



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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

Delores Rubin
Chair

Jesse Bodine
District Manager

March 15, 2016

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

Louise Carroll
Associate Commissioner of Housing Incentives
NYC Dept. of Housing Preservation and Development
100 Gold Street
New York, NY 10038

**Re: 517-525 West 45th Street
Block 1074, Lot 18**

Dear Commissioner Rebholz and Assistant Commissioner Carroll:

Manhattan Community Board 4 (MCB4) would first like to thank the New York City Department of Buildings (DOB) for taking action on Application No. 122204462 regarding 517-525 West 45th Street. In a letter to DOB, MCB4 stated that the application's proposed addition of two stories at 517 West 45th Street and one story at 521-525 West 45th Street would have exceeded the 66-foot height limit for the Special Clinton District (SCD).¹ On February 5, 2016, DOB disapproved Application No. 122204462.

At its February 10, 2016 meeting, the Clinton/Hell's Kitchen Land Use Committee discussed the project. Tenants of the building brought to the Board's attention the following:

1. Zoning-noncompliance – proposed plans for the addition do not meet the minimum distance between building window to window on the same zoning lot.
2. False information - PW1 forms containing falsified information were submitted along with these plans.
3. TPP Filing – Plans did not provide the requisite Tenant Protection Plans to DOB.

By a vote of 34 in favor, 0 opposed, and 0 present but not eligible to vote, MCB4 voted to request that DOB and HPD work together to ensure that any alteration to 517-525 West 45th

¹ See Appendix A – Letter to DOB dated December 9, 2015

Street be in compliance with the Zoning Resolution. The Board also requests that DOB ensure that all applications and relevant forms contain accurate information regarding 517-525 West 45th Street be in compliance with DOB requirements.

Background

517-525 West 45th Street consists of five adjacent industrial loft buildings of differing heights, erected on a single zoning lot (Block 1074, Lot 18) between Tenth and Eleventh Avenues. The 517 building located on West 45th Street is four stories tall. Immediately to the west, the 525 building is five stories tall. Behind these two buildings, off an interior courtyard, is a two-story wing of the 525 building—called 525 Rear—as well as the 523 building, which is also a five-story building. The buildings are located in the Preservation Area of the Special Clinton District (SCD)

The buildings were first residentially occupied in 1963 under the Artist in Residence (AIR) Law, and became an IMD in 1986 (IMD #10516). Together, the buildings contain a total of 18 apartments, of which 10 are Interim Multiple Dwelling (IMD) units. The IMD tenants of this building have long faced a series of tenant harassment tactics, including withdrawal of services and threatened use of force, aimed at forcing IMD tenants out of their units.

Current Unresolved DOB Compliance Matters

Zoning Resolution Requirement – Minimum Distance between Buildings

These plans proposed in Application No. 122204462 are not in compliance with the Zoning Resolution Section § 23-711 (ZR § 23-711), which requires a minimum distance between buildings on a single zoning lot:

23-711

Standard minimum distance between buildings²

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall vary according to the height of such #buildings# and the presence of #legally required windows# in facing #building# walls. Such minimum distance shall be, in feet, as indicated in the following table:

*Maximum #Building# Height
above #Base Plane# or #Curb
Level#, as Applicable (in feet)*

² Emphasis added.

<i>Wall Condition*</i>	<i>25</i>	<i>35</i>	<i>40</i>	<i>50</i>	<i>Over 50</i>
<i>Wall to Wall</i>	<i>20</i>	<i>25</i>	<i>30</i>	<i>35</i>	<i>40</i>
<i>Wall to Window</i>	<i>30</i>	<i>35</i>	<i>40</i>	<i>45</i>	<i>50</i>
<i>Window to Window</i>	<i>40</i>	<i>45</i>	<i>50</i>	<i>55</i>	<i>60</i>

The existing structures are grandfathered in and do not have to comply with these requirements. ***However, any floor addition must meet the minimum wall to wall, wall to window, and window to window distances established by ZR § 23-711.*** In the PW1 form submitted with Application No. 122204462, the applicant checked a box acknowledging that the proposed alteration would have required compliance with New Building requirements (28-101.4.5). Therefore, the window to window minimum distance must be 60 feet. The existing window to window distance in the courtyard is less than 60 feet. With the construction of an addition of the front building increasing its height above 4 stories, any addition must comply with the 60 foot window to window minimum distance requirement from the existing south facing windows of the existing rear building.

The Board is further requesting that the Building and Land Development Services (BLDS) department at HPD further review the revision for zoning compliance. This is particularly important because any square footage addition in this building has a direct correlation to the square footage that will have to be provided by the owner under the Cure Requirement.

False Forms under DOB Application No. 122204462

It was brought to the Board’s attention that DOB PW1 forms containing false statements had been submitted in conjunction with Application No. 122204462.³ A PW1 form submitted on April 1, 2015 erroneously stated that the building was for a Single Room Occupancy (SRO) Multiple Dwelling. This building is located in the Special Clinton District.

Additionally, the applicant did not answer the following questions in Section 9 of the application:

- Alteration required to meet New Building requirements (28-101.4.5)
- Alteration is major change to exits
- Change in number of dwelling units
- Change in occupancy / use
- Change is inconsistent with current certificate of occupancy
- Change in number of stories

In an earlier portion of the application, the applicant acknowledged that the Type 1 Alteration would in fact have to meet New Building requirements. In addition, the alteration would have had an effect on the number of units and stories.

Furthermore, an earlier PW1 form, received by on December 2, 2014, stated that the alteration would have entailed:⁴

- A change in the number of stories

³ See Appendix B – PW1 Form dated March 24, 2015

⁴ See Appendix C – PW1 form dated November 14, 2014

- A change in the number of dwelling units
- A change in occupancy and/or use

These statements, all of which are correct, contradict the form submitted in April of 2015.

Over the past few months, this Board has seen over 20 falsified forms submitted to DOB. Some of these were accepted by the agency. MCB4 requests that DOB take immediate action to ensure that this pattern ends.

New DOB Tenant Protection Plan Requirement

Beginning on January 25, 2016, DOB required that a Tenant Protection Plan be submitted for all buildings being altered or demolished, so long as they contain one or more dwelling units. The Board requests that DOB ensure that this requirement is met. Given the long term tenant harassment by multiple owners at this site, MCB4 requests both HPD and DOB ensure the safety and the provision of basic services for the long term IMD tenants in this building. The Board also requests that the proposed Tenant Protection Plan be reviewed by HPD's BLDS department and that DOB ensure that the protection plan is adequate.

Conclusion

Any improvements made on the property by the owner should be held up to the appropriate zoning and HPD requirements, and careful attention should be paid by city agencies to ensure that this is the case. MCB4 requests that any additions in 517-525 West 45th Street comply with minimum building window to window distance requirements. The Board also requests that false information on PW1 forms be corrected, and that the Tenant Protection Plan be filed and reviewed by BLDS and DOB prior to the Board's review of the Lower Income Housing Plan. The Board looks forward to working with HPD and DOB in achieving a Cure for Harassment in these buildings.

Sincerely,



Delores Rubin
MCB4 Chair



Jean Daniel Noland, Chair
Clinton Hell's Kitchen Land Use
and Zoning Committee

cc: Rick Chandler, Department of Buildings Commissioner