



## CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**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, 2<sup>nd</sup> 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 activities 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 39<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> 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.

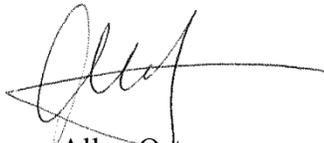
The committee agrees that revisions to the current regulations may be necessary to address the changes that have developed throughout the City of New York. The changes being proposed are significant but there has not been sufficient time nor opportunity for the community and operators to adequately engage 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  
Chair  
Community Board 4



Allen Oster  
Co-Chair  
ACES Committee



Austin Ochoa  
Co-Chair  
ACES Comittee

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

1 **Clinton/Hell's Kitchen Land Use Committee**

Item # 09

2  
3 October 28 2016

4  
5 Ms. Lizette Chaparro and Mr. Brian Backscheider,  
6 Clinton Housing Development Company  
7 403 W 40th Street  
8 New York NY 10018  
9

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

11 Dear Ms. Chaparro and Mr. Backscheider,

12  
13  
14 The Committee would like to thank you for your presentation of CHDC's City-Owned Net Lease  
15 Buildings Community Development Plan for Affordable Housing, Community Cultural  
16 Facilities, and Open Space at our October 11th meeting. The Plan comprises a phased  
17 development of the following district sites, aligned with the goals of the Clinton Preservation  
18 Local Development Corporation (CPLDC):  
19

- 20 • 560 W 52nd Street–Affordable Units, Community Facility, Green Space.
- 21 • 500 W 52nd Street–Affordable Senior Housing for Performing Artists and Homeless  
22 Individuals, Community Facility.
- 23 • 464 W 25th Street–Affordable Units.
- 24 • 545 W 52nd Street– Cultural Facility, Green Space.
- 25 • 460 W 37th Street–Affordable Units, Community Facility, Cultural Facility.
- 26 • 552 W 52nd Street–Affordable Units, Community Facility, Cultural Facility.
- 27 • 555 W 51st Street–Green Space
- 28 • 726 Eleventh Avenue/553 W 51st Street–Cultural Facility  
29

30 The presentation provided particular detail about the 10-story building at 545 West 52nd Street.  
31 As you are no doubt aware, the Committee has reviewed prior redevelopment efforts over many  
32 years, and more recently was witness to a prolonged legal conflict over the fate of the property.  
33 We are pleased to see that the matter is finally resolved, and that the building's community-based  
34 redevelopment is now moving forward  
35

36 We are encouraged by the following features of the overall Plan:  
37

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

41  
42 The inclusion of Community Facilities such as existing nonprofit organizations and PAL's after-  
43 school program.  
44

45 The incorporation of Cultural Facilities such as several Off-Broadway theatre companies—such as  
46 the Ensemble Studio Theater, INTAR, and Medicine Show Theater, whose representatives were  
47 in attendance—which currently call our district home. Such assets are key to the district’s cultural  
48 and financial development.

49 The development of green space at the proposed Captain Post Garden on West 52nd Street and  
50 the Juan Alonso Garden extension on West 51st Street. Currently, less than 2% of our district’s  
51 land is open space/recreational in use.

52  
53 We are pleased to note CHDC’s active engagement with Hell’s Kitchen residents, arts  
54 organizations, and community-based organizations in their development process. We look  
55 forward to reviewing each project as they phase in.

56  
57 Sincerely,

58  
59 cc’s:

60 HPD

61 CPLDC

62 CHA

63 Hudson Yards Development Corp

64 BID’s? Block Associations?

DRAFT

1 **Clinton/Hell's Kitchen Land Use Committee**

**Item #11**

2  
3 November 2, 2016

4  
5 Hon. Carl Weisbrod  
6 Chair  
7 City Planning Department  
8 120 Broadway, 31<sup>st</sup> Floor  
9 New York, NY 10271

10  
11 **Re: Billboard on Hudson Park and Boulevard – 518 W 39<sup>th</sup> Street**

12  
13 Dear Chair Weisbrod:

14  
15 Manhattan Community Board 4 is writing to you about the property at 518 West 39<sup>th</sup> Street  
16 (Block 710, Lot 15).

