

CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

P.O. Box 2622 New York, NY 10108

tel: 212-736-4536

www.mcb4.nyc

Lowell D. Kern
Chair

Jesse Bodine
District Manager

March 11, 2021

Melanie E. La Rocca
Commissioner
NYC Department of Buildings
280 Broadway, 3rd Floor
New York, NY 10007

**Re: 410 W49th Street Proposed Development
Compliance with Special Clinton District 96-103 Rear Yard Requirements
and Zoning Challenge**

Dear Commissioner La Rocca,

Galahad Realty has proposed to construct a two-family residential building on a vacant lot at 410 West 49th Street. The proposed building will be seven stories on an 18 ½-foot-wide lot, and the owner also has requested a Zoning Resolution Determination Form (ZRD1) seeking clarification of provisions under Sections 96-103 and 23-52 sub (c) regarding rear yard compliance. The Department of Buildings (DOB) issued an approval with conditions on November 12, 2019 by Borough Commissioner Scott Pavan. This matter has come to Manhattan Community Board 4 (MCB4), brought by neighbors of the proposed development.

MCB4 has done a preliminary review of this development for zoning compliance, and requests DOB conduct a detailed review of the ZRD1, to determine compliance with the Special Clinton District 96-103 rear yard requirements, and particularly, to ensure that the underlying intent of that section of the zoning resolution with regard to the impact on light and air in the surrounding tenements is fully considered. MCB4 requests that DOB issue a stop work order, until all zoning and compliance issues have been fully reviewed and resolved.

Background

Special Clinton District (SCD) Section 96-103 was adopted in 1974, and this Section was part of

this original district. Section 96-103 Yard regulations¹ is as follows:

The yard regulations of this Section apply to any development or enlargement.

For zoning lots, or portions thereof, located within 100 feet of the street line of a wide street, no rear yard shall be required.

For all zoning lots, or portions thereof, located more than 100 feet from the street line of a wide street, a rear yard having a minimum depth of 30 feet shall be required².

On a through lot, or portion thereof, more than 100 feet from the street line of a wide street, the rear yard equivalent provisions of Section 23-532, paragraph (a), shall apply.

Section 96-103 was put in place as a provision to protect light and air in a district comprised primarily of tenements. Tenements in MCD4 are predominately built on lots that are 25 by 100-feet, with a building depth of between 75 to 85 feet, resulting in non-compliant 15 to 25-foot rear yards. Section 96-103 ensures that proposed new developments will provide adequate rear yards in order to not further obstruct light and air to existing buildings.

In 1973, the underlying community and concern and planning rationale by the Department of City Planning was to make sure that with an existing building typology, in the Preservation Area of the SCD, composed of 80 to 85 foot deep buildings, any new construction would have a minimum of a 30-foot rear yard in the Preservation Area to preserve adequate light and air for the surrounding, existing structures. Section 96-103 was instituted to ensure that new developments would not overburden the already long compromised interior rear yards of buildings in the Special Clinton District.

The preservation area also requires the height limit of 66 feet and a maximum FAR of 4.2. The FAR was arrived at by analyzing the built environment and to determine if there was a 66-foot height limit and 30-foot rear yard requirement that would yield approximately a 4.2 FAR.

Height limit and rear yard requirements frequently make it difficult to achieve 4.2 FAR on irregular or shallow lots in the preservation area. The inability to capture the full FAR, seems to be the driving force to which this proposed development has proceeded.

Proposed Project

The proposed building, which complies with the 66-foot height limit, is on a vacant, shallow lot, creating difficulty to use the full 4.2 FAR potential **and** to comply with the required 30-foot rear yard for light and air under Section 96-103 (Appendix A). The owner's proposed solution was to pursue a tax lot split and merger to go around the shallow lot issue to meet the rear yard requirement (Appendix B). The owner pursued a Zoning Lot Development Agreement (ZLDA) and a lot split with 715 Ninth Avenue (Appendix C), the lot of that Ninth Avenue address that abuts 410 West 49th Street. 715 Ninth Avenue has an unusually deep lot of 150 feet.

¹ [NYC Zoning Resolution – Chapter 6 - Special Clinton District Yard 96-103 Yard Regulations](#)

² Emphasis added

Even with that lot combination, the proposed development does not meet the 30-foot with rear yard requirement and is relying on another provision of the underlying zoning resolution, Section 23-52 Special Provisions for Shallow Interior Lots, to benefit the proposed new development. By invoking that section, the owner requested a zoning determination from DOB and received a preliminary approval with conditions by the Manhattan Borough Commissioner on November 12, 2019 and subject to full review by DOB and submission (Appendix C). The owner received a Plan Exam Approval on December 31, 2020 (Appendix D).

