10th Ave to Dyer Ave is closed and Northbound traffic is routed to Dyer Ave via 30th St while at times the entrance from 30th St to Dyer has been closed and Eastbound Tunnel traffic is routed North onto 10th Ave.

While both of these arrangements present conflicts between pedestrian and vehicle flow, there are significantly more pedestrian conflicts on 10th Ave's East Sidewalk and the crossing of Tenth Ave on the North Side of 30th St than on the midblock of West 30th. MCB4 asks that DOT restores the 30th St entrance to Dyer Avenue permanently.

Currently, a high volume of eastbound traffic coming from 30th Street turns north on 10th and then East on Dyer Avenue to reach the Lincoln tunnel entrance. Pedestrians crossing 10th Avenue on the north side of 30th Street have the right of way, but the volume and speed of the cars rushing to the tunnel make it very dangerous to cross. Further this intersection is under the high line and very poorly lit.

This area is undergoing massive construction while a new tower is now occupied by thousand of workers who – at peak hours - have to negotiate unfinished sidewalks and rerouted traffic due to staging areas. A High Line entrance brings thousands of people to the intersection throughout the day. The US postal trucks loading and unloading slow vehicular traffic on 10th Avenue just south of this location. This intersection is also receiving West Side Highway and 10th Avenue Lincoln Tunnel-bound traffic flows going to Dyer Avenue further east on 30th Street.

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We recommend the Dyer Avevenue ingress off 30th St between 9th and 10th Avenue be restored and that the materials staged on the median between Dyer Avenue and 30th street be returned to their original location – on Dyer Avenue, close to 10th Avenue. This will channel all eastbound traffic to 30th Street, which has ample capacity. As a result the Lincoln tunnel bound traffic will be able to use the Dyer Avenue access in the middle of the block and the north crossing of 10th avenue will be safer for pedestrians. High visibility markings would help on the north pedestrian crossing, as well as a temporary pedestrian path along the north side of 30th Street. A Split LPI signal on 10th Avenue would help protect the East crossing of 10th Avenue..

We do not anticipate that his new configuration will reduce the number of bus layover space. Alternatively, a Barnes dance may be an appropriate solution to this very complex and dangerous intersection.

We appreciate your immediate attention to this matter as the number of conflicts between vehicles and pedestrians has skyrocketed at this intersection.

Attachment

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Transportation Planning Committee **Item 15**

October 27, 2016

Luis Sanchez
Acting Manhattan Borough Commissioner
NYC Department of Transportation
59 Maiden Lane, 37 Floor
New York, NY 10038

Re: Traffic Calming measures around Manhattan Plaza

Dear Acting Borough Commissioner Sanchez,

Manhattan Community Board 4 (CB4) asks the Department of Transportation to study how to address pedestrian safety issues and dangerous traffic conditions on the streets that surround Manhattan Plaza, between 9th and 10th Avenues, 42nd to 43rd Streets, an area that has seen a large increase in pedestrian traffic in recent years.

Manhattan Plaza is a complex providing affordable housing to members of the arts and entertainment community. 47% of the 3,500 residents are over age 62, with another 23% between 51-61, creating even more seniors in the next 10 years. There is a pre-school within the building so many people with very young children come and go on this block. There is also a supermarket that attracts customers from all over the neighborhood.

The census shows that 4,000 residents have moved in west of 10th Avenue along 42nd Street since 2000. With very limited transit options, they use 43rd and 42nd streets to walk to the subway. And tourists use the same streets to reach the Circle line and the Intrepid located on the Hudson River. In addition to the enlargement of P.S. 51 on 44th Street, the Beacon School has recently moved to 43rd Street between 10th and 11th Avenues with 1,800 students using 43rd and 44th Streets to reach the subway. Finally, the fire station between 10th and 11th Avenues is one of the most active in the city.

Recently the residents have complained of fast traffic on West 43rd Street in front of the buildings, with UPS and FedeX trucks in particular, but all vehicles making up for lost time from congestion in midtown; right turning vehicles off of 9th Avenue onto West 43rd Street, two lanes turning right on to 10th Avenue from 43rd Street, right turns onto 10th Avenue from West 42nd Street, as vehicles fail to yield to pedestrians and even violations of the no turn on red. They also noted the difficulty of crossing West 42 Street at Dyer Avenue because of congested traffic at this complex intersection. The proximity of the Lincoln Tunnel aggravates the conditions.

MCB4 requests DOT implement a neighborhood slow zone in this area, from 9th Ave to 11th Ave from 42nd Street to 50th Street. DOT should study pedestrian safety measures and street desiegn treatments throughout this dense residential area. Specifically surrounding Manhattan Plaza, CB4 requests that the DOT initiate a study of the problems

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and consider a speed bump or mid- block (raised) crossing in front of the Manhattan Plaza residential complex at West 43rd Street between 9th and 10th Avenue and split phase LPIs on right turns at West 42nd Street and West 43rd Street where right turn lanes are already in place onto 10th Avenue.

For enforcement issues, failure to yield to pedestrians and violations of split phase signal on the left turning vehicles at West 43rd Street onto 9th Avenue, the community board calls upon the Traffic Task Force of NYPD to summons drivers who break the law.

Cc;
Corey Johnson
Captain Pilecki

DRAFT

Transportation Planning Committee **Item # 16**

October 28, 2016

Luis Sanchez
Acting Manhattan Borough Commissioner
Department of Transportation
59 Maiden Lane, 37th Floor
New York, NY

Re: Taxi Layover Relief Stand Relocation – 39th Street and 9th Avenue

Dear Acting Commissioner Sanchez,

The New York City Department of Transportation (DOT) has studied the intersection of 39th Street and 9th Avenue and found that Westbound/Lincoln Tunnel-bound vehicles that make a southbound turn from 39th Street have injured many pedestrians who use the south crossing of 9th Avenue. It has come to Manhattan Community Board 4 (CB4)'s attention that the installation of a split LPI signal that would protect the pedestrian crossing is pending the creation of a left turn lane, that necessitates the relocation of the two –car taxi relief stand.

