

5 West 13<sup>th</sup> Street

December 2025

Meeting Notes /Recap

George Janes made a presentation of his findings about this proposed building. A challenge has been filed with the NYC DOB regarding this site.

1. There are three bases for the Challenge.
  - a. The form of the building does not follow the zoning changes mandated by the City of Yes Housing Opportunity, specifically the streetwall requirement of ZR 35-631.
  - b. The building plans show too much FAR.
  - c. There are basic calculation errors on the ZD1 form.
2. The challenge was brought by nearby neighbors
3. In June 2024, CB2 LUH discussed this site as an example of what might happen under COY. Janes said that a Height Factor building, like the one now being proposed, was legal under then current zoning but would not comply with the new ZR 35-631 COY requirement.
4. DCP, who was at that meeting, agreed with that interpretation.
5. Steps to respond to challenge
  - a. DOB needs at least 75 days to resolve any zoning challenges. Janes says that this challenge is not that complicated.
  - b. A DOB decision can be appealed to the BSA. [Anyone can file a zoning challenge, but BSA wants petitioners to have standing to hear an appeal of a DOB decision.]
6. The proposed building's characteristics
  - a. It is a height factor building
  - b. 36 condos
  - c. 500'+
  - d. Uber luxury building with no affordable housing.
  - e. [I don't know this. It might be true, but I don't know. If I talked about lack of experience, it's that this is new zoning and none of us are experienced with it. Breaks the grid and the spirit of the zoning.
  - f. There are two 24' mechanical floors.
  - g. The apartment floors are 12-16' each.
  - h. The height of the floors is contributing to the out of scale building.
7. Larger Oversight issues
  - a. In the course of reviewing the specific site, Janes noticed some very concerning issues.
  - b. NYC DCP is changing the text of the zoning resolution without any oversight. At least 200 such changes have been flagged.
    - i. Some changes are copy edit issues and do not pose a problem.
    - ii. Some of the changes are changes to the substance of the zoning and required DOB to issue a construction advisory to advise all applicants on the changes.
    - iii. At least one change was significant, which deleted the text that required R11 and R12 districts to be in MIH areas.
    - iv. DCP gives no reason for the changes they make.
8. Recommendations

- a. Set up a review system for all “Administrative Corrections” to zoning text immediately. Mandated Oversight.
- b. Maintain a tracked changes document so that anyone can see how the changes were made.
- c. The public must be able to access all communications regarding any changes.
- d. There must be complete transparency.
- e. Conduct a study of all recent changes zoning text to see if the changes that were made were in the spirit of Administrative Corrections.