Zoning Challenge

405 West 48th Street HDFC, an affordable housing coop behind 410 West 49th Street, requested MCB4's assistance on Feb 9, 2021 regarding the proposed building. The 405 West 48th Street HDFC retained an architect and expediter and submitted a zoning challenge on February 9th, 2021 (Appendix E). The ZRD1 approval with conditions, allows the sections listed below to be used, to meet the required rear yard requirement.

However, the zoning challenge details that the development in question does not meet some of the threshold criteria to invoke those sections. The challenge is detailed below.

*(1) Per ZR 23-32 a lot with a minimum dimension of 18' and a minimum lot area of 1,700 sq. ft. is required for the proposed building. **The proposed zoning lot does not appear to be in conformance.***

*(2) Per ZR 23-33 a lot smaller than that allowed in 23-32 is acceptable for a 2-family structure if the zoning lot existed separately and individually from all other tracts of land prior to December 15, 1961. **The proposed zoning lot does not appear to be in conformance as the zoning lot proposed did not exist prior to December 15, 1961.***³

*(3) Per ZR 23-52 (c) a shallower rear yard is permitted for lots less than 90' deep if a zoning lot was created after December 15, 1961 is permitted to have a shallower rear yard if the creation of the new zoning lot did not increase or decrease the zoning lot depth. **The proposed building and zoning lot does not appear to be in conformance as its creation from two lots did increase its depth, and therefore also not in conformance with DOB's zoning determination.***

As Zoning Resolution (ZR) Section 23-33 (b) states, the zoning lot was owned separately from all other adjoining tracts of land. Since the zoning lot was not formed in 1961, it could not have been owned separately from other lots.

However, even if one allows for the zoning lot formed now, the portion of the zoning lot formed by the inclusion of lot 1003 was part of the lot for 715 Ninth Avenue. Part of the zoning lot was not owned separately from all other adjoining tracts of land in 1961 or when the application for the DOB permit was submitted, but in fact was owned by the 715 Ninth Avenue lot owner. As

³ Lot created by condominium declaration on January 22, 2020, see Appendix C

stated, the lot must have been **“owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit** or, in R2X, R3A, R3X or R4A Districts, both on the effective date of establishing such district on the zoning maps and on the date of application for a building permit or, in lower density growth management areas, both on December 8, 2005, and on the date of application for a building permit. . .”

Based upon the above detailed information, the Board supports the zoning challenge.

The main community concern is to consider the underlying intent of Section 96-103 to preserve light and air in a neighborhood of tenements that are preserved from demolition and ensure there are adequate rear yards in new developments, in order to not further obstruct light and air to existing buildings. The community’s priority is to ensure that existing tenements to the south and west do not have access to light and air further compromised.

MCB4 at its March 3rd Full Board meeting by a vote of 41 in favor, 0 opposed, 0 abstaining, and 0 present not eligible, requests that the Department of Buildings (DOB) do a full review of this application and the ZRD1 and not allow construction to proceed, until all zoning and compliance issues have been fully reviewed and resolved.

Sincerely,



Lowell D. Kern
Chair
Manhattan Community Board 4



Jean-Daniel Noland
Chair
Clinton/Hell’s Kitchen Land Use Committee

Cc: Hon. Brad Hoylman, New York State Senator
Hon. Robert Jackson, New York State Senator
Hon. Linda Rosenthal, NYS Assemblymember
Hon. Richard Gottfried, NYS Assemblymember
Hon. Corey Johnson, NYC Council Speaker
Hon. Gale Brewer, Manhattan Borough President
Hon. Jumaane Williams, Public Advocate
Hon. Scott Stringer, NYC Comptroller
John Raine, Manhattan Borough Commissioner, NYC Department of Buildings
Scott Pavan, Development Hub Borough Commissioner, NYC Department of Buildings