CB4 supports the immediate removal of a 1-hour taxi relief stand parking regulations located at the South East Corner of 39th Street close to 9th Avenue to a near-by site in favor of the creation of a no-standing anytime, signalized left turn lane.

CB4 supports DOT working with the Taxi Industry and Local community to find nearby locations suitable for the creation of new 1-hour taxi relief stand parking regulations. CB4 would specifically suggest DOT examine the north side of 37th Street between 9th and 10th Avenues, on the easternmost bridge over the tunnel approaches. There is a separate plan to relocate bus parking and change the parking regulations on 37th Street and CB4 has expressed support for this plan in a separate letter.

CB4 looks forward to hearing DOT's timeline for creating an LPI and changing parking regulations on 39th street and DOT's relocation outreach plan. We recommend that this relocation be effected as soon as possible.

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DELORES RUBIN
Chair

Jesse Bodine
District Manager

October 24, 2016

Hon. Melissa Mark-Viverito, Speaker
City Council
250 Broadway, Suite 1856
New York, New York 10007

Hon. Rafael Espinal, Chair
Committee on Consumer Affairs
250 Broadway, Suite 1880
New York, New York 10007

Hon. Corey Johnson
City Council
250 Broadway, Suite 1804
New York, New York 10007

Hon. Gale A. Brewer
Manhattan Borough President
1 Centre Street, 19th floor
New York, New York 10007

RE: Vending legislation

Dear Speaker Mark-Viverito, Council member Espinal, Council member Johnson, and Borough President Brewer

Manhattan Community Board 4 (MCB4) welcomes the opportunity to comment on the proposed package of legislation for reforming Street Vendor operations and licensing.

It is unfortunate, however, that MCB4 learned about the legislation and hearing only 13 days ago, when the bills were made public. The timing forced the Transportation Committee to address the legislation at its meeting and have it approved by the Executive committee preventing a full public hearing with discussion and vote of the full board. Considering the extent of the vending reforms put forth, greater transparency and more time to comment and better understand the legislation should have been exercised. While

MCB4 appreciates the opportunity to comment, the City Council's timing is hostile to public input and involvement and the board hopes additional hearings will be held on the legislation.

We appreciate the long history of vending in New York City and its role in empowering immigrants and US veterans. We also appreciate that the limit on vending permits, unchanged since the early 1980's, has led to a "black market" of vending permits allegedly costing as much as $20,000/year and substantial illegal street vending. Reform is needed. However, we believe this legislation would exacerbate the problems, not address them.

This legislation, which would double the number of street vendors operating on New York City sidewalks, combined with LinkNYC installations, tour bus stop queues, long distance bus stop queues, sidewalk cafes, and encroachment from the non-enforcement of A-frame rules shows a complete disregard for public space and pedestrian safety. Were this legislation to be good for New Yorkers, it must further protect, not endanger, pedestrians and street vendors.

MCB4 **opposes** the legislation, **unless** the following changes are made:

A proper consultation with the public is undertaken, with presentations to community boards, block associations, Business Improvement Districts, and other relevant parties. These presentations should include supporting data, including numbers of licenses, current locations where vendors are set up on a regular basis, and statistics on current enforcement practices.

Without the results of the Designated Vending Location programs or without having an inventory of where the carts can be sited in accordance with current regulations, giving more licenses than can be used legally will lead vendors who have invested their savings in a license to operate illegally.

Should any aspect of the legislation pass, we request that all of Community District 4 be included in the pilot Designated Vending area program run by the Department of Transportation.

Placement and Siting:

In no case should restrictions for placement of street vendors be relaxed. That the legislation would allow a vendor to setup 3' into the sidewalk from the curb and 5' from the corner is an unwarranted encroachment on the sidewalk and further privatizes public space. The rules should be made consistent with Vision Zero and pedestrian flow priorities and other sidewalk furniture. A logical reform would be to make street vending placement consistent with Newsstand guidelines, which include a 9.6 feet pedestrian right-of-way between the cart and the property line and that no item be placed on the cart that expands the footprint or protrudes into the pedestrian right of way.

Creating guidelines for street vendor locations would streamline the process and codify their existence; much like the city has done for other types of street furniture and uses of public space. Sites should be approved through that process and no additional licenses should be granted for use in the Central Business District (Manhattan below 60th Street). Greater scrutiny must also be given to the land use adjacent to the permitted spaces and whether or not it is an appropriate location for a vendor to operate (schools, restaurants, retail, and residential buildings). Vendors should not be allowed to operate on public plazas, without proper coordination and approval from the plaza maintenance partner.

Any reform of the licensing program must have pro-active measurements to prevent a license black market. Our board has received reports that licenses are copies and used by multiple vendors in multiple locations. New licenses should be embedded with GPS tags. This will prevent the duplication of licenses and allow the NYPD or any enforcement unit to properly monitor the location and operation of each vendor.

We recommend allowing food carts to operate in parking spaces, similar to DOT's Street Seats program, where their effect on pedestrian congestion will be less. This is the way food carts historically operated and would also prevent the need for vehicles to drive onto sidewalks to pick-up the carts at the start and end of the day.

Enforcement:

We applaud the following:

- Creation of a dedicated enforcement unit;
- Creation of a training program with an examination on vending restrictions;
- Creation of a website and app with map of areas of the sidewalk where vending is not permitted, for both food and general vendors;
- Attaching fines to a cart and a license, which can be evaluated at renewal regardless of who pays the fine

The number of officers dedicated to enforcement is paltry. After seven years there could be over 8,000 street vendors; guaranteeing a healthy ratio of officers to vendors is critical to properly regulate if the city is going to permit an increase in licenses.

Many food carts generate noxious smoke that gets into nearby businesses or residential buildings. Creating smoke should be illegal. By contrast, a restaurant must vent its kitchen to the roof. Street carts should be subject to similar health regulations. Often this smoke comes from propane gas tanks and generators, whose loud, pollution-emitting engines should also be prohibited. In addition to creating health and safety standards for mobile vending, the City should be proactively working on environmentally safe green carts and creating locations where vendors can plug in their carts.

