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**TESTIMONY OF THE GREENWICH VILLAGE SOCIETY
FOR HISTORIC PRESERVATION
REGARDING 'ZONING FOR QUALITY & AFFORDABILITY' PROPOSAL
City Council Public Hearing
February 10, 2016**

I am Andrew Berman, Executive Director of the Greenwich Village Society for Historic Preservation, the largest membership organization in Greenwich Village, the East Village, and NoHo. We strongly urge you to vote no on Zoning for Quality and Affordability (ZQA), which will improve neither quality nor affordability. What is will do is gut neighborhood zoning protections which took years to achieve, and were compromises to begin with.

Many of ZQA's basic premises are false. It claims existing height limits force new market-rate developments to have ground floors of insufficient height. In fact, our survey found no case in our neighborhood where new developments were prevented from having the 13 foot ground floors DCP calls for.

ZQA claims market-rate developments must have grand 11 or 12 foot floor to floor heights, and to allow this, we should lift height limits by 5-20 feet. But we found most new developments in these districts in our neighborhood either already had those floor-to-floor heights or chose slightly shorter ones, even though existing height limits would have allowed taller ones.

ZQA claims that large height increases are necessary to accommodate new market-rate developments that will include a fraction of 'senior affordable housing' which can be phased out after 30 years. But there is no reason why such developments cannot be built within the existing height limits for contextual zones and quality housing developments.

ZQA claims that sliver law protections and limits on rear yard incursions must be eliminated in order to allow new market-rate developments with 20% affordable housing to be built. But there is no reason why such developments cannot be built while maintaining these essential protections for neighborhoods.

City Planning claims existing height limits prevent the voluntary inclusion of 20% affordable units in new developments in inclusionary zones. But the Department's own report on the effectiveness of inclusionary zones contradicts that claim, as does our analysis, which shows that in our area, nearly every new development in inclusionary zones either included affordable housing, or could have done so under the existing height limits but chose not to. Further, our investigations have shown that

the Department of Buildings has been granting extra floor area to new developments in inclusionary zones without providing the required affordable housing. This, the inclusionary program's red tape, tax incentives for market-rate housing, and the complexity of including affordable units in smaller developments are why developers don't always opt into the current voluntary program, not height limits. None of which would be changed by ZQA.

ZQA is a one-size-fits-all approach that fails to take into account or analyze local impacts and needs. A much more targeted approach could be taken to address the few legitimate weaknesses in the existing zoning without destroying necessary neighborhood zoning protections and years of hard work. Thus we strongly urge you to reject these proposals.

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ZQA proposes to increase height limits under a variety of circumstances for purely market-rate housing – 5 to 10 feet in contextual zones, and up to 20 feet for quality housing. We believe this is absolutely wrong and should not be approved.

The Department of City Planning originally stated that such changes were necessary to allow market-rate developments to utilize their full allowable FAR. But in a survey we did of new market rate developments in our neighborhood in contextual zones, we were unable to find a single example of one which could not utilize their full FAR as a result of contextual height limits, even though DCP claims that our R7-A and R8-A districts are particularly onerous in this regard. Quite the contrary, we found several examples of market-rate developments in existing contextual zones which utilized full allowable FAR and even left allowable height on the table, thus showing the existing height limits in no way impede maximum allowable development.

DCP says height increases for market-rate developments are necessary to ensure that we don't have inadequately-scaled ground floors in new contextual developments, which it defines as less than 13 feet. Here again DCP's logic and data are faulty. We found that many of the new developments in our contextual zones already have 13 foot ground floors, and existing height limits rarely if ever prevent new developments from having them. Under ZQA, they would simply be allowed to grow an additional 5 to 20 feet in height, with no additional public benefit.

Why undo years of hard work and thoughtful deliberation to ensure that every building has a 13 foot ground floor? Not only do many of our older and newer buildings have slightly shorter ground floor heights, but in many cases, that is actually more desirable or appropriate. Retail should have a neighborhood scale and feel, such as 11 or 12 foot ground floors provides.

Regardless, we are yet to find a single development in a contextual zone with an 8 foot ground floor. So even if one accepts DCP's premise that 13 foot ground floors must be incentivized by the zoning, raising height limits by 5 feet or more to try to ensure this outcome is totally unnecessary and makes absolutely no sense.

ZQA also proposes to allow greater flexibility in the setback requirements for buildings in contextual districts. We question whether such changes are necessary. But increasing the allowable height of new buildings to accommodate such increased flexibility is neither worth the trade-off nor necessary. DCP has admitted that the proposed height increases for market-rate developments are not needed to allow greater flexibility in façade depth or setbacks, since ZQA also allows lesser setbacks at the upper levels of new developments to compensate for the greater setbacks it would allow at the base.

For all these reasons, we strongly urge you to disapprove of any of the proposed height increases for market-rate developments.

* * * * *

ZQA proposes to increase height limits for inclusionary developments, which contain 20% affordable housing, by up to 25 feet or more, or up to 31% -- a very significant increase. The premise is current contextual height limits prevent the inclusion of the additional affordable housing, and lifting the height limits will result in more affordable units being built. But all evidence indicates the height limits are not an impediment, and lifting them will not result in more affordable housing being built. It would simply allow some developments which would be built anyway to increase their height significantly. And the city's failure to properly enforce existing rules in inclusionary housing districts likely provides the biggest disincentive against developers including affordable housing.

According to the Department of City Planning's own study of the effectiveness of the inclusionary housing program between 2005 and 2013, they found that 19% of all units that received new building permits in affordable housing designated areas were affordable units, out of a possible 20%. According to DCP's own report "this figure is very close to the 20 percent rate that is targeted by the program, and indicates that at a citywide level, the program has been successful in promoting affordable housing in conjunction with new development. In areas where the program has produced limited numbers of units...there are several possible contributing factors, including limited local capacity in affordable housing nonprofits and affordable housing development, and a predominance of small sites, where transaction costs make participation in the program less economical " (see attached). This is consistent with the analysis of a 2013 City Council report by Councilmember Lander, which also cited these factors as being most likely to explain cases where developers did not opt to include affordable housing.

According to both studies, every development which chose to include affordable units was 50 units or more. Why? Because participation in the program involves navigating significant bureaucracies, more uncertain time frames, and requires a certain savvy in terms of negotiating a complicated regulatory system. The Council study also noted that developments outside of the 421-a exclusion zone rarely include the affordable units because the incentive provided by this tax abatement for doing so is minimal – they get nearly the same tax abatement simply for building market rate units.

Looking at the inclusionary zones in our neighborhood over the last two years since these reports were issued, we found that most developments did include the affordable housing. Where they did not, there was sufficient room for them to do so under the existing height limits – they simply chose not to. In

several of those cases, however, we also found that the Department of Buildings violated the rules for Inclusionary Housing districts and granted developers extra bulk without requiring the commensurate affordable housing in return (see attached). This blatant giveaway to developers appears to be a real disincentive to including affordable housing – not existing height limits.

ZQA won't change the factors which are the true reasons why some developers are not voluntarily including affordable units in inclusionary zones. Lifting the height limits will only contribute to out-of-scale development that violates hard-fought-for and reasonable parameters for new development in residential neighborhoods. We strongly urge you to vote no on these proposed changes.

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A detailed look at actual developments in our area built under the existing height limits consistently refutes the arguments for ZQA and its lifting of height limits (see attached).

For example, we found that every one of the new developments with affordable housing in the inclusionary zones in the East Village were able to be built under the existing height limits without even filling out the entire zoning envelope. 79-89 Avenue D, which is under construction, 21 East 1st Street, and 101 Avenue D, all left height on the table, thus illustrating that ZQA's proposed height increases are absolutely unnecessary. The two Avenue D developments are even both on interior lots, which have more restrictive lot coverage rules. All have more than adequately-scaled ground floors and floor-to-floor heights, which DCP would have you believe is impossible to achieve under the existing height limits. In all three cases, the existing height limits would have actually allowed even more generous floor-to-floor heights – which DCP claims developers would provide if only they were not prevented from doing so by existing height limits.

Had ZQA been enacted, none of these developments would have provided a single additional square foot of affordable housing. The only difference would have been that these developments could have been 25 feet taller.

Looking at those developments in inclusionary zones which did not include affordable housing is equally instructive. Both 138 East 12th Street and 152 2nd Avenue chose to only include market rate units, but had more than ample room to include affordable units. Thus their decision had nothing to do with the height limits. 138 East 12th Street reaches 91 feet but could have gone to 120, while 152 2nd Avenue rises to 60 feet when it could have reached 80. 138 East 12th Street has a ground floor height of 13'8" – which DCP says developments in contextual zones with full FAR are prevented from reaching by current height limits. It should be noted that this developer could have actually made their ground floor over 40 feet tall under the existing height limits, while still keeping all the upper floors the same height they are now and still maxing out on the allowable floor area – pointing to the ludicrous lack of need for these height limit increases.

152 2nd Avenue has a 12 ½ foot ground floor, which lines up perfectly with its older neighbors. The building is only 60 feet tall, which not only does not even meet the maximum allowable height of 80 feet, it does not even meet the maximum allowable base height of 65 feet. This building utilized the full

allowable FAR for a market rate building, but could have gone 20 feet higher, undercutting DCP's claims about the restrictions and impediments imposed by the existing zoning height limits. It should be noted that 152 2nd Avenue is also on an interior lot, which has greater lot coverage restrictions.

Under ZQA, 138 East 12th Street could have been 34 feet taller and 152 2nd Avenue could have been 25 feet taller, without providing a single unit of affordable housing, and arguably without any improvement in its aesthetics or retail space.

These real life examples show how flawed DCP's analysis and the entire rationale for ZQA are.

* * * * *

DCP has based much of their case for lifting height limits in contextual zones on the Citizen's Housing Planning Council Report, "The Building Envelope Conundrum," and on their own analysis in their environmental review. But both are deeply flawed, and do not reflect the types of buildings or conditions that ZQA would affect (see attached).

The CHPC report purports to show how difficult it is to access full FAR in new developments in contextual zones. What it actually shows is 17 specifically chosen developments, less than half of which are unable to use full FAR as a result of the building envelope. However, it should be noted that in all but two cases the difference between the built development and the maximum allowable floor area is minute – typically a 1 or 2% difference. In one case the development is actually a mere 2 square feet less than the maximum allowable.