17  
18 It has come to our attention that a billboard is being erected on this site. This billboard was being  
19 erected with unauthorized concrete work. This area is zoned as manufacturing, which normally  
20 allows a billboard. However, this sign is on and over property that is mapped as a NYC park. It is  
21 part of Block 6 for the Hudson Boulevard and Park in the Special Hudson Yards District. The  
22 property has been in condemnation and has not been acquired yet, but the City is in the process  
23 of reinstating the condemnation and starting a process for acquisition. And, to repeat, the  
24 property is on land mapped as a NYC park.

25  
26 The MCB4 office has filed a 311 complaint (complaint#) for illegal use with the NYC  
27 Department of Buildings. We ask that the City Planning Department look at this issue and render  
28 its opinion on the use of such property for a billboard.

29  
30 We look forward to your prompt response.

31  
32 Sincerely,

33  
34  
35  
Delores Rubin  
Chair

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

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

2  
3 October 28, 2016

4  
5 Ms. Noreen Doyle  
6 Executive Vice President  
7 Hudson River Park Trust  
8 Pier 40, 2<sup>nd</sup> Floor  
9 353 West Street  
10 New York, NY 10014

11  
12 **Re: RFP for Pier 84 Concession**

13  
14 Dear Ms. Doyle:

15  
16 On behalf of Manhattan Community Board 4 (“MCB4”), we thank you for the  
17 information you provided to the Waterfront, Parks & Environment Committee (“WPE”)  
18 regarding the Request For Proposal for the food concession at Pier 84.

19  
20 Although no representative from the Hudson River Park Trust was available to attend our  
21 meeting (we recognize that the meeting was scheduled for the night of your gala), you  
22 provided information to WPE in the form of an email, outlining the proposed terms of the  
23 RFP. You asked for comments from MCB4 that could be incorporated into the RFP itself,  
24 so we would all be on the same page moving forward.

25  
26 WPE discussed the current vendor at Pier 84 and identified the following concerns that  
27 we believe should be addressed in any contract with a vendor for the concession. These  
28 include the following:

- 29
- 30 1) The RFP should provide that the operator will play no amplified music from  
31 the facility.
  - 32 2) The RFP should provide that noise abatement is a concern of the  
33 neighborhood, in addition to the ban on amplified music.
  - 34 3) The new operator should reach out to the local block associations to have an  
35 on-going dialogue with the community
  - 36 4) The operator should offer a mixed price menu, so there are affordable  
37 offerings as well as more expensive items on the menu.
  - 38 5) WPE would appreciate being kept informed about the progress of the RFP and  
39 the selection of an operator.
- 40

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

42  
43 However, since the RFP has been released, we have learned that there was one item that  
44 was not disclosed to WPE in advance of our meeting – that the RFP also calls for the  
45 operator to run two (2) food trucks on the Pier in addition to the fixed facility. MCB4 is  
46 very disappointed that this was not disclosed to us in advance, as this is a new use that is

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

50  
51 Given that we were not told about this usage and have had no presentations regarding the  
52 amount of additional congestion these food trucks would cause, or the suitability of food  
53 trucks in areas near a playground and a dog park, MCB4 has no choice but to object to  
54 the inclusion of the food trucks as part of the RFP. We ask that you update the RFP to  
55 delete the “mobile concessions” and reissue the RFP solely for the fixed facility that is  
56 currently in place.

57  
58 Sincerely,

59  
60  
61 Cc Hon. Brad Hoylman, Senator  
62 Hon. Dick Gottfried, Assembly Member  
63 Hon. Corey Johnson, City Council Member  
64 W46 Block Association  
65 W47 Block Association  
66

DRAFT

1 **Transportation Planning Committee**

**Item 13**

2  
3 October 27, 2016

4  
5 Luis Sanchez  
6 Acting Manhattan Borough Commissioner  
7 NYC Department of Transportation  
8 59 Maiden Lane, 37<sup>th</sup> Floor  
9 New York, NY 10038

10  
11 **Re: West 37<sup>th</sup> Street Bus Layover Parking**

12  
13 Dear Actions Commissioner Sanchez,

14  
15 Manhattan Community Board 4 (CB4) supports the Hudson Yards / Hell's Kitchen  
16 Alliance (HYHKA) July 2016 request to relocate the existing 438' of bus layover parking  
17 from West 37<sup>th</sup> Street between Ninth and Tenth Avenues and install a mid block crossing.