Licenses:

MCB4 appreciates that US veterans will get priority for vending licenses, and 5% are set aside for them through this legislation. However, that number should be at least doubled,

to 10% of the eligible licenses, if the current cap is increased to 600/year over seven years.

Thank you for taking into consideration our comments.

Sincerely,

Delores Rubin Chair	Christine Berthet Co-Chair, Transportation Planning Committee	Yoni Bokser Co-Chair, Transportation Planning Committee

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Delores Rubin
Chair

Jesse Bodine
District Manager

Rick Chandler
Commissioner
NYC Department of Buildings
280 Broadway
New York, NY 10007

October XX, 2016

Re: 500 West 28th Street (Block 699 Lot 37)
Illegal Demolition of Residential Multiple Dwelling

Dear Commissioner Chandler:

At Manhattan Community Board 4's (MCB4) October 24, 2016 meeting, Board members discussed 500 West 28th Street, the former site of a four story multiple dwelling building located in the Special West Chelsea District.

In June 2016, the Board wrote to you requesting that the Department of Buildings (DOB) conduct a district-wide audit, noting that to our knowledge, the illegal demolition of residential buildings had occurred on at least 9 buildings, affecting a total of 90 units throughout the Garment Center, West Chelsea, Hudson Yards, and Clinton Special Zoning Districts. With this most recent finding, our call is more urgent than ever.

By a vote of XX in favor, XX opposed, XX abstaining and XX present but not eligible to vote, MCB4 voted to request that DOB immediately place a Stop Work Order on 500 West 28th Street, rescind plan approval, and impose a penalty on the owner.

Background

500 West 28th Street was the site of a four story tenement in the Special West Chelsea District (SWCD)[1]. The building on that site contained 6 units. In December 2014, the owner submitted application for Job No. 121187562 to DOB for the partial demolition of the building. The application received approval from DOB.

On October 20, 2016, a Board member was in the area when he noticed that the site no longer contained a building. Plywood fencing had been erected on the 10th Avenue and 28th street frontages of the site[2].

[1] See Appendix A: Google Streetview photo of building
[2] See Appendix B: Photo of site taken October 20, 2016

Protections against Demolition of Residential Buildings

Section 98-70 of the SWCD Zoning Resolution makes reference to Section 93-91 of the Special Clinton District Zoning Resolution, which states, that any partial demolition that decreases the residential floor area of a building by more than 20% shall not be approved by DOB.

That section of the zoning includes the categories of buildings that are exempt from this requirement:

- under an active government-funded program or
- a hotel or
- a school dormitory or
- a clubhouse

500 West 28th Street is in none of those categories and is therefore not exempt from this provision.

Buildings can also be demolished if they:

- have received a Certificate of No Harassment, **<u>and</u>**
- have been deemed unsafe or
- cannot feasibly be rehabilitated through any government funding program

A Certificate of No Harassment could not be found for the property. Furthermore, the buildings were not deemed structurally unsound.

False DOB Filings

In December 2014, the owner submitted a PW1 form under Job. No. 121187562[3]. Although the form stated that the proposed work was a partial demolition of the building, the owner did not state that there would be a change in the number of stories, dwelling units, or the occupancy of the building.

A subsequent PW1 filed under the same job in May 2015 stated that the work would in fact change the number of stories and dwelling units, the occupancy of the building, and that these changes would be inconsistent with the current Certificate of Occupancy for the building[4]. To the Board's knowledge, the DOB did not take action in spite of this information being presented by the owner.

In May 2015 and March 2016, the owner submitted two separate HPD1 Forms[5]. The HPD1 form is an Anti-Harassment Checklist required as part of the anti-demolition provisions of the SWCD. In both forms, the owner falsely stated that the building was exempt from anti-demolition restrictions because it was not a multiple dwelling. **This information is false and should have raised concerns from DOB.** However, the demolition of this residential building was allowed to proceed.

[3] See Appendix C: PW1 dated December 2014
[4] See Appendix D: PW1 dated May 2015
[5] See Appendix E: HPD 1 Form dated May 2015

DRAFT

Pattern of Actions by Owners to Not Comply with Demolition Restrictions

Over the last ten months, this Board has witnessed a pattern. Building owners and architects have filed forms with DOB that contain false statements. These forms have been filed under job applications that do not meet the anti-demolition requirements of the Zoning Resolution in our Special Districts. However, the owners have been allowed to proceed with the demolition of these residential building.

To date, we have seen this pattern take place in the following sites:

Building Address	Block	Lot	# of buildings	# of Units	Special District	Letter Sent	CONH	DOB Action	Status
319-321 West 38th	762	23	2	23	Garment Center	1/13/2016	No	DOB issued full Stop Work Order	Roof was removed from 319 and rear section of building was demolished
559 West 22nd	694	1	1	21	West Chelsea	2/11/2016	Yes	DOB issued all work stopped on 4/15/16	Work stalled
500 West 22nd 197 10th Avenue	693	37	3	12	West Chelsea	3/17/2016	No	DOB put job on hold and new building application is disapproved	Work stalled
821 9th Avenue	1064	31	1	6	Clinton	June 2016	Yes	DOB inspected and issued a Partial STOP WORK ORDER on 5/17/16	Demolished
317-319 West 35th	759	30	2	28	Garment Center	June 2016	No	None	Work stalled
500 West 28th Street	699	37	1	6	West Chelsea	October 2016	No	None	Demolished
Total			**10**	**96**					

Property's Status as a Multiple Dwelling

The Department of Housing Preservation and Development (HPD) has records on 500 West 28th Street stating that the building contained 6 dwelling units and that the owner had filed records with the New York State Department of Homes and Community Renewal (DHCR), which indicates that the building had at least one rent controlled or rent stabilized unit[6].

HPD's records also list violations in units 1, 2F, 2R, 3R, 4F, and 4R[7]. The majority of these violations stem from failure on behalf of the owner to complete maintenance repairs. The most recent violation was filed in October 2015.

In addition to these violations, the building has received charges from emergency repairs completed by HPD[8]. When an owner does not complete urgent repairs in a timely manner, HPD completes these repairs and charges the owner for the work. The charges to the building total $1,016.87. From 2005 until 2009, the owner was also involved in tenant litigation relating to maintenance repair as well as the provision of heat and hot water[9].