It should also be noted that according to the report, many of the developments cited are located on irregularly-shaped lots or split between multiple zoning districts – conditions which always make fitting standard zoning criteria difficult. Some are not even in contextual zones, thus making them irrelevant to the argument for ZQA and for raising height limits in contextual zones altogether.

Further, it should be noted that the most of the developments covered by the report are 100% affordable housing developments, not the 80/20 or market-rate developments covered by ZQA. 100% affordable housing developments often have different needs and configurations than 80/20 or market-rate developments. To use such developments to argue that changes are needed for the types of developments covered by ZQA is false. While there may well be accommodations which are reasonable and appropriate to make for 100% affordable developments, such accommodations are not necessarily reasonable or appropriate, or even necessary, for 80/20 or market rate developments, which ZQA covers.

Similarly, DCP's environmental review says it is impossible to fit the full FAR for affordable housing in inclusionary contextual zones without "packing the bulk," or cramming in the floor area, and thus height limits should be lifted. But this analysis is based entirely upon narrow street, interior lot sites, which are the most restrictive types of zoning lots. Worse, the narrow street interior lots which DCP uses as the basis for its environmental review actually rarely have inclusionary zoning in many parts of the city, as Inclusionary districts are typically mapped on major avenues, and thus DCP's supposed analysis almost

never actually applies to them. For example, in Community Board #3, less than 1% of the lots covered by inclusionary contextual zoning districts are narrow street interior lots. And yet based upon an analysis of these types of lots, DCP is recommending lifting the height limits for the other 99% of the lots covered by inclusionary contextual zoning.

Given this deeply flawed analysis, we urge you to reject these proposed changes, and preserve the existing height limits.

* * * * *

If the City is truly interested in addressing our affordability challenges through zoning, a much more targeted approach could be taken than proposed by ZQA.

Clearly in many cases the current height limits are perfectly adequate to allow full utilization of FAR with adequately scaled ground floors and floor-to-floor heights.

The challenges are largely on irregularly-shaped lots, lots split between zoning districts, or other unusually restricted lots. Instead of trying to address these cases where more generous allowances might genuinely be needed, and doing so only to the degree necessary, ZQA throws the baby out with the bathwater, offering generous height increases for purely market-rate housing, and for 80/20's in cases where such increases might not even be necessary, or result in a single additional unit of affordable housing being built.

If the Council is to consider lifting the height limits for which communities often worked so many years, here are some ways they could be done to address real affordability concerns without destroying these important protections:

1. Make changes necessary to accommodate 100% affordable developments, not 80/20's.
2. Keep the existing floor-to-floor height limits in place, but arrive at a minimum ground floor and floor-to-floor height that every development is entitled to achieve, such as 13 foot ground floors and 10 ½ ft. floor-to-floor heights. If a new development cannot reach those dimensions while utilizing full FAR under the existing height limits, then it could be allowed to exceed those height limits ONLY to the degree necessary to access the full FAR and attain the prescribed floor heights. This would achieve the supposed goals of ZQA of ensuring adequately scaled floors and eliminating impediments to including affordable housing. But it would make surpassing existing height limits the exception, not the rule, allowed only when needed and to the degree necessary.
3. Make special allowances for ground floor uses that may truly require higher ceiling heights and serve a public good, such as health clinics. But don't lift height limits for all market rate buildings by 5-20 feet, as proposed, just so that another bank or Duane Reade can have 18 foot ceilings, which ZQA would allow.
4. Make the existing inclusionary program easier to access and navigate, especially for smaller developers.

5. Ensure that tax incentives for affordable housing are not undermined by almost equally generous tax incentives for purely market-rate housing, as the old 421-a program often did.
6. Ensure that the city is actually enforcing the current rules for the inclusionary program and not giving away additional market rate floor area which is supposed to be reserved for affordable housing, as they have been doing.
7. Make the affordable housing component in current optional inclusionary housing zones mandatory, while keeping the existing floor area and height limits.

Changes such as these would truly improve the production of affordable housing in contextual zones, preserve height limits communities fought for, and ensure that generous allowances are not provided where not needed or without a real public benefit in return. ZQA does not do this. We therefore urge you to vote no.

From Department of City Planning Website:
http://www.nyc.gov/html/dcp/html/ih_production/index.shtml

Inclusionary Housing Designated Areas – Production, 2005-2013

The analysis presented here describes how the Inclusionary Housing program has performed with respect to its objective of creating and preserving affordable housing in conjunction with new development in recently rezoned areas.

Background

In 2005, the Department of City Planning (DCP) and Department of Housing Preservation and Development (HPD) began a substantial expansion of the Inclusionary Housing Program, which allows developments to construct more floor area if they provide a specified amount of affordable housing. This expansion was a part of a broader effort to create and preserve affordable housing citywide through the Mayor's [New Housing Marketplace Program](#). The purpose of the expanded Inclusionary Housing program has been to promote economically integrated neighborhoods in communities where zoning changes would encourage substantial new housing development. The expanded program was first applied in the Greenpoint-Williamsburg, Hudson Yards, and West Chelsea rezonings, and has since been applied in over 30 City-initiated rezonings. In 2009, the program was [modified](#) to improve its function and to include an affordable homeownership option.

Inclusionary Housing Designated Areas

Inclusionary Housing designated areas, within which the program is applicable, have been established in the Bronx, Brooklyn, Manhattan and Queens. Boundaries can be found in [Appendix F of the Zoning Resolution](#), or [viewed in the ZoLa application](#). (Another, earlier version of the program applies in R10 districts located outside Inclusionary Housing designated areas.) Developments taking advantage of the full 33 percent bonus must devote at least 20 percent of their residential floor area to housing that will remain permanently affordable to lower-income households. Qualifying affordable units must be affordable to households at or below 80 percent of Area Median Income. The zoning floor area bonus may be combined with a variety of City, State, and Federal housing subsidy programs, which frequently make it possible to reach lower income levels. Affordable units may be provided on-site or off-site, within the same Community District or a half-mile of the bonused site, and may be provided through new construction or preservation.

For more information about the Inclusionary Housing program, please visit the [Inclusionary Housing reference page](#). Information about recent rezonings can be found by using our [interactive map](#).

Construction of New Units and Affordable Housing in Designated Areas

Using data from HPD and the Department of Buildings (DOB), DCP analyzed the level of affordable housing production that has occurred through the Inclusionary Housing program, and compared it to the overall level of housing development that

has occurred in Inclusionary Housing designated areas. This analysis required extensive culling of DOB construction permits to identify only those permits for residential buildings that had been issued within designated area boundaries, along with the corresponding number of residential units in the approved building. Individual records were geocoded to determine whether they fell within an Inclusionary Housing designated area, and ambiguous records were researched individually.¹

This analysis takes into account all permits issued and affordable housing plans approved through July 2013. Note that while some areas were rezoned as early as 2005, other areas were rezoned only recently. These figures should therefore be seen as a snapshot in time, with additional housing construction likely to occur in the future.

Citywide analysis shows that:

- Through July 2013, permits had been issued for a **total of 15,310 residential units in new buildings** located within Inclusionary Housing designated areas since these designated areas went into effect.
- A total of **2,888 affordable housing units** had entered the Inclusionary Housing program, making them eligible to generate floor area bonuses for buildings in designated areas.
- These approved affordable units represent **19 percent** of all units that received new building permits in designated areas. This figure is very close to the 20 percent rate that is targeted by the program, and indicates that at a citywide level, the program has been successful in promoting affordable housing in conjunction with new development.

Further analysis breaks out utilization of the program by Community District:

- Nearly 13,000 of the more than 15,300 units produced in new buildings within Inclusionary Housing designated areas (84%) were constructed in Brooklyn Community District 1 or Manhattan Community District 4. This reflects the extent of housing construction in the Greenpoint-Williamsburg, Hudson Yards, and West Chelsea rezoning areas, the size of the Inclusionary Housing designated areas established here, and the fact that these areas were established the earliest, prior to the housing slowdown and financial crisis.
- In some areas, such as Manhattan Community District 4, the number of affordable units produced through the program exceeds 20% of total housing in new buildings to date. This appears to result from some affordable developments proceeding prior to market-rate developments, and “banking” the credit to generate future bonus floor area.
- In Greenpoint-Williamsburg, all waterfront developments have participated in the Inclusionary Housing program. In upland areas of the 2005 rezoning area, Inclusionary Housing activity was slow in the early years of the program, but has picked up in recent years. This suggests that the 2008 extension of the 421-a general exclusion area (GEA), which conditions tax exemptions on the provision of affordable housing, to these areas may be a factor in recent increased utilization of the program.
- In areas where the program has produced limited numbers of units or none, there are several possible contributing factors, including limited local capacity in affordable housing nonprofits and affordable housing development, and a predominance of small sites, where transaction costs

make participation in the program less economical. Further case studies of developers' decisions would be required to identify more definitively the factors at play and options for improving utilization of the program.

Inclusionary Housing Designated Areas
Total Housing Units Created in New Buildings and IH Affordable Units Produced
Through July 2013

Community District	Number of Units in Buildings Issued NB Permits Within Designated Area	Total affordable units produced through IH	% of total units permitted
BK 1*	6825	996	14.6%
BK 2	99	0	0.0%
BK 3	321	90	28.0%
BK 6	0	0	n/a
BK 7	97	6	6.2%
BK 13	0	0	n/a
BK 14	0	0	n/a
Brooklyn total	7342	1092	14.9%
BX 1	201	40	19.9%
BX 3	0	0	n/a
BX 4			n/a
BX 6	5	0	0.0%
BX 7	0	0	n/a
Bronx total	206	40	19.4%
MN 1	19	0	0.0%
MN 2	0	0	n/a
MN 3	461	89	19.3%
MN 4	6055	1470	24.3%
MN 6	0	0	n/a
MN 7	616	127	20.6%
MN 9-10-11**	191	37	19.4%
Manhattan total	7342	1723	23.5%
QN 1	81	0	0.0%
QN 2	157	0	0.0%
QN 12	182	33	18.1%
Queens total	420	33	7.9%
NYC total	15310	2888	18.9%

*In upland areas of the 2005 Greenpoint-Williamsburg rezoning, some areas zoned R6B or R6 are only eligible for a much smaller bonus, which provides a limited incentive for a smaller share of affordable units. Excluding these areas, Brooklyn CD 1 had permits for **6,309** total units in new buildings, and Inclusionary Housing affordable units represent **15.8%** of this total.