Appendix

Appendix A. Zoning Diagrams

Appendix B. Existing Conditions and Proposed Development

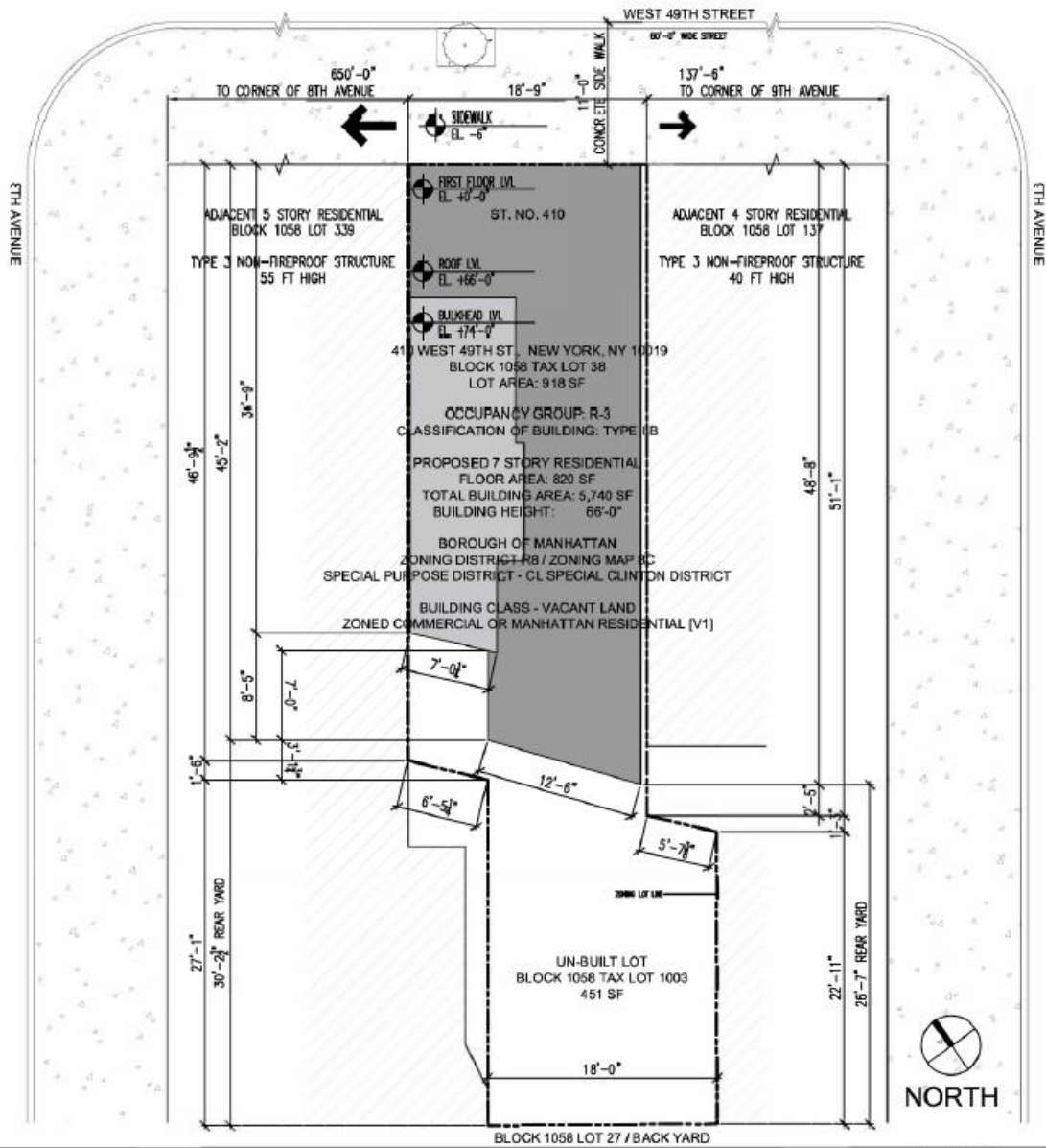
Appendix C. 715 Ninth Avenue Condo Amendment to Declaration 1/22/2020

Appendix D. Zoning Resolution Preliminary Approval by Manhattan Borough Commissioner on 11/12/2019

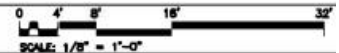
Appendix E. Plan Exam Approval on 12/31/2020





Appendix F. Zoning Challenge and Appeal Form 2/9/2021

Appendix A. Zoning Diagrams



PLOT PLAN / SITE PLAN DIAGRAM



LEGEND			
	PROPOSED BUILDING OUTLINE		EXISTING ADJACENT PROPERTIES
	EXISTING CONCRETE SIDEWALK		EXISTING STREET TREE



ZD1 Zoning Diagram

Must be typewritten.