[6] See Appendix F: HPD Online page for 500 West 28th Street
[7] See Appendix G: HPD Violations
[8] See Appendix H: Charges Summary
[9] See Appendix I: Litigation Summary

DRAFT

The prior owner met with MCB4 in XX. He was seeking to obtain approval for the demolition of the building. However, MCB4 informed him that such action would not be allowed under the Zoning Resolution.

In XX, Related Companies purchased the site.

Related Companies

Two blocks north of 500 West 28th Street, Related Companies is undertaking the largest real estate development in the country, Hudson Yards. The 23 acre site will contain 12.7 million square feet of office, residential, and retail space. Related is a highly experienced real estate firm with knowledge of the intricacies of the City's Zoning Resolution. The company hires the most qualified professionals in these matters.

Related is currently building 500 West 30th Street, a site located on a block that is almost exclusively owned by Related. The only exception on that block is a demolition-protected tenement at 501 West 29th Street. This configuration mirrors the ones on the block containing 500 West 28th Street.

The Board firmly believes that Related should have done its due diligence on the site prior to purchasing it from the previous owner.

Conclusion

The Special District Zoning text prohibits demolition of residential buildings, as a means of preserving affordable housing for the long-term community residents of those buildings. **The lack of enforcement from the Department of Buildings (DOB) allowed for the loss of at least 96 affordable apartments since December 2015.**

The Board requests that DOB issue an immediate stop work order for 500 West 28th Street, rescind plan approval, and revoke any permits. The board also request that DOB impose a financial penalty on Related Companies for its failure to conduct due diligence on the site prior to purchasing it.

Finally, the Board requests to meet with Related Companies to discuss how the company will provide replacement of these 6 long-term affordable units.

Sincerely,

Delores Rubin
MCB4 Chair

DRAFT

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

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

cc: Senator B. Hoylman
Assembly Member R. Gottfried
Borough President G. Brewer
Councilmember C. Johnson
V. Been, HPD
M. Rebholz, DOB
D. Rand, HPD

DRAFT

APPENDIX A: Google Streetview Image of 500 W 28th Street, dated 2014

APPENDIX B: Google Streetview Image of 500 W 28th Street, dated October 20, 2016

DEPT OF BLDGS 121187562 Job Number

Appendix E: HPD 1 Form dated May 2015

Scan Code

NYC Buildings

HPD1: Anti-Harassment Area Checklist

Must be typewritten.

Orient and affix BIS job number label here

1 Location Information *Required for **all** applications.*

House No(s) 311 Street Name 10TH AVENUE Work Proposed on Floor No(s) CEL, 001, ROF

Borough MANHATTAN Block 699 Lot 37 BIN 1078405 CB No. 104

District ☐ Special Hudson Yards District (ZR § 93-90) ☐ Greenpoint-Williamsburg Anti-harassment Area (ZR § 23-013)

☒ Special West Chelsea District (ZR § 98-70) ☐ Special Garment Center P-2 Preservation Area (ZR § 121-50)

2 Applicant of Record *Required for **all** applications.*

Last Name LEYVA First Name ISMAEL Middle Initial

Business Name ISMAEL LEYVA ARCHITECT P.C. Business Telephone (212) 290-1444

Business Address 48 WEST 37TH STREET Business Fax (212) 342-7803

City NEW YORK State NY Zip 10018 Mobile Telephone

E-Mail 021712 License Number 021712 ☒ RA ☐ PE

3 Exemption/Certification Declaration *Required for **all** applications.*

☐ HPD Certificate of No Harassment attached (ZR § 93-90(b)(1) and (c))

☐ Structure is located on a *cure requirement lot* or a *cure compliance lot* (as defined in ZR § 93-90(a) or 93-90(e) for demolitions in subareas 4 and 5 of Hell's Kitchen) or *cure compliance lot* (as defined in ZR § 93-90(a))

Must comply with and check i. - v. below:

i. ☐ HPD Certification of Cure Compliance attached (ZR § 93-90 (b)(1) and (d))

ii. ☐ Proof of recordation of the appropriate *restrictive declaration* (as defined in ZR § 93-90 (a)(16)) for both the *cure requirement lot* and *cure compliance lot*.

iii. ☐ On the Schedule A*, the CRFN numbers for all *restrictive declarations* filed on all tax lots required by section ZR § 93-90 (d)(2)(i) have been listed

iv. ☐ On the Schedule A*, the occupancy restrictions of the *restrictive declaration* for the *cure compliance lot* have been listed (ZR § 93-90(d)(2)(iii)).

For v., check box that applies (one box only)

v. ☐ On the Schedule A*, the occupancy restrictions of the *restrictive declaration* for the *cure requirement lot* have been listed (ZR § 93-90(d)(iv).

or

☐ The *cure requirement lot* is not the *cure compliance lot* AND associated *cure compliance lot* controlled by not-for-profit (ZR § 93-90(d)(iv)(b))

*Required information already on CO# _____

☐ The proposed work is an exempt alteration/demolition or is on an exempt structure (indicated type of exemption in Section 4)

4 Exemption Description If the proposed work or structure is exempt from certification, indicate below.

☐ **Exempt Alterations**

☐ **Material Alteration** Work to be performed pursuant to the alteration permit does not include a *material alteration* (as defined in ZR § 93-90(a)(13)) of a multiple dwelling (ZR § 93-90(b)(1))

☐ **Alterations to Provide Accessibility** (HPD Determination attached) (ZR § 93-90(b)(2)).

☐ **Exempt Demolitions**

☐ Work to be performed pursuant to the demolition permit does not include the full or partial demolition of a multiple dwelling (ZR § 93-90(b)(1).

☒ **Exempt Structures** (ZR § 93-90(b)(3))

☒ Not a multiple dwelling (as defined in ZR § 93-90 (a)(14)), as per attached Certificate of Occupancy or other documentation approved by DOB.

☐ A multiple dwelling initially occupied for residential purposes after January 1, 1974 that was not an Interim Multiple Dwelling.