** The 125th Street rezoning (adopted in 2011) included portions of Manhattan CDs 9, 10, and 11.

Developments in Contextual Inclusionary Zones

'Jupiter 21,' 21 East 1st Street (2nd Avenue) – includes affordable housing

Illustrates that developments can include affordable housing in inclusionary zones within existing contextual height limits with the generous ground floor heights DCP is calling for



- R8-A inclusionary
- Market-rate development with affordable units in IZ program
- Max allowable bldg. ht: 120 feet
- Actual building ht: 120 feet
- Max. allowable base ht: 85 feet
- Actual base ht: 81 feet
- Under existing ht limits, could have increased ground floor or base upper floor heights, but chose not to
- **Under ZQA, building could have grown 25 feet taller without providing a single additional unit of affordable housing**

Developments in Contextual Inclusionary Zones

101 Avenue D – includes affordable housing

Illustrates that developments can be built with full FAR and 20% affordable within existing contextual height limits

Even on interior lots

Ground floor and floor-to-floor heights line up perfectly with adjacent existing traditional buildings – which DCP claims current contextual zoning rules prevent new developments from doing.



- R8-A inclusionary
- Interior lot
- Includes 20% affordable housing
- total building height 120 feet (max. allowable)
- base height only 65 feet, 85 allowed
- With 20 extra feet allowed in base by zoning:
 - Ground floor could more than double in height
 - or floors in base could each have been 3.3 feet taller
- Under ZQA, building could have grown 25 feet taller without providing a single additional unit of affordable housing

Developments in Contextual Inclusionary Zones

'Nathaniel', 138 East 12th Street (3rd Avenue) – **does not include affordable housing**

Illustrates that developments that don't include affordable housing are **not** prevented from doing so by contextual height limits

Also illustrates that existing height limits do not prevent adequate ground floor heights for successful retail

(West Side Market in ground floor)

or force developers to reduce desired floor-to-floor heights



- R8-A inclusionary
- Full allowable FAR for market-rate
- Max allowable bldg. ht: 120 feet
- Actual building ht: 91 feet
- Ground floor ht: 13'8"
- Upper floor hts: 9.5-11 ft
- **Under existing ht limits building could have:**
 - Included affordable housing
 - Increased ground floor ht to 15 feet or more
 - and/or increased all floor to floor heights to 12 feet or more
- **Under ZQA, bldg. could have been 34 feet taller without providing a single unit of affordable housing**

Developments in Contextual Inclusionary Zones

152-154 Second Avenue (10th/11th Streets) – **does not include affordable housing**

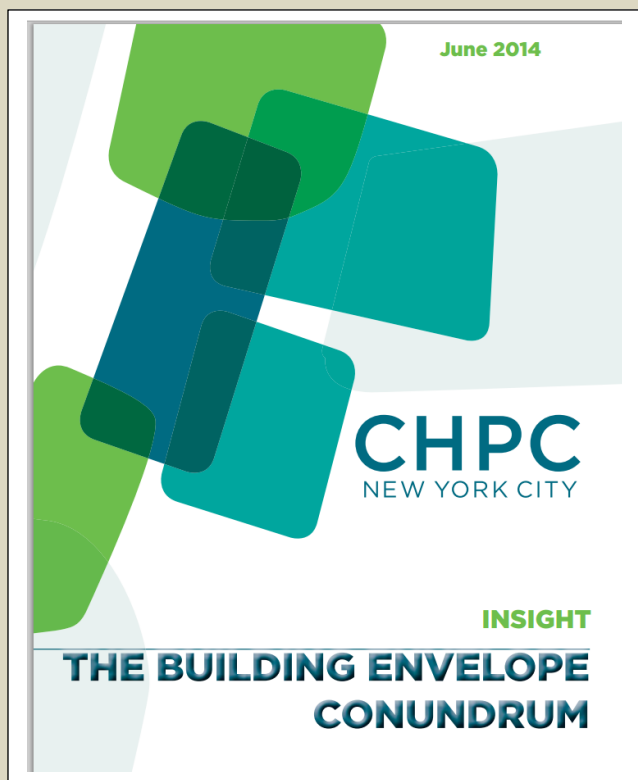
Illustrates that under existing height limits, new developments within contextual zones have room to include affordable housing (even on interior lots), but they chose not to for other reasons

Illustrates that many developments are choosing ground-floor hts. of less than 13.5 ft. ,and floor-to-floor heights of less than 11.5 ft., and are not prevented from increasing floor heights by current height limits



- R7-A inclusionary
- Interior lot
- Max. allowable bldg. ht.: 80 feet
- Actual bldg. ht.: 60 feet
- Ground floor height: 12.5 ft.
- Upper floor hts.: 9.5 ft.
- **Under existing ht .limits, bldg. could have:**
 - Increased total ht. by 20 ft.
 - Increased base ht. by 5 ft.
 - **Included affordable housing**
 - **Increased ground floor ht to 15 feet or more**
 - **and/or increased all floor to floor heights to 12 feet or more**
- **Under ZQA, building could have been 25 feet taller without providing a single unit of affordable housing**

The sources of DCP's claim that developers cannot utilize full FAR under existing contextual zoning rules is faulty. They frequently cite:



The report's conclusions:

For the seventeen projects examined we found that: Only one project was able to develop all of its allotted floor area. In eight projects, floor area was left unbuilt because of their building envelope rules. For these projects, it was the contextual building envelope rules that determined the development capacity of the buildings rather than their allotted floor area. The buildings that were limited by their envelope were underbuilt by an average of 11%. In total 56,543 square feet of buildable space was lost from these eight projects. In a further eight buildings, neither the allotted floor area nor the building envelope was maximized. This was typically because the number of housing units for the building was determined by the subsidy program it was constructed under, or the developer simply chose to limit the size of the building for other reasons. Because of this, we are unaware of whether the development capacity of these buildings would have been determined by the floor area or the building envelope rules.

What this report fails to make clear is that almost all of the projects studied were 100% affordable housing developments, NOT the 80% market rate/20% affordable developments which ZQA would apply to.

100% affordable developments have very different requirements and programs than 80/20 predominantly market rate housing. There is no reason to conclude that changes which MIGHT be necessary for 100% affordable developments should apply across the board to luxury housing with a 20% set aside for affordable units.

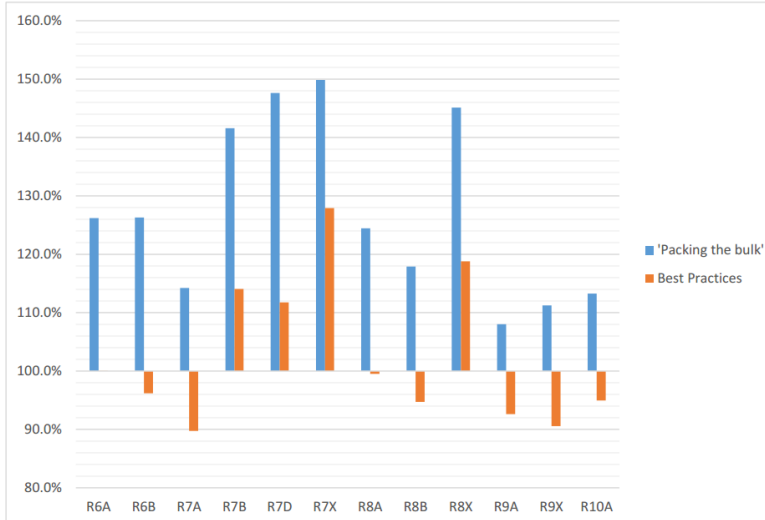
Note: 100% affordable developments often qualify as 'Community facilities' and therefore can be and often are governed by very different rules than market rate/IZ developments.

From:



HOUSING NEW YORK: ZONING FOR QUALITY AND AFFORDABILITY FINAL SCOPE OF WORK FOR AN ENVIRONMENTAL IMPACT STATEMENT

Figure 8: Bulk envelope capacity as a percentage of permitted floor area

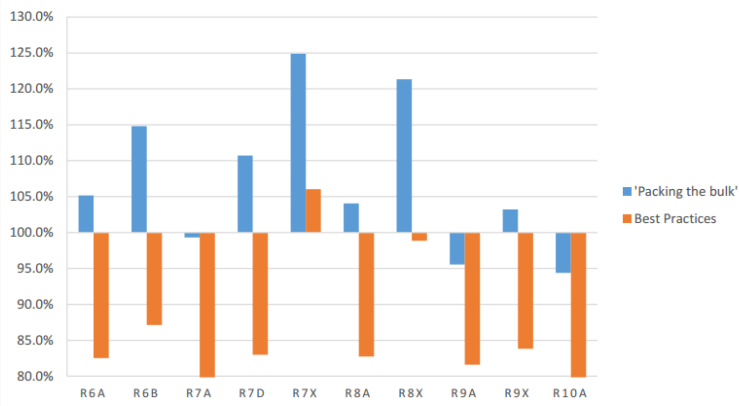


As the chart shows, this slight adjustment in floor to floor heights and building depth can easily be the determinant in whether a new development can accommodate all of its permitted floor area. Additional

DCP's ZQA Study concludes that in most cases, full FAR cannot be utilized within existing contextual zoning envelopes and height limits, using these charts (left) to illustrate the limitations under the existing system.

However, these figures are based ENTIRELY upon narrow street/interior lot rules, WHICH HAVE THE STRICTEST LIMITATIONS for the layout and lot coverage of new developments, as opposed to wide street and corner lot rules, which have much more relaxed rules, allow greater utilization of FAR, and are where inclusionary zones are more frequently found.

% OF ALLOWABLE FAR THAT CAN FIT WITHIN THE EXISTING BUILDING ENVELOPE



As the chart shows, while most districts can accommodate the permitted FAR using a 'packing the bulk' strategy, the quality of this space would likely be undesirable, and may impact the marketability of market rate units (which could in turn undermine the necessary cross-subsidization of affordable units). In nearly every scenario, the existing contextual envelope is unable to accommodate the permitted Inclusionary Housing floor area when reasonable best practices are applied. This lack of flexibility not only results in the creation of inferior dwelling units, it results in inferior buildings, since the envelope cannot accommodate streetscape design measures such as façade articulation, and a nuanced relationship to the sidewalk depending on the district (such as a planted buffer in Residence Districts and a sizeable retail heights in Commercial Districts). Similar results are found using the additional floor area permitted under Section 23-147 for non-profit residences for the elderly.



