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April 19, 2004

Howard Hornstein
Fischbein Badillo Wagner Harding
909 Third Avenue
17th Floor
New York, New York 10022

Re: 848 Washington Street, Manhattan

Dear Mr. Hornstein:

This is to advise that the Department has reviewed the zoning interpretation dated January 16, 2003 of Deputy Commissioner Ronny A. Livian, P.E. This interpretation allowed up to 49% of the units of the Use Group 5 transient hotel at the referenced premises to be available for long-term occupancy while still retaining its classification as a Use Group 5 transient hotel. After further review, we have concluded that this interpretation violates the zoning regulations by allowing Use Group 2 (*Residential*) in a manufacturing district contrary to ZR §§ 42-10 et seq.

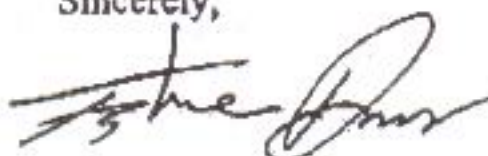
As you know, a "transient hotel" is defined by §12-10 of the Zoning Resolution, in part, as "a building or part of a building in which living or sleeping accommodations are used primarily for transient occupancy, and may be rented on a daily basis." The premises in the instant case is located in an M1-5 zoning district that prohibits residential uses. The interpretation at issue creates objectionable results by undermining the integrity of the text's prohibition on residential occupancies in the zoning district in which the building is located.

Therefore, in order to develop a transient hotel in a manufacturing district, units may not be made subject to lease, sale, or other arrangements under which they would not be available for transient occupancy. This interpretation is final and supersedes the prior one

Howard Hornstein
April 19, 2004
Page 2

by Deputy Commissioner Livian dated January 16, 2003. If you wish, you may appeal this determination to the Board of Standards and Appeals.

Sincerely,



Fatma Amer, P.E.
Acting Deputy Commissioner

c: Patricia J. Lancaster, FAIA, Commissioner
Phyllis Arnold, General Counsel
/ Felicia Miller
Laura Osorio, R.A., Manhattan Borough Commissioner
David Karnovsky
Gabriel Taussig
Romanoff Equities, Inc. (Owner)