☐ A city-owned multiple dwelling.

☐ An *exempt hotel* as defined in ZR § 93-90(a)(8).

☐ A multiple dwelling which occupancy is, and was on the applicable referral date (June 21, 2004 for Hudson Yards, October 4, 2004 for Greenpoint-Williamsburg, and December 20, 2004 for West-Chelsea), restricted to clubhouse or school dormitory use.

☐ An *exempt institutional residence* (as defined in ZR § 93-90(a)(9)).

☐ A multiple dwelling that is the subject of an HPD program (HPD determination attached).

5 Applicant's Statements and Signatures *Required for **all** applications.*

I hereby state that all of the above information is correct and complete to the best of my knowledge. Falsification of any statement is a misdemeanor under §§ 28-203.1.1, Item 1, and 28-211.1 of the Administrative Code and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine, or both.

Name (please print)

ISMAEL LEYVA, RA 5/14/2015

Signature Date

REGISTERED ARCHITECT ISMAEL LEYVA No. 021712 STATE OF NEW YORK

P.E. / R.A. Seal *(apply seal, then sign and date over seal)*

Appendix F: HPD Online page for 500 West 28th Street

10/24/2016
092016

HPD Building, Registration & Violation Services --- Select --- Home

The selected address: 311 10 AVENUE, Manhattan 10001

This building has filed records with the New York State Division of Housing and Community Renewal at least one time from 1993 to the present year and may contain one or more regulated apartments.

HPD#	Range	Block	Lot	CD	CensusTract	Stories	A Units	B Units	Ownership	Registration#	Class
5007 Active	311-311	00699	0037	4	9900	4	6	0	PVT	134298	A

Other Units

Property Owner Registration Information

Charges

Complaint Status

Complaint History

Submit Certificate of Installation

Litigation/Case Status

Tenant Harassment Report

All Open Violations

prior year Open Viol.'s

Ecertification

Overdue Lead Paint Viol. Correction

I-Card Images

PROS Online

Map

THIS PROPERTY IS NOT CURRENTLY VALIDLY REGISTERED WITH HPD.

Residential properties are required to register with HPD every year. If you are the owner or agent for this property, go to our Property Registration page to find out more about registration requirements or to use our Property Registration Online System, which allows you to begin the registration process. If you just wish to view the existing registration information for the property, click on the Property Owner Registration Information link on the left hand tool bar on this page.

This address is also known as:

House No	Street Nm
311	10 AVENUE
500	WEST 28 STREET
500	WEST 28 STREET

Other Buildings on This Lot:

HPD Seq No	Status	House No	Street name	
805586	Inactive	502	WEST 28 STREET	view

Appendix G: HPD Violations

The selected address: 311 10 AVENUE, Manhattan 10001

This building has filed records with the New York State Division of Housing and Community Renewal at least one time from 1993 to the present year and may contain one or more regulated apartments.

HPD#	Range	Block	Lot	CD	CensusTract	Stories	A Units	B Units	Ownership	Registration#	Class
5007 Active	311-311	00699	0037	4	9900	4	6	0	PVT	134298	A

Other Units

Property Owner Registration Information

Charges

Complaint Status

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Submit Certificate of Installation

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Tenant Harassment Report

All Open Violations

prior year Open Viol.'s

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Overdue Lead Paint Viol. Correction

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Map

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There is no registration information for this building.

Find Apartment# Clear Search

Open Violations - ALL DATES
There are 16 Violations. Arranged by category: A class: 5 B class: 7 C class: 3 I class: 1

For Definitions of the columns indicated below, select glossary under the Services option (located at the upper right).
To sort the columns, click on their underlined headers below in the blue area.

Apt Story	Reported Date, nov ISSUED Date	Hzrd Class	Order no	Violation ID, NOV ID	Violation Description	Status Status Date	Certify By Date Actual Cert. Date
Fire Escape	2010/07/16 2010/07/20	B	513 *	8515121 3977486	§ 27-2005 adm code fire escape defective. adjust the dropladder so that it will slide easily in the guide rods west at fire escape	NOV LATE 2010/10/18	2010/09/07 2010/10/18
3R 3	2009/03/13 2009/03/17	A	491	7771866 3595339	§ 300 m/d law file plans and application and legalize the following alteration or restore to the legal condition existing prior to the making of said alteration sealed up opening 3x5 sq,ft, at west wall , (no window or ventilation system in room) in the 2nd room from north at east located at apt 3r, 3rd story, 1st apartment from east at south	1 NO ACCESS 2010/08/04	2009/07/04
All Stories	2008/01/28 2008/01/30	C	503 *	7121526 3198999	§ 27-2005 adm code make safe by properly repairing the structural defect vertical cracks east walls 4th to 2nd story at public hall	POSTP DENIED 2008/02/27	2008/02/10
3R 3	2007/08/27 2007/08/29	A	491	6903287 3070519	§ 300 m/d law file plans and application and legalize the following alteration or restore to the legal condition existing prior to the making of said alteration partition wall created at kitchen dividing room no window in the 1st room from east located at apt 3r, 3rd story, 1st apartment from east at south	1 NO ACCESS 2010/08/04	2007/12/16
4R 4	2007/08/27 2007/08/29	A	491	6903312 3070524	§ 300 m/d law file plans and application and legalize the following alteration or restore to the legal condition existing prior to the making of said alteration partition wall created in kitchen dividing room no window in the 1st room from east located at apt 4r, 4th story, 1st apartment from east at south	NOV SENT 2007/08/29	2007/12/16
2R 2	2005/12/29 2006/01/04	B	501	5919886 2582432	§ 27-2005 adm code properly repair the broken or defective sagging wood floor in the kitchen located at apt 2r, 2nd story, apartment at south	NOV LATE 2006/05/23	2006/02/27 2006/05/23
Yards / Courts	2005/10/19 2005/10/25	B	501	5791818 2518394	§ 27-2005 adm code properly repair the broken or defective outer stair stringer slanted 1sty to 4sty at public hall stairs	NOT COMPLIED 2006/05/03	2005/12/18
3R 3	2005/10/19 2005/10/25	B	501	5791856 2518396	§ 27-2005 adm code properly repair the broken or defective sagging floor in the entire apartment located at apt 3r, 3rd story, apartment at south	NOT COMPLIED 2006/05/03	2005/12/18
	1996/06/25 1996/07/09	B	502	2798403 545850	§ 27-2005 adm code properly repair with similar material the broken or defective eroded motar joints 2 to above 4 sty at northeast cover.	NOT COMPLIED 2006/05/03	1996/09/02
2F	1994/10/21 1994/11/07	C	670 *	2798395 545846	§ 27-2031 adm code provide hot water at all hot water fixtures kitchen & bathroom 2 sty northeast apt 2f. located at apt 2f	1 NO ACCESS 2006/05/11	1994/12/30
2F	1994/06/28 1994/07/19	A	508	2798392 545843	§ 27-2005 adm code repair the broken or defective plastered surfaces and paint in a uniform color ceiling 2 sty east apt 2f kitchen. located at apt 2f	1 NO ACCESS 2006/05/11	1994/11/11
2F	1994/06/28 1994/07/19	B	566	2798393 545844	§ 27-2018 adm code abate the nuisance consisting of vermin mice and roaches 2 sty east apt 2f kitchen. located at apt 2f	1 NO ACCESS 2006/05/11	1994/09/12
2F	1994/06/28 1994/07/19	C	555	2798394 545845	§ 27-2013 adm code remove or cover in a manner approved by the department the peeling lead paint west wall 2 sty east apt 2f bathroom lozano 239 6063 er1. located at apt 2f	1 NO ACCESS 2006/05/11	1994/08/10
1	1988/10/19 1988/11/15	B	510	2798369 545833	§ 27-2005 adm code & 309 m/d law abate the nuisance consisting of exposed electric wires 2 sty east apt 1 bathroom. located at apt 1	NOV SENT 2008/07/07	1989/01/09
4F	1975/04/22 1975/05/25	A	556	2798359 545826	d26-12.01 adm code paint with light colored paint to the satisfaction of this department wals ceilings and woodwork 4 sty front apt 4f entire. , section " "	NOV SENT 2008/07/07	1975/09/25
	2015/10/01 -	I	780	10888308	§27-2107 adm code owner failed to file a valid registration statement with the department as required by adm code §27-2097 and is therefore subject to civil penalties, prohibited from certifying violations, and denied the right to recover possession of premises for nonpayment of rent until a valid registration statement is filed.	INFO NOV SENT 2015/10/01	-