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Leslie Mason
Ruth McCoy
Andrew S. Paul
Cynthia Penney
Robert Rogers
Katherine Schoonover
Trevor Stewart
Marilyn Sobel
Judith Stonehill
Linda Yowell
F. Anthony Zunino III

Advisors
Kent Barwick
Joan K. Davidson
Christopher Forbes
Margaret Halsey Gardiner
Elizabeth Gilmore
Carol Greitzer
Tony Hiss
Martin Hutner
James Stewart Polshek
Martica Sawin Fitch
Anne-Marie Sumner
Calvin Trillin
Jean-Claude van Itallie
George Vellonakis
Vicki Weiner
Anthony C. Wood

February 3, 2016

Hon. Bill de Blasio, Mayor
City of New York
City Hall
New York, NY 10007

Hon. Rick D. Chandler, P.E., Commissioner
New York City Department of Buildings
280 Broadway
New York, NY 10007

**Re: Widespread Approval by the Department of Buildings
of Larger Than Allowable Buildings in Inclusionary
Housing Areas Without Required Affordable Housing**

Dear Mayor de Blasio and Commissioner Chandler:

Investigation by the Greenwich Village Society for Historic Preservation has uncovered that the Department of Buildings has, over the last several years, consistently approved new developments in Inclusionary Housing Designated Areas at higher than allowable densities without providing the affordable housing which is explicitly required to reach those building density levels. As you know, the entire basis of the city's current Inclusionary (Affordable) Housing program is that in specified areas, increased density of development above a certain level can only be achieved when a required amount of affordable housing is provided.

But we have found that in these areas, the Department of Buildings is regularly allowing new developments to reach these higher densities with purely market-rate developments, and no affordable housing.

By consistently allowing these purely market-rate developments in violation of the Inclusionary Housing zoning rules, the City is undermining its own existing incentives for the construction of affordable housing, and allowing construction in residential neighborhoods at a greater density than allowed, violating explicit zoning limits.

As you can see from the attached documents, the Department has done this in multiple cases over the last several years. As you know, the zoning rules in these inclusionary zones are structured to allow as much as a 33% increase in the allowable density of developments

only if 20% of the total square footage is dedicated to permanent affordable housing, either on site or off. Yet although no affordable housing is provided in these developments, they have been allowed to exceed the maximum allowable density. This appears to be based upon the inclusion of market-rate commercial and/or community facility space, even though the zoning text explicitly restricts the maximum allowable density for developments in these areas which do not contain affordable housing, whether they include residential, commercial, or community facility uses (see attached text).

Specifically:

- 84 3rd Avenue is located in a C6-4/R8-equivalent Inclusionary Housing district. Therefore the maximum allowable FAR for a development without affordable housing such as this should be 5.4 FAR. However, the approved zoning documents show a total FAR of 5.65 (see attached).
- 152-154 2nd Avenue is located in an R7-A Inclusionary Housing district. Therefore the maximum allowable FAR for a development without affordable housing such as this should be 3.45 FAR (a very small portion of the lot is located in an R8B district with a maximum allowable FAR of 4, which would only raise the overall allowable FAR for this site very slightly). However, the approved zoning documents show a total FAR of 3.95 (see attached).
- 118 East 1st Street is located in R8A Inclusionary Housing district. Therefore the maximum allowable FAR for a development without affordable housing such as this should be 5.4 FAR. However, the approved zoning documents show a total FAR of 5.97 (see attached).
- 438 East 12th Street is located in an R7A Inclusionary Housing district, in which the maximum allowable FAR for a development without affordable housing such as this is 3.45, with a small portion located in an R8B district in which the maximum allowable FAR is 4.0. However, the approved zoning documents show a total FAR of 4.0 (see attached).
- 67 Avenue C is located in an R7A Inclusionary Housing district. Therefore the maximum allowable FAR for a development without affordable housing such as this should be 3.45 FAR. However, the approved zoning documents show a total square footage of 9,294, which amounts to an FAR of 4.3 (see attached).

It should be noted that several of these developments received their approvals from the Department of Buildings in the last two years, under the current administration.

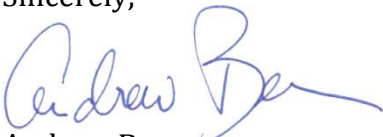
The consequences of this pervasive violation of the city's own zoning rules and affordable housing incentives are far-reaching, and quite relevant to the current debate about proposals to lift height limits in inclusionary zoning districts in order to encourage the construction of more affordable housing (i.e. 'Zoning for Quality and Affordability'). As you know, [documentation provided previously](#) by the Greenwich Village Society for Historic Preservation offers concrete evidence that [current height limits actually provide no disincentive or obstacles to the inclusion of affordable housing](#), and that lifting them, as the City has proposed, would result in no increase in the construction of affordable housing.

By contrast, this pervasive practice of allowing entirely market-rate construction in inclusionary zoning districts to exceed the maximum allowable density without including the required affordable housing clearly does provide a strong disincentive to developers including affordable housing in their developments, because they can achieve the higher allowable densities by including market-rate space, rather than requiring them to include affordable housing to do so. This results in larger than allowable developments and robs the city and neighborhoods of the affordable housing to which they are entitled.

Stopping this practice, as opposed to increasing height limits as proposed, would do much more to encourage the inclusion of affordable housing in new developments, which the administration claims is its top priority.

I urge you to take action immediately to stop this practice of approving larger than allowable developments which do not provide the affordable housing required by Inclusionary Housing zoning regulations. I also urge you to take action to correct those approvals which have already been granted. This would include revoking permits for not-yet-completed buildings such as 438 East 12th Street, and requiring the removal of space which exceeds the allowable zoning square footage in those which have already been constructed, or the provision of the required amount of affordable housing to justify that additional space.

Sincerely,



Andrew Berman
Executive Director

Cc: Public Advocate Letitia James
Borough President Gale Brewer
Borough President Eric Adams
Borough President Melinda Katz
Borough President Ruben Diaz Jr.

Borough President James Oddo
Members of the New York City Council
Members of the New York City Planning Commission
Department of City Planning
Community Boards 1-59
Region Plan Association
Association for Neighborhood Housing and Housing Development
Metropolitan Council on Housing
Real Affordability for All
Citizen's Housing Planning Council
Good Old Lower East Side
Urban Justice Center

ZR 35-31 (<http://www1.nyc.gov/assets/planning/download/pdf/zoning/zoning-text/art03c05.pdf#page=21>):

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and R6 Districts without a letter suffix in Community District 1, Brooklyn, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-952 for the applicable district. However, in #Inclusionary Housing designated areas# mapped within C4-7, C5-4, C6-3D and C6-4 Districts, the maximum base #floor area ratio# for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be either the base #floor area ratio# set forth in Section 23-952 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, or the maximum #floor area ratio# for #commercial uses# in such district, whichever is lesser. The maximum base #floor area ratio# in #Inclusionary Housing designated areas# may be increased to the maximum #floor area ratio# set forth in Section 23-952 only through the provision of #affordable housing# pursuant to Section 23-90, inclusive.

All lots which follow are located within the Inclusionary Housing designated area mapped below (<http://www.nyc.gov/html/dcp/pdf/zone/appendixf.pdf#page=34>)

Manhattan Community District 3

In the R7A, R8A and R9A Districts within the areas shown on the following Map 1:

Map 1 - (10/27/10)



Floor area compensation in Inclusionary Housing designated areas

The provisions of this Section shall apply in #Inclusionary Housing designated areas# set forth in APPENDIX F of this Resolution. The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this Section, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

Maximum #Residential Floor Area Ratio#

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6 ¹	2.20	2.42
R6 ² R6A R7-2 ¹	2.70	3.60
R7A R7-2 ²	3.45	4.60
R7-3	3.75	5.0
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R9X	7.3	9.70
R10	9.00	12.00

¹ for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

² for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

PERMITTED OBSTRUCTIONS [ZR 23-62]
BUCKHEAD & PARAPET WALLS ARE PERMITTED ABOVE BUILDING HEIGHT.

BUILDING HEIGHT REQUIREMENTS [ZR 23-63.3]
MAX. PERMITTED BUILDING HEIGHT: 120'-0"
PROPOSED BUILDING HEIGHT: 91'-0"

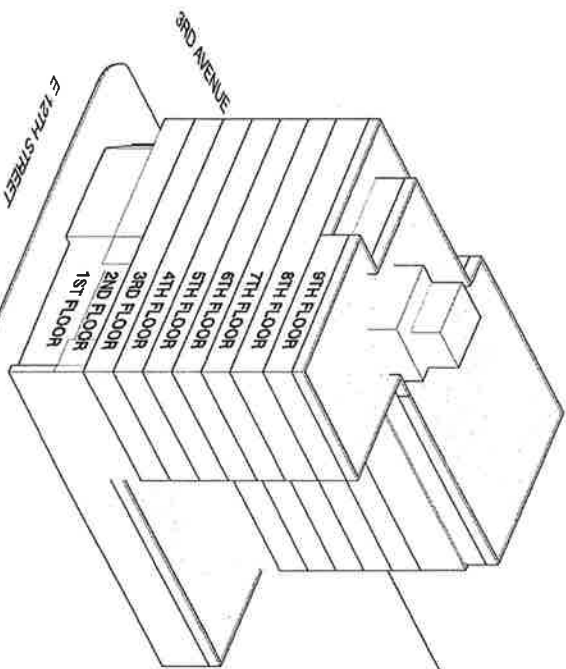
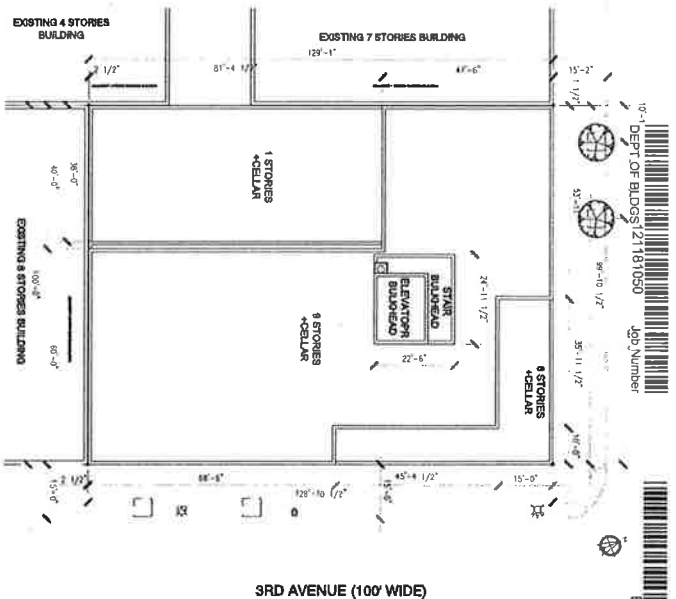
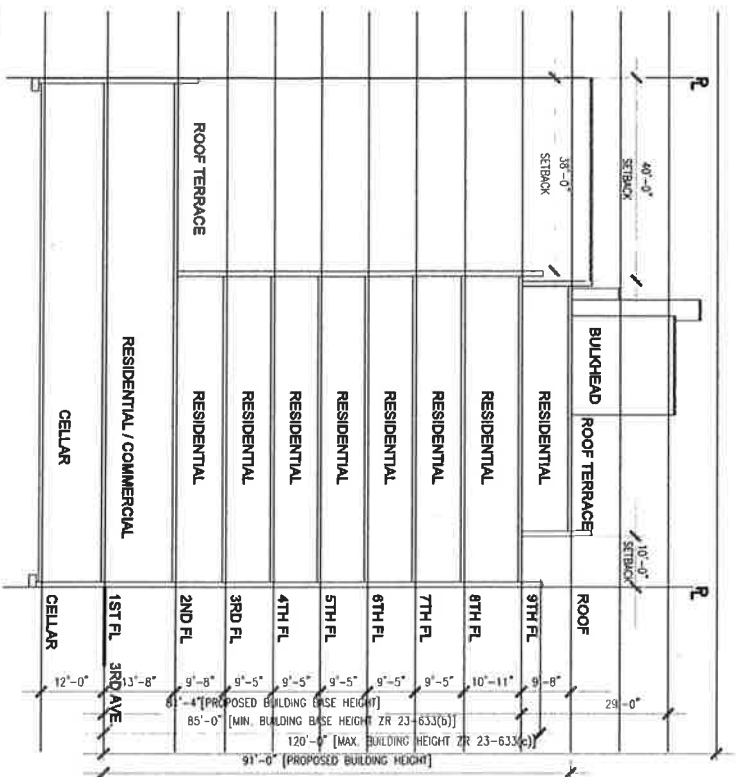
SETBACK REQUIREMENTS [ZR 23-63.3(b)]
FRONT SETBACK REQUIREMENTS
INITIAL SETBACK DISTANCE

