

1 **Executive Committee**

Item # 12

2
3 May 4, 2016

4
5 Martin Rebholz
6 Manhattan Borough Commissioner
7 NYC Dept. of Buildings
8 280 Broadway New York, New York 10007
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10 **Re: Follow-up of April 18, 2016 Meeting with DOB, MCB4 and Westside Manhattan**
11 **Elected Officials**

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13 Dear Commissioner Rebholz,

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15 Manhattan Community Board 4 (MCB4) would like to thank the New York City Department of
16 Buildings (DOB) for meeting with members of our Board and our Elected Officials on April 18,
17 2016. This meeting was critical as we have been experiencing a crisis in our district where
18 numerous apartments that make up our affordable housing stock are being lost to demolition.
19 MCB4 recognizes there is no malicious intent on the part of DOB. Nevertheless there are
20 operational and organizational deficiencies that urgently need to be addressed in order to stem the
21 tide of property owners “gaming the system” by neglecting their properties, harassing their
22 tenants, or blatantly falsifying the records in order to receive the reward of a demolition order
23 issued by DOB.

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25 MCB4 would like to re-iterate some of the suggestions and requests made at the April 18th
26 meeting. Our
27 immediate asks are:

28 Flag or tag properties in no-demolition zones;

29 Ensure proper public notification on any work done for the permitted building as well as its
30 surrounding properties;

31 Work with HPD in cases where the buildings are tenant-occupied for their protection as well as
32 devise potential solutions that can prevent demolition;

33 Continue to remove the ability of offending architects to self-certify or even the right to file;
34 and,

35 Respond to our most recent letters in a timely fashion to provide the community with updates
36 on these situations. The letters in question regard the following properties:

37 497 Ninth Avenue

38 319-321 West 38 Street

39 559 West 22nd Street

40 500 West 22nd Street-197 Tenth Avenue

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42 For future consideration and discussed at the April 18th meeting:

43 Continue to upgrade the DOB systems so as to use existing information to monitor patterns of
44 applications which are submitted expressly to circumvent compliance with the no demolition
45 zoning;

46 Work with legislators to increase fines for violations period;

47 Work with legislators to criminalize falsifying permit applications; and,
48 Work with legislators to pass legislation which requires restoration of buildings where
49 sabotage can be proven.
50

51 **Flag Properties In No-Demolition Zone**

52 At the heart of our concerns — as outlined in our January 13, 2016 letter regarding Non-Zoning
53 Compliant Demolition of 319-321 West 38th Street (Block 762, Lot 23) DOB Applications No.
54 122412629, 122412264 and 12119227 — the west side rezonings of Hudson Yards, West Chelsea,
55 and the Western Railyards strives to preserve the affordable housing and community character in
56 the neighborhoods of Chelsea and Clinton/Hell's Kitchen communities in order to create and
57 maintain a balance between development and preservation. The City's Zoning Resolution is the
58 main tool to achieve that goal and under provisions of that Special Zoning District, the buildings
59 are subject to demolition restrictions, per Section 121-50 of the City's Zoning Resolution. These
60 restrictions were agreed to as part of the Hudson Yards Rezoning in 2005, were resolved as part of
61 the Western Rail Yards negotiations in 2009, certified for ULURP in 2010, and adopted on
62 October 27, 2010.
63

64 Under those regulations, buildings exempt from this requirement must be under an active
65 government-funded program or a hotel, a school dormitory, or a clubhouse. Buildings can be
66 demolished if they have received a Certificate of No Harassment, and have been deemed unsafe.
67 Or if they cannot feasibly be rehabilitated through any government funding program.
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69 Despite these clear regulations, and despite MCB4's warnings that certain property owners were
70 not complying with City regulations, bad actors have found ways to allow their buildings to fall
71 into such disrepair that DOB has "no choice", but to issue a demolition order thus allowing
72 unscrupulous property owners to demolish their buildings to make way for new development and
73 eventual financial gain.
74

75 As our April 18th meeting revealed, the team that reviews demolition requests assesses the merits
76 of that request with a lens towards safety and does not have any knowledge of the zoning for the
77 property. While we are encouraged DOB has taken steps to cross train as well as re-train
78 reviewers, MCB4 would like to see properties in a no-demolition zone flagged or tagged in the BIS
79 system.
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81 **Stronger Penalties Required**

82 MCB4 was startled to learn that is the examples we outlined represent only of portion of similar
83 infractions seen throughout the City. This is disturbing given the fact that the current
84 administration has placed the building of new affordable units as well as the preservation of
85 affordable housing stock as one of its highest priorities. It is clear that measures need to be taken to
86 prevent the falsification of DOB permits, harassment of tenants through building neglect and other
87 means and creating self-inflicted damage to properties which eventually reduces our affordable
88 housing stock. DOB must be given the appropriate resources to combat such action and have
89 strong penalties in place to prevent bad actors from viewing these actions as simply "the cost of
90 doing business."
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92 MCB4 appreciates the daunting task DOB has of monitoring so many moving parts related to

93 buildings within New York City. It is our hope that DOB will be its own advocate by working with
94 community boards and local elected officials to devise strategies for preserving safe and affordable
95 homes for the diverse members of our great city.

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97 Sincerely,

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99 Executive Committee
100 Manhattan Community Board 4

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102 cc: Hon. Bill de Blasio, Mayor, City of New York
103 Hon. Brad Hoylman, State Senate
104 Hon. Richard Gottfried, State Assembly
105 Hon. Linda Rosenthal, State Assembly
106 Hon. Gale A. Brewer, Manhattan Borough President
107 Hon. Corey Johnson, City Council
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