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

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

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

- 26
  - West 39<sup>th</sup> street (10/11)
  - 27 ○ West 41<sup>st</sup> Street (10/11) West of the Lincoln Tunnel access
  - 28 ○ West 41<sup>st</sup> Street (11/12) South side of the street

29 Change the parking regulations on the portion of the West 37<sup>th</sup> Street where the current  
30 bus parking regulation is removed to:

- 31
  - Two spaces for 1-hour Taxi relief of taxi layover (to be relocated from West 39<sup>th</sup>  
32 Street)
  - 33 ○ Metered residential parking for the balance of that section.

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

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

37  
38  
39 Cc: HYHK Alliance

40  
41  
42  
43  
44  
45

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

2  
3 October 28, 2016

4  
5 Luis Sanchez  
6 Acting Manhattan Borough Commissioner  
7 Department of Transportation  
8 59 Maiden Lane, 37<sup>th</sup> Floor  
9 New York, NY

10  
11 **Re: Pedestrian Safety at 30<sup>th</sup> Street and 10<sup>th</sup> Avenue**

12  
13 Dear Acting Commissioner Sanchez,

14  
15 Manhattan Community Board 4 (MCB4) requests the urgent intervention of the  
16 Department of Transportation to make the East Side of Tenth Ave between W 30<sup>th</sup> and  
17 West 31<sup>st</sup> and the crossing of Tenth Avenue on the north side of 30<sup>th</sup> Street safe for  
18 pedestrians before a tragedy happens. Both the Related company representing all the  
19 businesses in the building and the Hudson Yards / Hell's Kitchen Alliance BID have  
20 brought the matter to our attention.

21  
22 Dyer Ave currently has two ingresses for Eastbound and Northbound traffic, one off of  
23 30<sup>th</sup> St between 9<sup>th</sup> and 10<sup>th</sup> Avenue and one off of 10<sup>th</sup> Ave, just north of 30<sup>th</sup> Street,  
24 making the area confusing and dangerous. Because of construction staging, at certain  
25 times, the entrance from 10<sup>th</sup> Ave to Dyer Ave is closed and Northbound traffic is routed  
26 to Dyer Ave via 30<sup>th</sup> St while at times the entrance from 30<sup>th</sup> St to Dyer has been closed  
27 and Eastbound Tunnel traffic is routed North onto 10<sup>th</sup> Ave.

28  
29 While both of these arrangements present conflicts between pedestrian and vehicle flow,  
30 there are significantly more pedestrian conflicts on 10<sup>th</sup> Ave's East Sidewalk and the  
31 crossing of Tenth Ave on the North Side of 30<sup>th</sup> St than on the midblock of West 30<sup>th</sup>.  
32 MCB4 asks that DOT restores the 30<sup>th</sup> St entrance to Dyer Avenue permanently.

33  
34 Currently, a high volume of eastbound traffic coming from 30<sup>th</sup> Street turns north on 10<sup>th</sup>  
35 and then East on Dyer Avenue to reach the Lincoln tunnel entrance. Pedestrians crossing  
36 10<sup>th</sup> Avenue on the north side of 30<sup>th</sup> Street have the right of way, but the volume and  
37 speed of the cars rushing to the tunnel make it very dangerous to cross. Further this  
38 intersection is under the high line and very poorly lit.

39  
40 This area is undergoing massive construction while a new tower is now occupied by  
41 thousand of workers who – at peak hours - have to negotiate unfinished sidewalks and  
42 rerouted traffic due to staging areas. A High Line entrance brings thousands of people to  
43 the intersection throughout the day. The US postal trucks loading and unloading slow  
44 vehicular traffic on 10<sup>th</sup> Avenue just south of this location. This intersection is also  
45 receiving West Side Highway and 10<sup>th</sup> Avenue Lincoln Tunnel-bound traffic flows going  
46 to Dyer Avenue further east on 30<sup>th</sup> Street.