15' FROM E 12TH STREETS

10' FROM 3RD AVENUE

MAXIMUM HEIGHT OF FRONT WALL

LESSER OF 9 STORIES OR 85'



DEPT. OF BLDG. 121161050
Job Number
E3935418931

Scan Code
Buildings
NYC

ZD1 Zoning Diagram
Must be typewritten.

Open and after BIS
Job number label here

Submitted to resolve objections stated in a notice of intent to revoke issued pursuant to rule 101-15.
☐ Yes ☒ No

Location Information

House No(s) 84
Street Name 3 AVENUE
Borough MANHATTAN
Block 556
Lot 59
BIN

Falsification of any statement is a misdemeanor 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. I understand that if I am found after hearing to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application report or certification or the correction of a violation required under the provisions of this code or of a rule of any agency, I may be barred from filing further applications or documents with the Department.

Name (please print) KARL FISCHER



Internal Use Only

BIS Doc#

PLAN EXAMINER SIGN AND DATE



ZD1 Zoning Diagram

Must be typewritten.
Sheet _____ of _____

Sheet ____ of ____

First Name	Last Name	Initial
Karl	Fischer	
Business Name	Karl Fischer Architecture PLLC	Business Telephone (212) 219-9733
Business Address	530 Broadway, Ninth Floor	Business Fax (212) 219-8980
City	New York	Zip
	NY	10012
		Mobile Telephone
E-mail	karl@kfarchitect.com	License Number 021282

3	BSA and/or CPC Approval for Subject Application Required as applicable.
---	---

Board of Standards & Appeals (BSA)

☐ Variance
☐ Special Permit
☐ General City Law Waiver
☐ Other

Call No. _____
 Cal. No. _____
 Cal. No. _____
 Cal. No. _____

City Planning Commission (CPC)

☐ Special Permit
☐ Authorization
☐ Certification
☐ Other

UURP No. _____
 App. No. _____
 App. No. _____
 App. No. _____

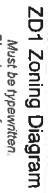
Authorizing Zoning Section _____
 Authorizing Zoning Section _____
 Authorizing Zoning Section _____

4 Proposed Floor Area Required for all applications. One Use Group per line.

Floor Number	Building Code Gross Floor Area (sq. ft.)	Use Group	Zoning Floor Area (sq. ft.)				FAR
			Residential	Community Facility	Commercial	Manufacturing	
Cellar	12,871	6					
1	12,640	2, 6	1,673		10,000		0.90
2	9,703	2	6,071				0.47
3	9,789	2	9,180				0.71
4	9,789	2	9,180				0.71
5	9,799	2	9,180				0.71
6	9,789	2	9,180				0.71
7	9,789	2	9,180				0.71
8	9,789	2	9,180				0.71
9	8,458	2	0				0
Roof	527	2	130				0.01

4 Proposed Floor Area Required for all applications. One Use Group per line.

[illegible]



ZD1 Zoning Diagram

Must be typewritten.
Sheet _____ of _____

1	Applicant Information	Required for all applications.
---	-----------------------	--------------------------------

Last Name	ISSAC	First Name	RAMY	Middle Initial	
Business Name	ISSAC AND STERN ARCHITECTS, PC			Business Telephone	212-268-5600
Business Address	25 WEST 31 STREET			Business Fax	
City	NEW YORK	State	NY	Mobile Telephone	
				Zip	10001
E-Mail				License Number	018258

2 Additional Zoning Characteristics Required as applicable.			
Dwelling Units	Parking area	sq. ft.	Parking Spaces: Total
			Enclosed

3	BSA and/or CPC Approval for Subject Application Required as applicable
---	--

Board of Standards & Appeals (BSA)

☐ Variance Cal No. _____ Authorizing Zoning Section 72.21
☐ Special Permit Cal No. _____ Authorizing Zoning Section _____
☐ General City Law Waiver Cal No. _____ General City Law Section _____
☐ Other Cal No. _____ *

City Planning Commission (CPC)

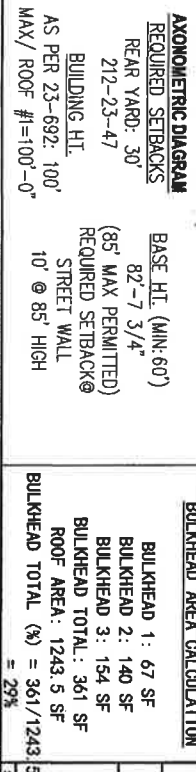
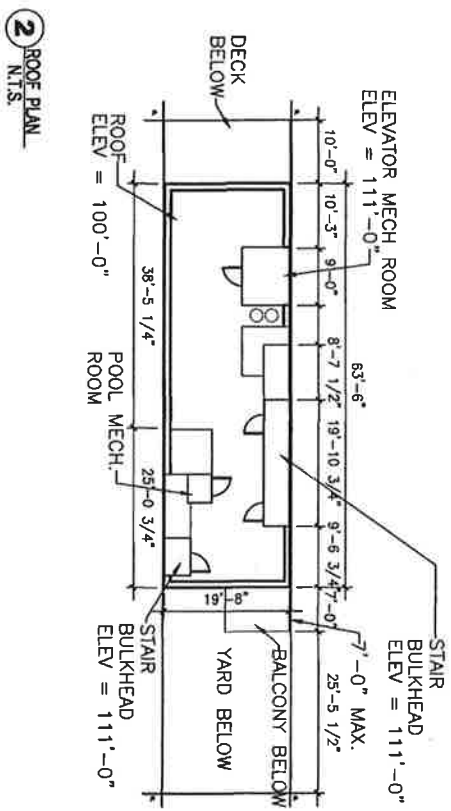
<input type="checkbox"/> Special Permit	ULIRP No. _____	Authorizing Zoning Section _____
<input type="checkbox"/> Authorization	App. No. _____	Authorizing Zoning Section _____
<input type="checkbox"/> Certification	App. No. _____	Authorizing Zoning Section _____
<input type="checkbox"/> Other	App. No. _____	Authorizing Zoning Section _____

4 Proposed Floor Area Required for all applications. One Use Group per line.

[illegible]ZD1

4	Proposed Floor Area Required for all applications One Use Group per line
---	--

[illegible]

[illegible]



ZD1 Zoning Diagram

Must be typewritten.
Sheet _____ of _____

1 Applicant Information Required for all applications.

Last Name	First Name	Middle Initial
Business Name Freyer Collaborative Architects		
Business Address 37 E 18th St #1001		Business Telephone (212) 596-0900
City New York		Business Fax
State NY	Zip 10003	Mobile Telephone
E-Mail		License Number

2 Additional Zoning Characteristics Required as applicable.			
Dwelling Units 7	Parking area	sq. ft.	Parking Spaces: Total
			Enclosed

3	BSA and/or CPC Approval for Subject Application Required as applicable.
---	---

Board of Standards & Appeals (BSA)	
<input type="checkbox"/> Variance	Cal. No. _____
<input type="checkbox"/> Special Permit	Cal. No. _____
<input type="checkbox"/> General City Law Waiver	Cal. No. _____
<input type="checkbox"/> Other _____	Cal. No. _____
City Planning Commission (CPC)	
<input type="checkbox"/> Special Permit	ULURP No. _____
<input type="checkbox"/> Authorization	App. No. _____
<input type="checkbox"/> Certification	App. No. _____
<input type="checkbox"/> Other _____	App. No. _____
	Authorizing Zoning Section _____
	Authorizing Zoning Section _____
	Authorizing Zoning Section _____
	Authorizing Zoning Section _____

4 Proposed Floor Area Required for all applications. One Use Group per line.

Floor Number	Building Code Gross Floor Area (sq. ft.)	Use Group	Zoning Floor Area (sq. ft.)				FAR
			Residential	Community Facility	Commercial	Manufacturing	
Cellar	N/A						
1st Floor	1451		1167				.55
1st Floor	1451				250		.11
2nd Floor	1426		1398				.67
3rd Floor	1451		1423				.67
4th Floor	1451		1423				.67
5th Floor	1451		1423				.67
6th Floor	1439		1411				.66
7th Floor	1439		1411				.66
8th Floor	1439		1411				.66
9th Floor	1226.5		1197.5				.56
Mezzanine	243		243				.11
Roof	N/A						