Orient and affix 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

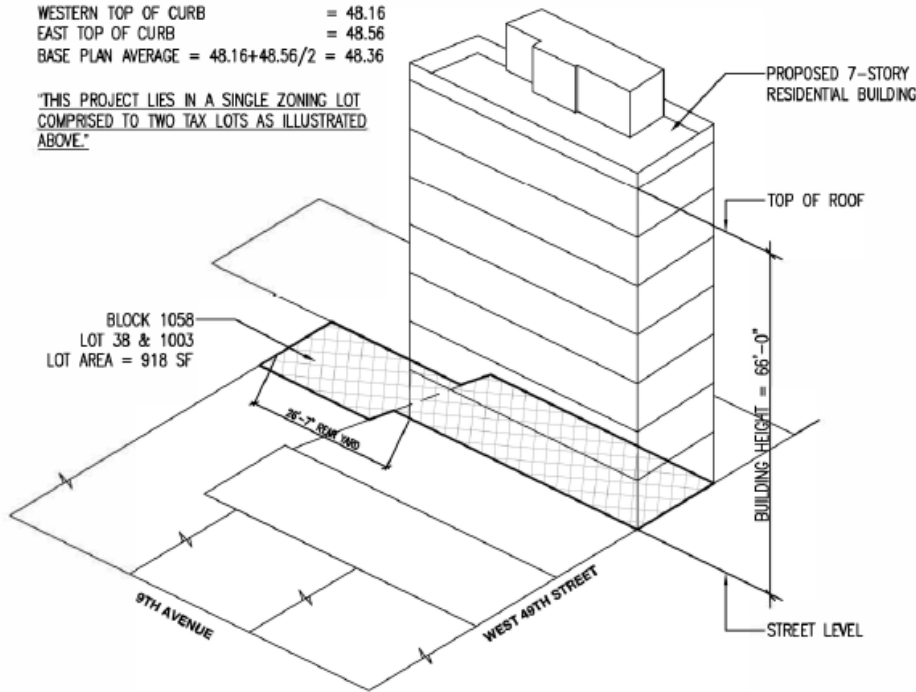
Location Information

House No(s) 410
 Street Name WEST 49TH
 Borough MANHATTAN
 Block 1058
 Lot 38
 BIN 1806525

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 of 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.

WESTERN TOP OF CURB = 48.16
 EAST TOP OF CURB = 48.56
 BASE PLAN AVERAGE = $\frac{48.16+48.56}{2} = 48.36$

"THIS PROJECT LIES IN A SINGLE ZONING LOT COMPRISED TO TWO TAX LOTS AS ILLUSTRATED ABOVE."



AXONOMETRIC DIAGRAM

Name (please print)