Department of Housing Preservation & Development

Appendix H: Charges Summary

The selected address: 311 10 AVENUE, Manhattan 10001

This building has filed records with the New York State Division of Housing and Community Renewal at least one time from 1993 to the present year and may contain one or more regulated apartments.

HPD#	Range	Block	Lot	CD	CensusTract	Stories	A Units	B Units	Ownership	Registration#	Class
5007 Active	311-311	00699	0037	4	9900	4	6	0	PVT	134298	A

PLEASE REVIEW THIS REPORT IN ITS ENTIRETY, INCLUDING ALL NOTES AT THE END.

THIS BUILDING CHARGE REPORT PROVIDES NOTICE, AS REQUIRED BY NEW YORK CITY ADMINISTRATIVE CODE §27-2144(a), OF OPEN WORK ORDERS AND FEES REPRESENTING CHARGES THAT MAY BE BILLED TO THIS PROPERTY AND THE DATES THAT THEY WERE ENTERED ON THE RECORDS OF THE DEPARTMENT.

The Department of Finance website (DOF) provides the current status of any charge listed on this report **after** that charge has been transferred to DOF (see the column furthest to the right on the below charts for the transfer date), including interest accumulation, payments and adjustments. Charges are transferred to DOF for collection once HPD has paid the vendor who completed the work or after an invoice for work done by HPD staff has been completed.

Please be aware that this report does **NOT** include:

- most demolition charges incurred prior to January 1, 2000.
- most non-demolition charges incurred by HPD prior to July 1, 1999.
- Civil penalties imposed by the Housing Court for failure to comply with HPD issued violations.

For information on amounts owed for demolition charges incurred prior to January 1, 2000 and for all non-demolition charges incurred by HPD prior to July 1, 1999, contact HPD's ERP Accounting Unit at (212) 863-6810 to verify the amount owed for those charges. For information on whether there are pending civil penalties, see the Litigation/Case Status link on the left hand toolbar for this building.

The Charge Report will include information on the following building(s).

HPD Bldg ID	Status	House No	Street name	Life Cycle
805586	Inactive	502	WEST 28 STREET	PLANNED
5007	Active	311	10 AVENUE	BLDG

Charges for this Building

Work Orders: **2** Fees: **0**

Building Charge Report as of 10/23/2016
Work Orders

WO TYPE/ WO#	Job General	Total Work Cost	Award Amt Chg Orders (WOs)	Create Dt/ Award Dt/ Invc Dt/	WO Close Reason	Invoice Approved Amount/ Svc Chg(Y/N)	Admin Fee/ Sales Tax/	Total Charge	Date Charges Transferred to DOF
OMO E933111	GC	1200.00	1200.00 0.00	03/30/2009 04/13/2009 06/25/2009	OMO Completed	800.00	120.00 67.00	987.00	08/20/09
Work Order Description:	apt # 3r - 2nd room from north at west and living room - supply and install two new windows (one in each room) complete brick to brick aluminum dhc30 replacement window, includes, caulking, casings, stops, stool								

	and apron or sheetrock returns							
AOR E937829	HEAT	0.00	05/05/2009	Work Done by Others	24.21	3.63 2.03	29.87	05/20/09
Work Order Description:	at basement , adjust the hot water mixing valve to the legal range limits.							