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We recommend the Dyer Avenue ingress off 30<sup>th</sup> St between 9<sup>th</sup> and 10<sup>th</sup> Avenue be restored and that the materials staged on the median between Dyer Avenue and 30<sup>th</sup> street be returned to their original location – on Dyer Avenue, close to 10<sup>th</sup> Avenue. This will channel all eastbound traffic to 30<sup>th</sup> 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 10<sup>th</sup> 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 30<sup>th</sup> Street. A Split LPI signal on 10<sup>th</sup> Avenue would help protect the East crossing of 10<sup>th</sup> 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

DRAFT

2  
3 October 27, 2016

4  
5 Luis Sanchez  
6 Acting Manhattan Borough Commissioner  
7 NYC Department of Transportation  
8 59 Maiden Lane, 37 Floor  
9 New York, NY 10038

10  
11 **Re: Traffic Calming measures around Manhattan Plaza**

12  
13 Dear Acting Borough Commissioner Sanchez,

14  
15 Manhattan Community Board 4 (CB4) asks the Department of Transportation to study  
16 how to address pedestrian safety issues and dangerous traffic conditions on the streets  
17 that surround Manhattan Plaza, between 9<sup>th</sup> and 10<sup>th</sup> Avenues, 42<sup>nd</sup> to 43<sup>rd</sup> Streets, an area  
18 that has seen a large increase in pedestrian traffic in recent years.

19  
20 Manhattan Plaza is a complex providing affordable housing to members of the arts and  
21 entertainment community. 47% of the 3,500 residents are over age 62, with another 23%  
22 between 51-61, creating even more seniors in the next 10 years. There is a pre-school  
23 within the building so many people with very young children come and go on this block.  
24 There is also a supermarket that attracts customers from all over the neighborhood.

25  
26 The census shows that 4,000 residents have moved in west of 10<sup>th</sup> Avenue along 42<sup>nd</sup>  
27 Street since 2000. With very limited transit options, they use 43<sup>rd</sup> and 42<sup>nd</sup> streets to walk  
28 to the subway. And tourists use the same streets to reach the Circle line and the Intrepid  
29 located on the Hudson River. In addition to the enlargement of P.S. 51 on 44<sup>th</sup> Street, the  
30 Beacon School has recently moved to 43<sup>rd</sup> Street between 10<sup>th</sup> and 11<sup>th</sup> Avenues with  
31 1,800 students using 43<sup>rd</sup> and 44<sup>th</sup> Streets to reach the subway. Finally, the fire station  
32 between 10<sup>th</sup> and 11<sup>th</sup> Avenues is one of the most active in the city.

33  
34 Recently the residents have complained of fast traffic on West 43<sup>rd</sup> Street in front of the  
35 buildings, with UPS and FedEx trucks in particular, but all vehicles making up for lost  
36 time from congestion in midtown; right turning vehicles off of 9th Avenue onto West 43<sup>rd</sup>  
37 Street, two lanes turning right on to 10<sup>th</sup> Avenue from 43<sup>rd</sup> Street, right turns onto 10<sup>th</sup>  
38 Avenue from West 42<sup>nd</sup> Street, as vehicles fail to yield to pedestrians and even violations  
39 of the no turn on red. They also noted the difficulty of crossing West 42 Street at Dyer  
40 Avenue because of congested traffic at this complex intersection. The proximity of the  
41 Lincoln Tunnel aggravates the conditions.

42  
43 MCB4 requests DOT implement a neighborhood slow zone in this area, from 9<sup>th</sup> Ave to  
44 11<sup>th</sup> Ave from 42<sup>nd</sup> Street to 50<sup>th</sup> Street. DOT should study pedestrian safety measures  
45 and street design treatments throughout this dense residential area. Specifically  
46 surrounding Manhattan Plaza, CB4 requests that the DOT initiate a study of the problems

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

51  
52 For enforcement issues, failure to yield to pedestrians and violations of split phase signal  
53 on the left turning vehicles at West 43<sup>rd</sup> Street onto 9th Avenue, the community board  
54 calls upon the Traffic Task Force of NYPD to summons drivers who break the law.

55  
56 Cc;  
57 Corey Johnson  
58 Captain Pilecki

DRAFT

2  
3 October 28, 2016

4  
5 Luis Sanchez  
6 Acting Manhattan Borough Commissioner  
7 Department of Transportation  
8 59 Maiden Lane, 37<sup>th</sup> Floor  
9 New York, NY

10  
11 **Re: Taxi Layover Relief Stand Relocation – 39<sup>th</sup> Street and 9<sup>th</sup> Avenue**

12  
13 Dear Acting Commissioner Sanchez,

14  
15 The New York City Department of Transportation (DOT) has studied the intersection of  
16 39<sup>th</sup> Street and 9<sup>th</sup> Avenue and found that Westbound/Lincoln Tunnel-bound vehicles that  
17 make a southbound turn from 39<sup>th</sup> Street have injured many pedestrians who use the  
18 south crossing of 9<sup>th</sup> Avenue. It has come to Manhattan Community Board 4 (CB4)'s  
19 attention that the installation of a split LPI signal that would protect the pedestrian  
20 crossing is pending the creation of a left turn lane, that necessitates the relocation of the  
21 two –car taxi relief stand.