Sheet ____ of ____

[illegible]


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**NYC Department of Buildings
Job Overview**

Page: 1 of 1

Premises: 118 EAST 1 STREET MANHATTAN

BIN: 1005753 Block: 429 Lot: 43

To start overview at new date, select Month: ▼ Day: Year:

Show All BIS Job Types ▼

Show All Filings ▼

APPLY

FILE DATE	JOB #	DOC #	JOB TYPE	JOB STATUS	STATUS DATE	LIC #	APPLICANT IN AUDIT	ZONING APPROVAL
04/20/2015	<u>140336134</u>	01	A3	R PERMIT-ENTIRE	04/21/2015	0066791 PE	PARIHAR	NOT APPLICABLE
PROPOSED INSTALLATION OF HEAVY DUTY SIDEWALK SHED FILED FOR REMEDIAL REPAIR Work on Floor(s): OSP								
03/26/2015	<u>122350393</u>	01	A3	R PERMIT-ENTIRE	07/17/2015	0015865 RA	FREYER	NOT APPLICABLE
BUILDERS PAVEMENT PLAN BY ALT3 CHECKLIST Work on Floor(s): OSP								
12/30/2014	<u>122239247</u>	01	A2	D A/P ENTIRE	12/30/2014	0015865 RA	FREYER	NOT APPLICABLE
INSTALL FIRE ALARM SYSTEM Work on Floor(s): CEL,MEZ,ROO 001 thru 009								
12/30/2014	<u>122239238</u>	01	A2	H P/E IN PROCESS	01/22/2015	0015865 RA	FREYER	NOT APPLICABLE
INSTALL NEW SPRINKLER SYSTEM Work on Floor(s): CEL,MEZ,ROO 001 thru 009								
12/30/2014	<u>122239229</u>	01	DM	E AP-NPE	12/30/2014	0015865 RA	FREYER	NOT APPLICABLE
COMPLETE DEMOLITION OF 3 STORY AND CELLAR RESIDENTIAL VACANT BUILDING								
	<u>122180914</u>	02	NB	A PRE-FILED	11/03/2014	0015865 RA	FREYER	<u>GRANTED</u> <u>11/05/2015</u>
HVAC AND PLUMBING FOR NEW 9 STORY CLASS A RESIDENTIAL BUILDING								
10/31/2014	<u>122180914</u>	01	NB	J P/E DISAPPROVED	12/19/2014	0015865 RA	FREYER	<u>GRANTED</u> <u>11/05/2015</u>
NEW 9 STORY AND CELLAR MULTIPLE DWELLING								
08/21/2014	<u>122109146</u>	01	A2	R PERMIT-ENTIRE	03/18/2015	0015865 RA	FREYER	NOT APPLICABLE
INTERIOR DEMOLITION AND CONSTRUCTION OF DRYWALL. REMOVE WOOD DECK. NO CHAN Work on Floor(s): CEL 001 thru 003								
04/29/2004	<u>103522626</u>	02	A2	P APPROVED	05/03/2004	0011801 RA	Robinson	NOT APPLICABLE
POST APPROVAL AMENDMENT FOR 01								


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NYC Department of Buildings Application Details

JUMP TO: Doc 1 ▾ Go

Premises: 118 EAST 1 STREET MANHATTAN
BIN: [1005753](#) Block: 429 Lot: 43

Job No: 122180914

Document: 01 OF 2

Job Type: NB - NEW BUILDING

[Document Overview](#)
[Fees Paid](#)
[Crane Information](#)
[After Hours Variance Permits](#)
[Items Required](#)
[Forms Received](#)
[Plan Examination](#)
[Virtual Job Folder](#)
[All Permits](#)
[All Comments](#)
[Schedule A](#)
[C/O Summary](#)
[C/O Preview](#)
[Schedule B](#)
[Plumbing Inspections](#)
[Zoning Documents](#)
[Challenge Period Status](#)
[Challenge Results](#)

Last Action: PLAN EXAM - DISAPPROVED 12/19/2014 (J)

Pre-Filed: 10/31/2014 Building Type: Other

Estimated Total Cost: \$0.00

Date Filed: 10/31/2014

Electronically Filed: Yes

Fee Structure: STANDARD

Review is requested under Building Code: 2008

[Job Description](#) [Comments](#)

1 Location Information (Filed At)

House No(s): 118 Street Name: EAST 1ST STREET

Borough: Manhattan

Block: 429

Lot: 43

BIN: [1005753](#)

CB No: 103

Work on Floor(s):

Apt/Condo No(s):

Zip Code: 10009

2 Applicant of Record Information

Name: WARREN FREYER

Business Name: FREYER ARCHITECTS

Business Address: 37 EAST 18TH ST, NEW YORK NY 10003

E-Mail: WARREN@FREYERARCHITECTS.COM

Business Phone: 212-598-0900

Business Fax:

Mobile Telephone:

License Number: 015865

Applicant Type: ☐ P.E. ☒ R.A. ☐ Sign Hanger ☐ R.L.A. ☐ Other

Directive 14 Applicant

Not Applicable

Previous Applicant of Record

Not Applicable

3 Filing Representative

Name: SAM/KEVIN/RICK PHILLIPS/HAWKINS

Business Name: PHILLIPS CONSULTING

Business Address: 134 IRVINGTON AVE. SOMERSET NJ 08873

E-Mail: SAMUELPO8873@AOL.COM

Business Phone: 212-226-8279

Business Fax:

Mobile Telephone:

4 Filing Status[Click Here to View](#)**5 Job Types**

- ☐ Alteration Type 1 or Alteration Type 1 required to meet New Building requirements (28-101.4.5)
☐ Alteration Type 1, OT "No Work" ☒ New Building
☐ Alteration Type 2 ☐ Full Demolition
☐ Alteration Type 3 ☐ Subdivision: Improved
☐ Sign ☐ Subdivision: Condo
 Directive 14 acceptance requested? ☐ Yes ☒ No

6 Work Types

- ☐ BL - Boiler ☐ FA - Fire Alarm ☐ FB - Fuel Burning ☐ FS - Fuel Storage
☐ FP - Fire Suppression ☐ MH - Mechanical ☐ PL - Plumbing ☐ SD - Standpipe
☐ SP - Sprinkler ☒ EQ - Construction Equipment ☐ CC - Curb Cut
☒ OT - GEN. CONSTR.

7 Plans/Construction Documents Submitted

Plans Page Count: Not Provided

8 Additional Information

Enlargement proposed?

- ☒ No ☐ Yes ☐ Horizontal ☐ Vertical

Total Construction Floor Area: 14,468 sq.ft.

9 Additional Considerations, Limitations or Restrictions

Yes No

- ☐ ☐ Alt. required to meet New Building req's (28-101.4.5)

Yes No

- ☐ ☐ Alteration is a 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

- ☐ ☐ Facade Alteration
☐ ☒ Adult Establishment
☐ ☒ Compensated Development (Inclusionary Housing)
☐ ☒ Low Income Housing (Inclusionary Housing)
☐ ☒ Single Room Occupancy (SRO) Multiple Dwelling
☐ ☒ Filing includes Lot Merger / Reapportionment

- ☐ ☒ Infill Zoning
☐ ☒ Loft Board
☐ ☒ Quality Housing
☐ ☒ Site Safety Job / Project
☐ ☒ Included in LMCCC

Work Includes:

- ☐ ☐ Prefab wood I-joists
☐ ☐ Structural cold-formed steel
☐ ☐ Open-web steel joists

- ☐ ☒ Landmark
☒ ☐ Environmental Restrictions (Little E or RD)
☐ ☒ Unmapped/CCO Street
☐ ☒ Legalization
☐ ☒ Other, Specify:
☐ ☒ Filed to Comply with Local Law
☐ ☒ Restrictive Declaration / Easement
☐ ☒ Zoning Exhibit Record (I,II,III,etc)
☐ ☒ Filed to Address Violation(s)

- ☒ ☐ Work includes lighting fixture and/or controls, installation or replacement. [ECC §404 and §505]
- ☐ ☐ Work includes modular construction under New York State jurisdiction
- ☐ ☐ Work includes modular construction under New York City jurisdiction
- ☐ ☒ Structural peer review required per BC §1627 Peer Reviewer License No.(P.E.):
- ☐ ☐ Work includes permanent removal of standpipe, sprinkler or fire suppression related systems
- ☐ ☐ Work includes partial demolition as defined in AC §28-101.5, or the raising/moving of a building
- ☐ ☐ Structural Stability affected by proposed work

BSA Calendar No.(s):

CPC Calendar No.(s):

10 NYCECC Compliance New York City Energy Conservation Code (Applicant Statement)☒ To the best of my knowledge, belief and professional judgment, this application is in compliance with the NYCECC.☐ Energy analysis is on another job number:

Yes No

☐ ☒ This application is, or is part of, a project that utilizes trade-offs among different major systems☐ ☒ This application utilizes trade-offs within a single major system**11 Job Description**

NEW 9 STORY AND CELLAR MULTIPLE DWELLING

Related BIS Job Numbers:

Primary application Job Number:

12 Zoning Characteristics

District(s): R8A - GENERAL RESIDENCE DISTRICT

Overlay(s): C2-5 - LOCAL SERVICE DISTRICT

Special District(s):

Map No.: 12c

Street legal width (ft.): 62

Street status: ☒ Public ☐ Private

Zoning lot includes the following tax lots: Not Provided

Proposed: Use	Zoning Area (sq.ft.)
COMMERCIAL	250
RESIDENTIAL	12,508
Proposed Totals:	12,758
Existing Total:	

District	FAR
C2-5	0.11
R8A	5.86
--	5.97
--	--

Proposed Lot Details:

Lot Type: ☐ Corner ☒ Interior ☐ Through

Lot Coverage (%): 69

Lot Area (sq.ft.): 2,119

Lot Width (ft.): 20

Proposed Yard Details:

☐ No Yards Or

Front Yard (ft.): 0 Rear Yard (ft.): 32 Rear Yard Equivalent (ft.): 0

Side Yard 1 (ft.): 0 Side Yard 2 (ft.): 0

Proposed Other Details:

Perimeter Wall Height (ft.): 83

Enclosed Parking? ☐ Yes ☒ No No. of parking spaces:**13 Building Characteristics**

Primary structural system: ☐ Masonry ☒ Concrete (CIP) ☐ Concrete (Precast) ☐ Wood

☐ Steel (Structural) ☐ Steel (Cold-Formed) ☐ Steel (Encased in Concrete)

Proposed

Structural Occupancy Category: II - OTHER THAN I, III OR IV

Seismic Design Category: CATEGORY C

Occupancy Classification: R-2 - RESIDENTIAL: APARTMENT HOUSES

2014/2008 Code Designations?