Totals for 311 10 AVENUE Life Cycle: BLDG
Charge Amount: $824.21 Admin Fee: $123.63 Sales Tax: $69.03 Total: $1,016.87

Total for all Work Order & AOR charges on all building(s) on this report:

Charge Amount	Admin Fee	Sales Tax	Total
$824.21	$123.63	$69.03	$1,016.87

Repair, AEP Fees, Heat/Hot Water Inspection Fees, Inspection Fees Grand Totals

Invoiced Approved & Fee Amount	Admin Fee	Sales Tax	Total
$824.21	$123.63	$69.03	$1,016.87

Charge Status

Invoiced - Not Yet Paid by HPD	Paid by HPD - Not Yet Transferred to DOF	Invoiced and Transferred	Grand Totals
$0.00	$0.00	$1,016.87	$1,016.87

Definitions:

Work Order Section

Work Type: There are two work types:

- OMO: (Open Market Order): Private vendors perform Open Market Order (OMO) work, making repairs in response to HPD solicitations to complete the work described.
- AOR: (Area Office Repair): Repair work performed by HPD personnel.

Work Order #: Distinct identifier assigned to the work order.

Job General: Indicates the general category of the type of work performed. There are some special notes related to specific categories of job general:

- 7A Financial Assistance (7AFA) repair charges are Court/Agency authorized charges for buildings in the 7A Management Program. For more information about whether a 7AFA funded repair is ongoing or completed, or if partial liens have been filed, or will be filed, call the 7AFA Program at (212) 863-7356.
- Utilities: If a property is going to be sold or transferred, it is the responsibility of the parties involved to make sure that all utility bills for service provided by HPD are paid and that service provided by HPD is terminated. Utility Providers can take three or more months to invoice HPD; therefore all charges owed may not be posted on this Building Charge Report at the time of transfer. To terminate service provided by HPD, please contact the Utility Unit at (212)863-7704 for account termination and final invoice estimates.

Total Work Cost: This is the current total cost of the work itself, including the award amount and any change orders. This will not be the amount owed, which will include an administrative fee and sales tax and which may be reduced if the work is not performed and only a service charge is billed.

Estimated Cost: For Elevator work conducted in order to address Department of Buildings violations, an estimated cost of the work will be provided (not including an administrative fee and sales tax that will be owed after billing is finalized). This cost is subject to change until the work is completed and invoiced.

Award Amt: Once the agency and vendor agree on the price for an OMO based on the initial scope of work, this amount is defined as the award amount of the contract, which is listed in the 'Award Amt' column of this report. Since there is no award to an outside vendor when the work is completed by HPD, award amounts for AORs are blank. **Award amounts may not be final and are subject to change order increases or decreases.**

- **Award Amount Note for Utility Charges**: The Award Amount on Utility OMOs is $1.00 because billing by the Utility Company occurs after the utility account is initially set up. There can be multiple invoices for each Utility OMO. Charges that will be owed for utility services may not appear on this report until after the exact amount owed has been determined, which can take numerous months to occur. One charge being listed on this report for a Utility OMO indicates that other charges may be forthcoming for the same Utility OMO later on. In order to find out if there will be future charges due for a Utility OMO in addition to the charges already listed, please call HPD's Utilities Unit at 212-863-7704. Utility charges will continue to accrue until the property owner opens an appropriate account for the service. Multiple Utility OMOs may exist for the same Utility account.

Chg Order: Change orders indicate modifications made to the original scope of work and may result in either an increase or decrease to the initial award amount and to the amount owed. **Change order information will be available only for OMOs awarded on or after August 1, 2011**.

Svc Chg: The 'Svc Chg' column, located immediately below the 'Invoice Approved Amount' figure, indicates whether a service charge is owed to a vendor. A service charge is owed when a vendor makes an attempt to visit a property to address a condition pursuant to a work order and the work order is subsequently cancelled (for example, a service charge can be owed when there is no access to make a repair). If 'Y' appears in the Service Charge column and an amount is not present, then the amount that will be owed for the service charge has not yet been determined.

Total Charge: Amount to be transferred to DOF for collection by DOF.

Description of fees types:

- **AEP Fees**: If this building is in the Alternative Enforcement Program (AEP), then fees may be assessed pursuant to New York City Administrative Code Section 27-2153 and Section 36-03 of Chapter 36 of Title 28 of the Rules of the City of New York. These fees become a tax lien against the property if not timely paid. If you have questions about AEP charges and fees, please call the Alternative Enforcement Program at (212)863-8262.

- **Heat and Hot Water Inspection Fees**: For a third or any subsequent inspection that results in a heat violation within the same heat season (October through May) or for a third or any subsequent inspection which results in a hot water violation within a calendar year, HPD will charge a fee of $200 for such inspections, pursuant to New York City Administrative Code Section 27-2115. Such fees become a tax lien against the property if not timely paid.

- **Inspection Fees**: Pursuant to section 27-2115 of the New York City Administrative Code, HPD is authorized to impose a fee for the third and each subsequent complaint-based housing inspection it performs in a particular dwelling unit where certain conditions are met, including HPD having already inspected the unit twice in the same twelve-month period, HPD having issued hazardous (class B) or immediately hazardous (class C) violations, and the owner having failed to repair and timely certify that those violations have been corrected. The fee, if not timely paid, becomes a tax lien against the property.

Copies of documents may be requested pursuant to the Freedom of Information Law (FOIL) by writing to: FOIL Officer, HPD, 100 Gold Street, Room 5-U9, New York New York 10038. A FOIL request may also be submitted via the HPD website.

Appendix I: Litigation Summary

The selected address: 311 10 AVENUE, Manhattan 10001

This building has filed records with the New York State Division of Housing and Community Renewal at least one time from 1993 to the present year and may contain one or more regulated apartments.

HPD#	Range	Block	Lot	CD	CensusTract	Stories	A Units	B Units	Ownership	Registration#	Class
5007 Active	311-311	00699	0037	4	9900	4	6	0	PVT	134298	A

Other Units

Property Owner Registration Information

Charges

Complaint Status

Complaint History

Submit Certificate of Installation

Litigation/Case Status

Tenant Harassment Report

All Open Violations

prior year Open Viol.'s

Ecertification

Overdue Lead Paint Viol. Correction

I-Card Images

PROS Online

Map

THIS PROPERTY IS NOT CURRENTLY VALIDLY REGISTERED WITH HPD.