22  
23 CB4 supports the immediate removal of a 1-hour taxi relief stand parking regulations  
24 located at the South East Corner of 39<sup>th</sup> Street close to 9<sup>th</sup> Avenue to a near-by site in  
25 favor of the creation of a no-standing anytime, signalized left turn lane.

26  
27 CB4 supports DOT working with the Taxi Industry and Local community to find nearby  
28 locations suitable for the creation of new 1-hour taxi relief stand parking regulations.  
29 CB4 would specifically suggest DOT examine the north side of 37<sup>th</sup> Street between 9<sup>th</sup>  
30 and 10<sup>th</sup> Avenues, on the easternmost bridge over the tunnel approaches. There is a  
31 separate plan to relocate bus parking and change the parking regulations on 37<sup>th</sup> Street  
32 and CB4 has expressed support for this plan in a separate letter.

33  
34 CB4 looks forward to hearing DOT's timeline for creating an LPI and changing parking  
35 regulations on 39<sup>th</sup> street and DOT's relocation outreach plan. We recommend that this  
36 relocation be effected as soon as possible.



**DELORES RUBIN**  
Chair

**Jesse Bodine**  
District Manager

CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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

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, 19<sup>th</sup> 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 60<sup>th</sup> 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 copied 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



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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

Delores Rubin  
Chair

Jesse Bodine  
District Manager

- 7
- 8 Rick Chandler
- 9 Commissioner
- 10 NYC Department of Buildings
- 11 280 Broadway
- 12 New York, NY 10007

13  
14 October XX, 2016

15  
16 **Re: 500 West 28<sup>th</sup> Street (Block 699 Lot 37)**  
17 **Illegal Demolition of Residential Multiple Dwelling**

18  
19 Dear Commissioner Chandler:

20  
21 At Manhattan Community Board 4's (MCB4) October 24, 2016 meeting, Board members  
22 discussed 500 West 28<sup>th</sup> Street, the former site of a four story multiple dwelling building located  
23 in the Special West Chelsea District.

24  
25 In June 2016, the Board wrote to you requesting that the Department of Buildings (DOB)  
26 conduct a district-wide audit, noting that to our knowledge, the illegal demolition of residential  
27 buildings had occurred on at least 9 buildings, affecting a total of 90 units throughout the  
28 Garment Center, West Chelsea, Hudson Yards, and Clinton Special Zoning Districts. With this  
29 most recent finding, our call is more urgent than ever.

30  
31 By a vote of XX in favor, XX opposed, XX abstaining and XX present but not eligible to vote,  
32 MCB4 voted to request that DOB immediately place a Stop Work Order on 500 West 28<sup>th</sup> Street,  
33 rescind plan approval, and impose a penalty on the owner.

34  
35 **Background**

36 500 West 28<sup>th</sup> Street was the site of a four story tenement in the Special West Chelsea District  
37 (SWCD)<sup>1</sup>. The building on that site contained 6 units. In December 2014, the owner submitted  
38 application for Job No. 121187562 to DOB for the partial demolition of the building. The  
39 application received approval from DOB.

40  
41 On October 20, 2016, a Board member was in the area when he noticed that the site no longer  
42 contained a building. Plywood fencing had been erected on the 10<sup>th</sup> Avenue and 28<sup>th</sup> street  
43 frontages of the site<sup>2</sup>.

44  

---

<sup>1</sup> See Appendix A: Google Streetview photo of building

<sup>2</sup> See Appendix B: Photo of site taken October 20, 2016

45 **Protections against Demolition of Residential Buildings**

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

49  
50 That section of the zoning includes the categories of buildings that are exempt from this  
51 requirement:

- 52 • under an active government-funded program or
- 53 • a hotel or
- 54 • a school dormitory or
- 55 • a clubhouse

56  
57 500 West 28<sup>th</sup> Street is in none of those categories and is therefore not exempt from this  
58 provision.