☒ Yes ☐ No

Construction Classification: I-B: 2 HOUR PROTECTED - NON-COMBUST
Multiple Dwelling Classification: HAEA
Building Height (ft.): 100
Building Stories: 9
Dwelling Units: 7

☒ Yes ☐ No

Mixed use building? ☒ Yes ☐ No

14 Fill

☐ Not Applicable ☐ Off-Site ☐ On-Site ☒ Under 300 cubic yards

15 Construction Equipment

☐ Chute ☐ Sidewalk Shed **Construction Material:** PLYWOOD
☒ Fence **Size:** linear ft. **BSA/MEA Approval No.:**
☐ Supported Scaffold ☐ Other

16 Curb Cut Description

Not Applicable

17 Tax Lot Characteristics

Not Provided

18 Fire Protection Equipment

	Existing		Proposed			Existing		Proposed	
	Yes	No	Yes	No		Yes	No	Yes	No
Fire Alarm	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sprinkler	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire Suppression	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Standpipe	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19 Open Spaces

Not Provided

20 Site Characteristics

Yes	No	Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/> Tidal Wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/> Freshwater Wetlands
<input type="checkbox"/>	<input type="checkbox"/> Coastal Erosion Hazard Area	<input type="checkbox"/>	<input checked="" type="checkbox"/> Urban Renewal
<input checked="" type="checkbox"/>	<input type="checkbox"/> Fire District	<input checked="" type="checkbox"/>	<input type="checkbox"/> Flood Hazard Area

Flood Hazard Area Information:

Yes No
☐ ☐ Substantial improvement?
☐ ☐ Substantially damaged?
☐ ☐ Floodshields part of proposed work?

21 Demolition Details

Not Applicable

22 Asbestos Abatement Compliance

Not Applicable

23 Signs

Not Applicable

24 Comments

25 Applicant's Statements and Signatures (See paper form or check [Forms Received](#))

Yes No

- ☐ ☒ For New Building and Alteration 1 applications filed under the 2008 or 2014 NYC Building Code only: does this building qualify for high-rise designation?
- ☐ ☐ Directive 14 applications only: I certify that the construction documents submitted and all construction documents related to this application do not require a new or amended Certificate of Occupancy as there is no change in use, exits, or occupancy.

26 Owner's Information**Name:** CYNTHIA WU**Relationship to Owner:** MANAGER**Business Name:** ACACIA 118, LLC**Business Phone:** 212-219-3507**Business Address:** 57 PRINCE STREET 5-N NEW YORK NY 10012**Business Fax:****E-Mail:** WUCINDY23@GMAIL.COM**Owner Type:** CORPORATION**Non Profit:** ☐ Yes ☒ No**Yes No**

- ☐ ☒ **Owner's Certification Regarding Occupied Housing (Remain Occupied)**
- ☐ ☒ **Owner's Certification Regarding Occupied Housing (Rent Control / Stabilization)**
- ☐ ☐ **Owner DHCR Notification**
- ☐ ☒ **Owner's Certification for Adult Establishment**
- ☐ ☐ **Owner's Certification for Directive 14 (if applicable)**

Condo / Co-Op or Corporation Second Officer**Name:** ROBERT MARTY**Title:** MANAGER**Business Name:****Business Phone:** 212-598-0900**Business Address:** 37 EAST 18TH STREET NEW YORK NY 10003**Business Fax:****E-Mail:** BOBMARTY@GMAIL.COM**Metes and Bounds**

To view metes and bounds, see the Plot Diagram (form PD-1). A scanned image may be available [here](#).

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

Work on Floor(s): BAS

07/24/2003 103522626 01 A2 Q PERMIT-PARTIAL 03/05/2004 0011801 RA RobinsonNOT
APPLICABLE

RENOVATION OF FAST FOOD STORE, INSTALL EQUIPMENT, PLUMBING FIXTURES, RANGE

Work on Floor(s): BAS

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



ZD1 Zoning Diagram

Must be typewritten.
Sheet _____ of _____

ZD1

Sheet _____ of _____

1 Applicant Information Required for all applications.	
Last Name MAQAM	First Name NAVID
Business Name S9, AN AFFILIATE OF PERKINS EASTMAN ARCHITECTS Business Telephone 212 353 7200	
Business Address 115 6 AVENUE Business Fax	
City NY	State NY Zip 10003
E-Mail NMAQAM@PERKINSEASTMAN.COM	Mobile Telephone
License Number 022311	
2 Additional Zoning Characteristics Required as applicable.	
Dwelling Units 82	Parking area 1773 sq. ft.
Parking Spaces: Total 6	Enclosed 6
3 BSA and/or CPC Approval for Subject Application Required as applicable.	

Board of Standards & Appeals (BSA)

☐ Variance
☐ Special Permit
☐ General City Law Waiver
☐ Other

Cal. No. _____ Authorizing Zoning Section 72-21
Cal. No. _____ Authorizing Zoning Section
Cal. No. _____ General City Law Section
Cal. No. _____

City Planning Commission (CPC)

☐ Special Permit
☐ Authorization
☐ Certification
☐ Other

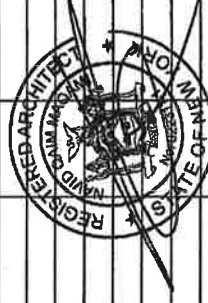
ULJRP No. _____ Authorizing Zoning Section
App. No. _____ Authorizing Zoning Section
App. No. _____ Authorizing Zoning Section
App. No. _____

4 Proposed Floor Area Required for all applications. One Use Group per line.	
--	--

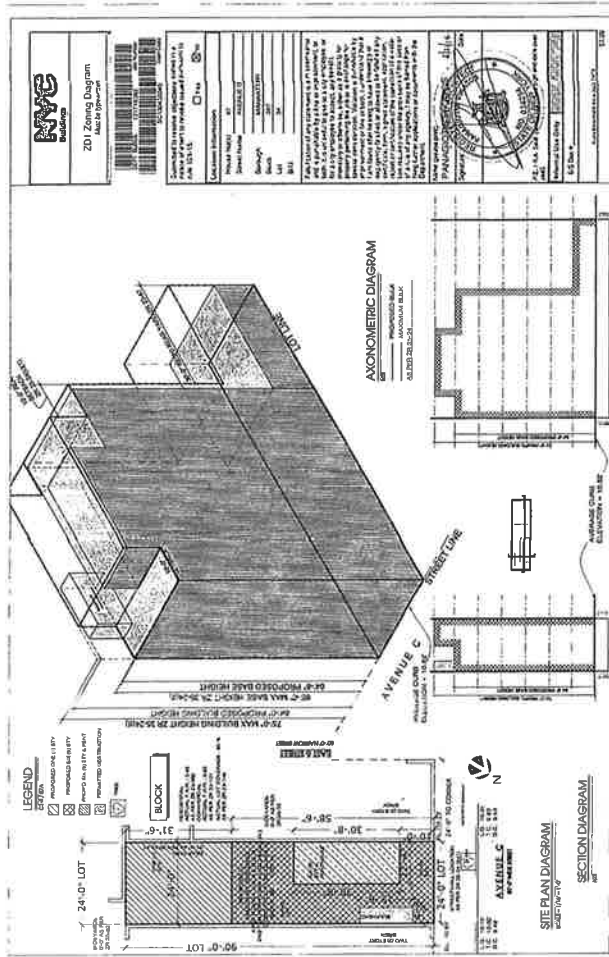
Floor Number	Building Code Gross Floor Area (sq. ft.)	Use Group	Zoning Floor Area (sq. ft.)			FAR
			Residential	Community Facility	Commercial	Manufacturing
RBB						
CELLAR	12595	2	4020			.32
1	9042	2	8630			.51
2	9043	2	8393			.85
3	9043	2	8393			.85
4	9043	2	8286			.64
5	9043	2	8287			.64
6	8893	2	6415			.49
ROOF	1844	2	0			0
RBB	MAX FAR	4.00				
TOTALS	66548		50433			3.88

4 Proposed Floor Area Required for all applications. One Use Group per line.	
--	--

Floor Number	Building Code Gross Floor Area (sq. ft.)	Use Group	Zoning Floor Area (sq. ft.)			FAR
			Residential	Community Facility	Commercial	Manufacturing
R7A/C3-5						
CELLAR	9876	2	395			.02
1	14837	2	4792	961	8376	.85
2	12184	2	10727			.84
3	12184	2	10727			.64
4	12184	2	10516			.83
5	12184	2	10493			.83
6	10126	2	8668			.53
8 MEZZANIN	488	2	482			.03
ROOF	1668	2	419			.03
R7A/C2-5	MAX FAR	4.0				
TOTALS	85698		57400	961	8376	4.0



Totals	152148					
Total Zoning Floor Area						117170




[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

NYC Department of Buildings Application Details

JUMP TO: Doc 1 ▾ Go

Premises: 67 AVENUE C MANHATTAN
BIN: 1004644 Block: 387 Lot: 34

Job No: 121716385

Document: 01 OF 4

Job Type: A1 - ALTERATION TYPE 1

Document Overview	Items Required	Virtual Job Folder	All Permits	Schedule A	Schedule B
Fees Paid	Forms Received		All Comments	C/O Summary	Plumbing Inspections
Crane Information	Plan Examination			C/O Preview	
After Hours Variance Permits					

[Inspection Ready](#)
[Zoning Documents](#)
[Challenge Period Status](#)
[Challenge Results](#)

Last Action: PERMIT ISSUED - ENTIRE JOB/WORK 08/01/2014 (R)

Application approved on: 04/22/2014

Pre-Filed: 07/17/2013 Building Type: Other

Estimated Total Cost: \$244,640.00

Date Filed: 07/17/2013

Electronically Filed: Yes

Fee Structure: STANDARD

Review is requested under Building Code: 1968

[Job Description](#) [Comments](#)