Residential properties are required to register with HPD every year. If you are the owner or agent for this property, go to our Property Registration page to find out more about registration requirements or to use our Property Registration Online System, which allows you to begin the registration process. If you just wish to view the existing registration information for the property, click on the Property Owner Registration Information link on the left hand tool bar on this page.

Litigation

CASE TYPE	OPENED	STATUS	JUDGMENT OUTSTANDING
Tenant Action	12/19/2005	CLOSED	NO
Heat and Hot Water	04/07/2009	CLOSED	NO
Tenant Action	12/28/2007	CLOSED	NO

Click here for a glossary of the terms used on this page.

The cases listed above should include:

1. All cases commenced by HPD or by tenants (naming HPD as a party) in the Housing Part of New York City Civil Court since August 2006 seeking orders directing landlords of residential property to correct violations or to comply with the requirements of the Housing Maintenance Code and/or awarding HPD civil penalties.
2. All cases commenced by HPD in the Housing Part of New York City Civil Court since August 2006 seeking the appointment of an administrator pursuant to Article 7A of the Real Property Actions and Proceedings Law.
3. All applications filed with HPD since August 2006 seeking a certification of no harassment.

Some cases and applications filed before August 2006 are also noted. The decision date reflects the date of the last decision made in the matter. There may be other earlier relevant decisions.

There is no harassment litigation for this building.

Housing Health & Human Services Committee **Item No. 20**

November 2, 2016

Vicki Been
Commissioner
NYC Dept. of Housing Preservation & Development
100 Gold Street
New York, NY 10038

Re: Proposed Homeless Set-Asides

Dear Commissioner Been:

On the recommendation of its Housing, Health, and Human Services (HH&HS) Committee, Manhattan Community Board 4 (MCB4) proposes changes to the new policy for homeless set-asides in new affordable housing projects. It is MCB4's goal to keep all changes to tenant selection and occupancy within the Points of Agreements developed during the rezoning of MCB4's special districts.

For current affordable housing lotteries, MCB4 recommends that homeless set-asides do not supersede existing and approved affordable housing plans. For future affordable housing lotteries, homeless set-asides should be taken from the general lottery and not from community preference set-asides. MCB4 recommends that the process for homeless referrals be reevaluated to determine the most successful model for long-term stability for homeless referrals that considers both social service and subsidy requirements.

Background

Manhattan Community Board 4 (MCB4) has had a long history of working to preserve affordable housing in its district. Beginning in 1981, the Clinton Special Zoning District created a floor area bonus for the development of affordable housing which later became part of the city's inclusionary housing policy. The neighborhood agreed to rezonings which allowed for higher density which would be mitigated by accompanying affordable housing. As a result, Community District 4 (MCD4) has the greatest number of units built through inclusionary housing.

In the course of rezoning each respective subdistrict, the community developed Points of Agreements for Hudson Yards, West Chelsea, and the Western Rail Yards (each a "POA" and collectively "POAs") which outlined the community's priorities in those areas. Each POA included a 50% community preference set-aside as a critical strategy to minimize displacement. The proposed homeless housing set-aside of 50% of the units set aside for community preference will have a significant impact on achieving the goals of the POAs.

The table below shows the number of units currently in the tenants selection process which will be affected by the proposed policy change. The total number of affordable units currently in tenant selection is 736. In accordance with the POAs, 370 units are set aside for community

preference. The proposed homeless set-aside policy dictates that 50% of the community preference units will be taken for the homeless set-aside, resulting in 185 units being taken from the community.

Address	Developer	Total Units	Affordable Units	Community Preference Set-Aside
515 West 28th Street	Lalezarian Properties	375	75	38
605 West 42nd Street	Moinian Group	1191	238	119
401 West 31st Street	Brookfield	844	169	85
525 West 52nd Street	Taconic	392	79	40
555 10th Avenue	Extell	598	119	60
535 West 43rd Street a.k.a. 546 West 44th Street	DHA Capital	280	56	28
	TOTAL	3,680	736	370

The proposed change for homeless referrals to be taken from the community preference violates several items within the Points of Agreement and undoes years of work to develop a system of affordable housing preservation that balances the needs of the community and the needs of the City's most vulnerable populations. MCB4 believes that the proposed changes need to be reevaluated and implemented in a way that ensures long-term success.

Recommendation for Homeless Set-Asides

MCB4 takes the issue of homeless housing very seriously and seeks to find sustainable housing solutions. While the homeless set-aside has merit, it should not come out of the community preference set-aside, now or in the future. The preferences that homeless set-asides would be taking away from are equally important and agreed to in the POAs

Imposing this change on existing lotteries where potential tenants are already being interviewed is neither a fair solution nor one that follows through with the POAs. There are currently 736 units in the tenant selection process, and the progress made thus far should not be impeded.

Any homeless set-aside policy must be combined with a comprehensive placement policy. Homeless referrals with access to adequate social services, as in supportive housing projects, have more successful transitions and reduced rates of recidivism. Additionally, a large portion of the proposed homeless set-aside units are studios and one bedrooms. The social service needs for single, previously-homeless residents tends to be much greater than previously-homeless families.

Currently, the only subsidies for homeless set-asides are through Section 8 and Living in Communities (LINC). While Section 8 has varying lengths before expiration, LINC only lasts for 5 years. Providing homeless tenants with short-term subsidies limits the possibility for long-term success.

Homeless subsidy and social service support costs are not part of the anticipated operating costs for the projects currently in the tenant selection process. Both the social service support as well as the issue of subsidies must be integral to the projects which include homeless set-asides.

Conclusion

MCB4 appreciates HPD's efforts to secure housing for those in the most need within New York City. The Board feels confident that these goals can be reached while honoring the Points of Agreements set forth in previous rezonings within MCB4 and also honoring the needs of existing community members. MCB4 would like to work with HPD to develop a sustainable solution for homeless set-asides that does not negatively impact the community.

Sincerely,

Delores Rubin
MCB4 Chair

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

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

Cc: Assembly Member L. Rosenthal
Council Member H. Rosenthal
Borough President G. Brewer
State Senator B. Hoylman
Veanda Simmons, HPD
S. Desmond, Housing Conservation Coordinators