59  
60 Buildings can also be demolished if they:

- 61 • have received a Certificate of No Harassment, **and**
- 62 • have been deemed unsafe or
- 63 • cannot feasibly be rehabilitated through any government funding program

64  
65 A Certificate of No Harassment could not be found for the property. Furthermore, the buildings  
66 were not deemed structurally unsound.

67  
68 **False DOB Filings**

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

73  
74 A subsequent PW1 filed under the same job in May 2015 stated that the work would in fact  
75 change the number of stories and dwelling units, the occupancy of the building, and that these  
76 changes would be inconsistent with the current Certificate of Occupancy for the building<sup>4</sup>. To the  
77 Board's knowledge, the DOB did not take action in spite of this information being presented by  
78 the owner.

79  
80 In May 2015 and March 2016, the owner submitted two separate HPD1 Forms<sup>5</sup>. The HPD1 form  
81 is an Anti-Harassment Checklist required as part of the anti-demolition provisions of the SWCD.  
82 In both forms, the owner falsely stated that the building was exempt from anti-demolition  
83 restrictions because it was not a multiple dwelling. **This information is false and should have**  
84 **raised concerns from DOB.** However, the demolition of this residential building was allowed to  
85 proceed.

86  
87  
88

---

<sup>3</sup> See Appendix C: PW1 dated December 2014

<sup>4</sup> See Appendix D: PW1 dated May 2015

<sup>5</sup> See Appendix E: HPD 1 Form dated May 2015



114  
115 The prior owner met with MCB4 in XX. He was seeking to obtain approval for the demolition of  
116 the building. However, MCB4 informed him that such action would not be allowed under the  
117 Zoning Resolution.

118  
119 In XX, Related Companies purchased the site.

120  
121 **Related Companies**

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

127  
128 Related is currently building 500 West 30<sup>th</sup> Street, a site located on a block that is almost  
129 exclusively owned by Related. The only exception on that block is a demolition-protected  
130 tenement at 501 West 29<sup>th</sup> Street. This configuration mirrors the ones on the block containing  
131 500 West 28<sup>th</sup> Street.

132  
133 The Board firmly believes that Related should have done its due diligence on the site prior to  
134 purchasing it from the previous owner.

135  
136 **Conclusion**

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

141  
142 The Board requests that DOB issue an immediate stop work order for 500 West 28<sup>th</sup> Street,  
143 rescind plan approval, and revoke any permits. The board also request that DOB impose a  
144 financial penalty on Related Companies for its failure to conduct due diligence on the site prior  
145 to purchasing it.

146  
147 Finally, the Board requests to meet with Related Companies to discuss how the company will  
148 provide replacement of these 6 long-term affordable units.

149  
150 Sincerely,

151  
152  
153  
154  
155 Delores Rubin  
156 MCB4 Chair

157  
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159  
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175

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 28<sup>th</sup> Street, dated 2014



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





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

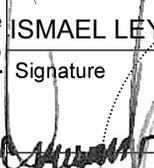
**4 Exemption Description** If the proposed work or structure is exempt from certification, indicate below.

- 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



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

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 <a href="#">view</a>

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](#)
- [Certification](#)
- [Overdue Lead Paint Viol. Correction](#)
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**There is no registration information for this building.**

Find Apartment#

**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.**

<u>Apt Story</u>	<u>Reported Date</u> nov ISSUED Date	<u>Hzrd Class</u>	<u>Order no</u>	<u>Violation ID</u> NOV ID	<u>Violation Description</u>	<u>Status</u> Status Date	<u>Certify By Date</u> 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 motor 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	-



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
<b>Work Order Description:</b> 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 HEAT 0.00 05/05/2009 Work Done 24.21 3.63 29.87 05/20/09  
 E937829 by Others 2.03

**Work Order Description:** at basement , adjust the hot water mixing valve to the legal range limits.

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

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](#).**

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

**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.**

Copies of draft letter #19 will be provided at Full Board meeting.

2  
3 November 2, 2016

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

10  
11 **Re: Proposed Homeless Set-Asides**

12  
13 Dear Commissioner Been:

14  
15 On the recommendation of its Housing, Health, and Human Services (HH&HS) Committee,  
16 Manhattan Community Board 4 (MCB4) proposes changes to the new policy for homeless set-  
17 asides in new affordable housing projects. It is MCB4’s goal to keep all changes to tenant  
18 selection and occupancy within the Points of Agreements developed during the rezoning of  
19 MCB4’s special districts.