1 Location Information (Filed At)

House No(s): 67 Street Name: AVENUE C

Borough: Manhattan Block: 387

Lot: 34 BIN: 1004644 CB No: 103

Work on Floor(s): CEL,MES,OH 001 thru 006

Apt/Condo No(s): Zip Code: 10009

2 Applicant of Record Information

Name: PANAGIOTIS VIKATOS

Business Name: VIKATOS ARCHITECT PC

Business Phone: 718-606-8777

Business Address: 25-26 50TH STREET QUEENS NY 11377

Business Fax: 718-606-9222

E-Mail: VIKATOSARCHITECTDOB@GMAIL.COM

Mobile Telephone:

License Number: 034254

Applicant Type: ☐ P.E. ☒ R.A. ☐ Sign Hanger ☐ R.L.A. ☐ Other

Directive 14 Applicant

Not Applicable

Previous Applicant of Record

Name: PANAGIOTIS VIKATOS

Business Name: VIKATOS ARCHITECT PC

Business Phone: 718-606-8777

Business Address: 25-26 50TH STREET SUITE 206C QUEENS NY

Business Fax: 718-606-9222

11377

E-Mail: VIKATOSARCHITECTDOB@GMAIL.COM

Applicant Type: RA

Mobile

Telephone:

License Number: 034254

3 Filing Representative

Name: MARIA LEUDO

Business Name: NYC BUILDINGS & HOUSES SOLUTIONS

Business Phone: 718-810-1809

Business Address: 120.34 QUEENS BOULEVARD QUEENS NY
11415

Business Fax: 718-263-3880

E-Mail: MAFERLEUDO@YAHOO.COM

Mobile Telephone:

Registration Number: X06481

4 Filing Status[Click Here to View](#)**5 Job Types**☒ Alteration Type 1☐ Alteration Type 1, OT "No Work"☐ New Building☐ Alteration Type 2☐ Full Demolition☐ Alteration Type 3☐ Subdivision: Improved☐ Sign☐ Subdivision: CondoDirective 14 acceptance requested? ☐ Yes ☒ No**6 Work Types**☒ BL - Boiler☐ FA - Fire Alarm☐ FB - Fuel Burning☐ FS - Fuel Storage☐ FP - Fire Suppression☒ MH - Mechanical☒ PL - Plumbing☐ SD - Standpipe☐ SP - Sprinkler☒ EQ - Construction Equipment☐ CC - Curb Cut☒ OT - GEN. CONSTR.**7 Plans/Construction Documents Submitted**

Plans Page Count: 30

Foundation approved on: 04/22/2014

8 Additional Information

Enlargement proposed?

☐ No ☒ Yes☐ Horizontal ☒ Vertical

Additional Construction Floor area: 9,294 sq.ft.

9 Additional Considerations, Limitations or Restrictions

Yes No

☐ ☐ Alt. required to meet New Building req's (28-101.4.5)

Yes No

☐ ☐ Alteration is a 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☐ ☐ Facade Alteration☐ ☒ Adult Establishment☐ ☒ Compensated Development (Inclusionary Housing)☐ ☒ Low Income Housing (Inclusionary Housing)☐ ☒ Single Room Occupancy (SRO) Multiple Dwelling☐ ☒ Filing includes Lot Merger / Reapportionment☐ ☒ Infill Zoning☐ ☒ Loft Board☐ ☒ Quality Housing☐ ☒ Site Safety Job / Project☐ ☒ Included in LMCCC

Work Includes:

☐ ☐ Prefab wood I-joists☐ ☐ Structural cold-formed steel☐ ☐ Open-web steel joists

- ☐ ☒ **Landmark**
☐ ☒ **Environmental Restrictions (Little E or RD)**
☐ ☒ **Unmapped/CCO Street**
☐ ☒ **Legalization**
☐ ☒ **Other, Specify:**
☐ ☒ **Filed to Comply with Local Law**
☐ ☒ **Restrictive Declaration / Easement**
☒ ☐ **Zoning Exhibit Record (I,II,III,etc)**
☐ ☒ **Filed to Address Violation(s)**

- ☒ ☐ **Work includes lighting fixture and/or controls, installation or replacement. [ECC §404 and §505]**
☐ ☐ **Work includes modular construction under New York State jurisdiction**
☐ ☐ **Work includes modular construction under New York City jurisdiction**
☐ ☒ **Structural peer review required per BC §1627** Peer Reviewer License No.(P.E.):
☐ ☒ **Work includes permanent removal of standpipe, sprinkler or fire suppression related systems**
☒ ☐ **Work includes partial demolition as defined in AC §28-101.5, or the raising/moving of a building**
☒ ☐ **Structural Stability affected by proposed work**

BSA Calendar No.(s):

CPC Calendar No.(s):

10 NYCECC Compliance New York City Energy Conservation Code (Applicant Statement)

☒ **To the best of my knowledge, belief and professional judgment, this application is in compliance with the NYCECC.**

☐ **Energy analysis is on another job number:**

Yes No

☐ ☒ **This application is, or is part of, a project that utilizes trade-offs among different major systems**

☐ ☒ **This application utilizes trade-offs within a single major system**

11 Job Description

PROPOSED 4 STORIES AND PENTHOUSE VERTICAL EXTENSION OVER EXISTING 2-STORY WITH PENTHOUSE AND CELLAR, MASONRY BUILDING. PROPOSED COMMERCIAL AT FIRST FLOOR AND RESIDENTIAL FROM SECOND FLOOR THROUGH PENTHOUSE. INTERIOR PARTITION AND PLUMBING WORK ON EXISTING FLOORS, AS PER PLANS SUBMITTED.

Related BIS Job Numbers:

Primary application Job Number:

12 Zoning Characteristics

District(s): R7A - GENERAL RESIDENCE DISTRICT

Overlay(s): C2-5 - LOCAL SERVICE DISTRICT

Special District(s):

Map No.: 12c

Street legal width (ft.): 80

Street status: ☒ Public ☐ Private

Zoning lot includes the following tax lots: Not Provided

Proposed: Use	Zoning Area (sq.ft.)	District	FAR
COMMERCIAL	1,843	C2-5	2.00
RESIDENTIAL	7,451	R7A	3.45
Proposed Totals:	9,294	--	3.45
Existing Total:	1,845	--	--

Proposed Lot Details: Lot Type: ☐ Corner ☒ Interior ☐ Through
 Lot Coverage (%): 65 Lot Area (sq.ft.): 2,160 Lot Width (ft.): 24

Proposed Yard Details: ☐ No Yards Or
 Front Yard (ft.): 0 Rear Yard (ft.): 31 Rear Yard Equivalent (ft.): 0
 Side Yard 1 (ft.): 11 Side Yard 2 (ft.): 0

Proposed Other Details: Perimeter Wall Height (ft.): 75

9,294
 ÷
 2,160
 =
 4.3
 FAR

Enclosed Parking? ☐ Yes ☒ No No. of parking spaces:**13 Building Characteristics****2014/2008 Code Designations?**

Occupancy Classification: Existing: F-1B - ASSEMBLY (CHURCHES, CONCERT HALLS)

☐ Yes ☒ No

Proposed: R-2 - RESIDENTIAL: APARTMENT HOUSES

☒ Yes ☐ No

Construction Classification: Existing: 1: FIREPROOF STRUCTURES

☐ Yes ☒ No

Proposed: I-B: 3 HOUR PROTECTED

☐ Yes ☒ No

Multiple Dwelling Classification: Existing:

Proposed: HAEA

Building Height (ft.): Existing: 28

Proposed: 74

Building Stories: Existing: 2

Proposed: 6

Dwelling Units: Existing: 0

Proposed: 8

Building was originally erected pursuant to which Building Code: ☐ 2014 ☐ 2008 ☐ 1968 ☒ Prior to 1968Building will fully comply with which Code with this Certificate of Occupancy: ☐ 2014 ☐ 2008 ☒ 1968 ☐ Prior to 1968Mixed use building? ☒ Yes ☐ No**14 Fill**☒ Not Applicable ☐ Off-Site ☐ On-Site ☐ Under 300 cubic yards**15 Construction Equipment**☐ Chute☐ Sidewalk Shed

Construction Material: WOOD

☒ Fence

Size: linear ft.

BSA/MEA Approval No.:

☐ Supported Scaffold☐ Other**16 Curb Cut Description**

Not Applicable

17 Tax Lot Characteristics

Not Provided

18 Fire Protection Equipment

	Existing		Proposed			Existing		Proposed	
	Yes	No	Yes	No		Yes	No	Yes	No
Fire Alarm	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sprinkler	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire Suppression	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Standpipe	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

19 Open Spaces

Not Provided

20 Site Characteristics

Yes No

☐ ☒ Tidal Wetlands☐ ☐ Coastal Erosion Hazard Area☒ ☐ Fire District

Yes No

☐ ☒ Freshwater Wetlands☐ ☒ Urban Renewal☐ ☒ Flood Hazard Area**Flood Hazard Area Information:**

Yes No

☐ ☐ Substantial improvement?☐ ☐ Substantially damaged?☐ ☐ Floodshields part of proposed work?**21 Demolition Details**

Yes No

- ☒ ☐ Demolition work affects the exterior building envelope
☐ ☐ The scope of work involves raising/moving of a building

22 Asbestos Abatement Compliance

- ☒ The scope of work does not require related asbestos abatement as defined in the regulations of the NYC DEP.
DEP ACP-5 Control No.:

23 Signs

Not Applicable

24 Comments**25 Applicant's Statements and Signatures (See paper form or check Forms Received)**

Yes No

- ☐ ☐ For New Building and Alteration 1 applications filed under the 2008 or 2014 NYC Building Code only: does this building qualify for high-rise designation?
☐ ☐ Directive 14 applications only: I certify that the construction documents submitted and all construction documents related to this application do not require a new or amended Certificate of Occupancy as there is no change in use, exits, or occupancy.

26 Owner's Information

Name: NATAN VINBAYTEL

Relationship to Owner: SELF

Business Name: N/A

Business Phone: 917-842-0116

Business Address: 236 BEAUMONT STREET BROOKLYN NY 11235

Business Fax:

E-Mail: VINBAYTEL@YAHOO.COM

Owner Type: INDIVIDUAL

Non Profit: ☐ Yes ☒ No

Yes No

- ☐ ☒ Owner's Certification Regarding Occupied Housing (Remain Occupied)
☐ ☒ Owner's Certification Regarding Occupied Housing (Rent Control / Stabilization)
☐ ☐ Owner DHCR Notification
☐ ☒ Owner's Certification for Adult Establishment
☐ ☐ Owner's Certification for Directive 14 (if applicable)

Metes and Bounds

To view metes and bounds, see the Plot Diagram (form PD-1). A scanned image may be available [here](#).

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