20  
21 For current affordable housing lotteries, MCB4 recommends that homeless set-asides do not  
22 supersede existing and approved affordable housing plans. For future affordable housing  
23 lotteries, homeless set-asides should be taken from the general lottery and not from community  
24 preference set-asides. MCB4 recommends that the process for homeless referrals be reevaluated  
25 to determine the most successful model for long-term stability for homeless referrals that  
26 considers both social service and subsidy requirements.

27  
28 **Background**

29  
30 Manhattan Community Board 4 (MCB4) has had a long history of working to preserve  
31 affordable housing in its district. Beginning in 1981, the Clinton Special Zoning District created  
32 a floor area bonus for the development of affordable housing which later became part of the  
33 city’s inclusionary housing policy. The neighborhood agreed to rezonings which allowed for  
34 higher density which would be mitigated by accompanying affordable housing. As a result,  
35 Community District 4 (MCD4) has the greatest number of units built through inclusionary  
36 housing.

37  
38 In the course of rezoning each respective subdistrict, the community developed Points of  
39 Agreements for Hudson Yards, West Chelsea, and the Western Rail Yards (each a “POA” and  
40 collectively “POAs”) which outlined the community’s priorities in those areas. Each POA  
41 included a 50% community preference set-aside as a critical strategy to minimize displacement.  
42 The proposed homeless housing set-aside of 50% of the units set aside for community preference  
43 will have a significant impact on achieving the goals of the POAs.

44  
45 The table below shows the number of units currently in the tenants selection process which will  
46 be affected by the proposed policy change. The total number of affordable units currently in  
47 tenant selection is 736. In accordance with the POAs, 370 units are set aside for community

48 preference. The proposed homeless set-aside policy dictates that 50% of the community  
 49 preference units will be taken for the homeless set-aside, resulting in 185 units being taken from  
 50 the community.  
 51

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 52 <sup>nd</sup> Street	Taconic	392	79	40
555 10 <sup>th</sup> Avenue	Extell	598	119	60
535 West 43 <sup>rd</sup> Street a.k.a. 546 West 44 <sup>th</sup> Street	DHA Capital	280	56	28
	TOTAL	3,680	736	370

52  
 53  
 54 The proposed change for homeless referrals to be taken from the community preference violates  
 55 several items within the Points of Agreement and undoes years of work to develop a system of  
 56 affordable housing preservation that balances the needs of the community and the needs of the  
 57 City’s most vulnerable populations. MCB4 believes that the proposed changes need to be  
 58 reevaluated and implemented in a way that ensures long-term success.  
 59  
 60

61 **Recommendation for Homeless Set-Asides**

62  
 63 MCB4 takes the issue of homeless housing very seriously and seeks to find sustainable housing  
 64 solutions. While the homeless set-aside has merit, it should not come out of the community  
 65 preference set-aside, now or in the future. The preferences that homeless set-asides would be  
 66 taking away from are equally important and agreed to in the POAs  
 67

68 Imposing this change on existing lotteries where potential tenants are already being interviewed  
 69 is neither a fair solution nor one that follows through with the POAs. There are currently 736  
 70 units in the tenant selection process, and the progress made thus far should not be impeded.  
 71

72 Any homeless set-aside policy must be combined with a comprehensive placement policy.  
 73 Homeless referrals with access to adequate social services, as in supportive housing projects,  
 74 have more successful transitions and reduced rates of recidivism. Additionally, a large portion of  
 75 the proposed homeless set-aside units are studios and one bedrooms. The social service needs for  
 76 single, previously-homeless residents tends to be much greater than previously-homeless  
 77 families.  
 78

79 Currently, the only subsidies for homeless set-asides are through Section 8 and Living in  
 80 Communities (LINC). While Section 8 has varying lengths before expiration, LINC only lasts  
 81 for 5 years. Providing homeless tenants with short-term subsidies limits the possibility for long-  
 82 term success.  
 83

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

87

88 **Conclusion**

89

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

95

96

97

98 Sincerely,

99

100

101

102 Delores Rubin

103 MCB4 Chair

104

105

106

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

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

110

111 Cc: Assembly Member L. Rosenthal

112 Council Member H. Rosenthal

113 Borough President G. Brewer

114 State Senator B. Hoylman

115 Veanda Simmons, HPD

116 S. Desmond, Housing Conservation Coordinators

117