DAVID B. NICHOLSON

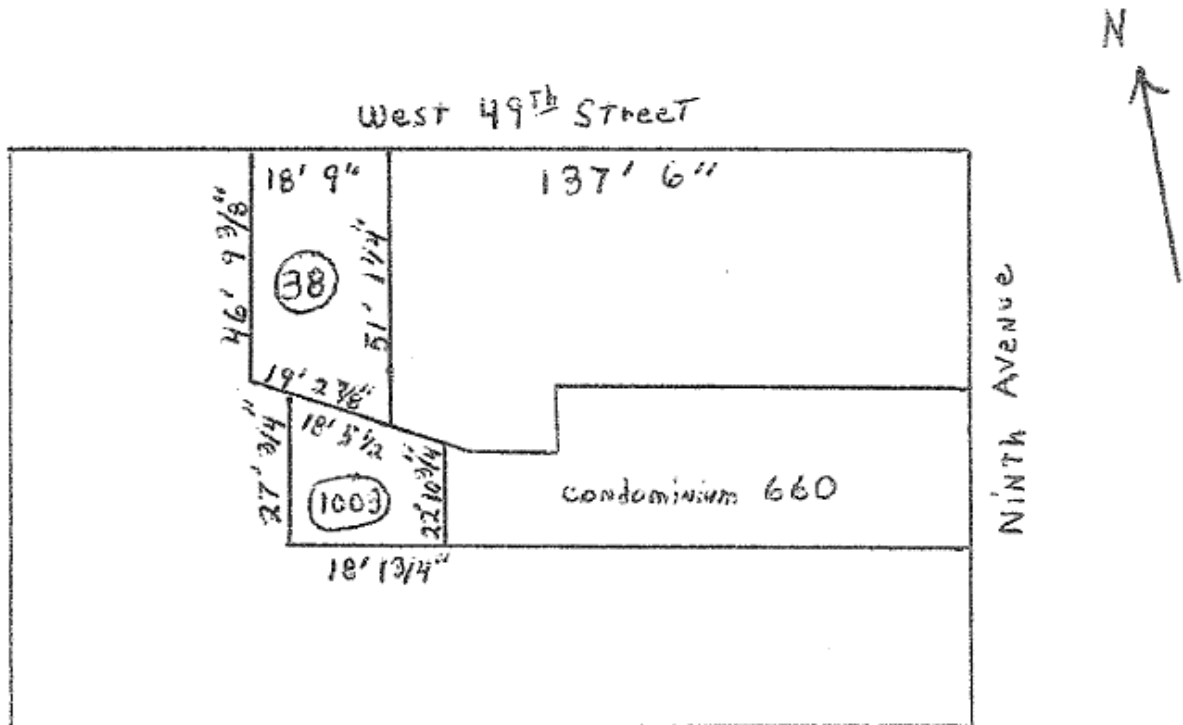
Signature



Date

That the said premises are known as and by the street address(es): 410 West 49th Street & 715 Ninth Avenue, Unit C1-A, New York, NY, as shown on the following diagram:

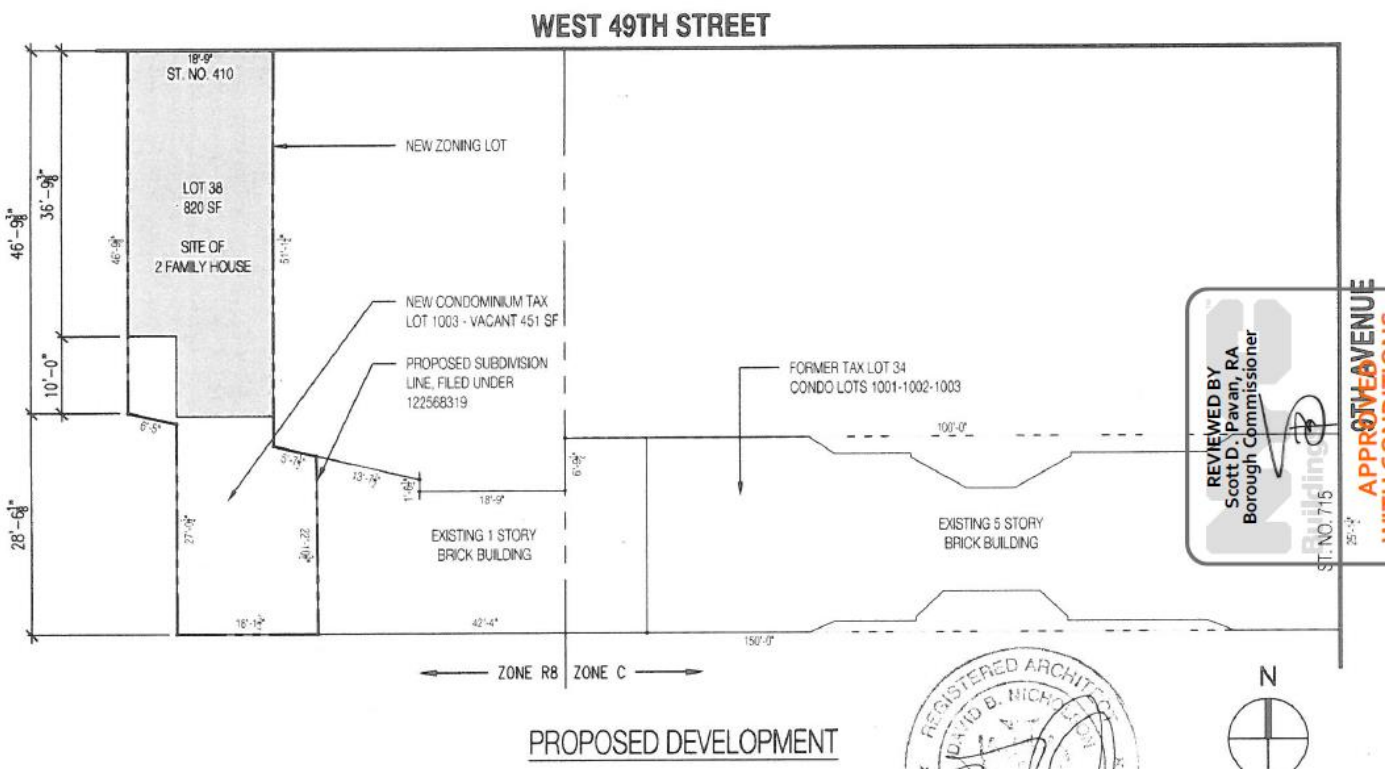
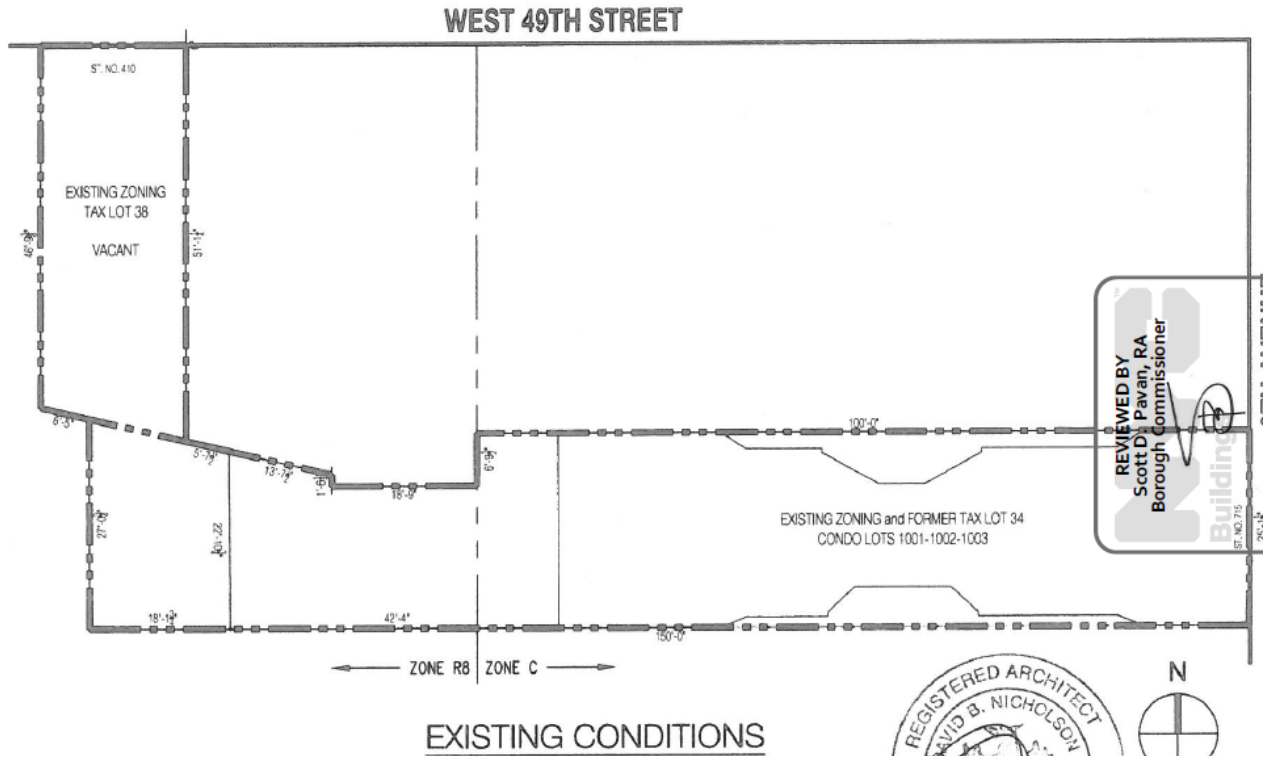
BLOCK 1058



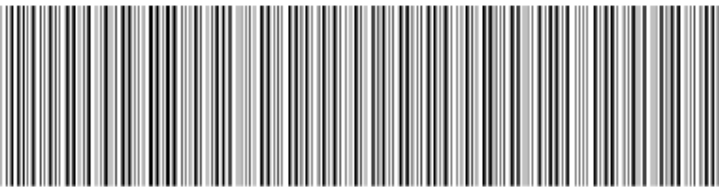


The above-described zoning lot is presently owned by:

<u>Block</u>	<u>Tax Lot(s)</u>	<u>Name</u>	<u>Address</u>
1058	38 & 1003	Galahad Realty Corp	327 East 48 th Street, Unit 28B New York, NY 10017

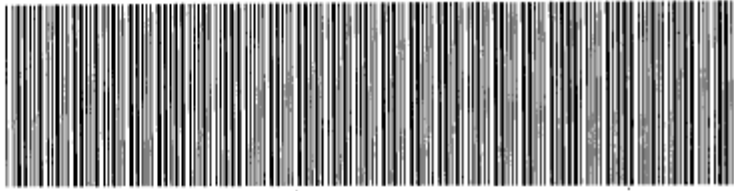
Appendix B. Existing Conditions and Proposed Development



Appendix C. 715 Ninth Avenue Condo Amendment to Declaration 1/22/2020

<p>NYC DEPARTMENT OF FINANCE OFFICE OF THE CITY REGISTER</p> <p>This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.</p>	 2020031300814001004E412F																														
RECORDING AND ENDORSEMENT COVER PAGE PAGE 1 OF 8																															
Document ID: 2020031300814001 Document Date: 01-22-2020 Preparation Date: 03-13-2020 Document Type: CONDO DECLARATION Document Page Count: 6																															
<p>PRESENTER: SBLM 545 WEST 45TH STREET 4TH FLOOR NEW YORK, NY 10036 212-995-5600 DNICHOLSON@SBLM.COM</p>	<p>RETURN TO: DAVID NICHOLSON 545 WEST 45TH STREET 4TH FLOOR NEW YORK, NY 10036 212-995-5600 DNICHOLSON@SBLM.COM</p>																														
<p>PROPERTY DATA</p> <table style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Borough</th> <th style="text-align: left;">Block</th> <th style="text-align: left;">Lot</th> <th style="text-align: left;">Unit</th> <th style="text-align: left;">Address</th> </tr> <tr> <td>MANHATTAN</td> <td>1058</td> <td>1001</td> <td>Entire Lot</td> <td>COMM 715 9TH AVENUE</td> </tr> <tr> <td colspan="5">Property Type: OTHER</td> </tr> <tr> <th style="text-align: left;">Borough</th> <th style="text-align: left;">Block</th> <th style="text-align: left;">Lot</th> <th style="text-align: left;">Unit</th> <th style="text-align: left;">Address</th> </tr> <tr> <td>MANHATTAN</td> <td>1058</td> <td>1002</td> <td>Entire Lot</td> <td>RES 715 9 AVENUE</td> </tr> <tr> <td colspan="5">Property Type: SINGLE RESIDENTIAL COOP UNIT</td> </tr> </table> <p><input checked="" type="checkbox"/> Additional Properties on Continuation Page</p>		Borough	Block	Lot	Unit	Address	MANHATTAN	1058	1001	Entire Lot	COMM 715 9TH AVENUE	Property Type: OTHER					Borough	Block	Lot	Unit	Address	MANHATTAN	1058	1002	Entire Lot	RES 715 9 AVENUE	Property Type: SINGLE RESIDENTIAL COOP UNIT				
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<p>CROSS REFERENCE DATA</p> CRFN _____ or DocumentID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____																															
<p>PARTIES</p> <p>PARTY 1: DAVID NICHOLSON 545 WEST 45TH STREET, 4TH FLOOR NEW YORK, NY 10036</p>																															
<p>FEEES AND TAXES</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Mortgage :</td> <td style="width:50%;">Filing Fee:</td> </tr> <tr> <td>Mortgage Amount: \$ 0.00</td> <td>\$ 0.00</td> </tr> <tr> <td>Taxable Mortgage Amount: \$ 0.00</td> <td>NYC Real Property Transfer Tax:</td> </tr> <tr> <td>Exemption:</td> <td>\$ 0.00</td> </tr> <tr> <td>TAXES: County (Basic): \$ 0.00</td> <td>NYS Real Estate Transfer Tax:</td> </tr> <tr> <td>City (Additional): \$ 0.00</td> <td>\$ 0.00</td> </tr> <tr> <td>Spec (Additional): \$ 0.00</td> <td></td> </tr> <tr> <td>TASF: \$ 0.00</td> <td></td> </tr> <tr> <td>MTA: \$ 0.00</td> <td></td> </tr> <tr> <td>NYCTA: \$ 0.00</td> <td></td> </tr> <tr> <td>Additional MRT: \$ 0.00</td> <td></td> </tr> <tr> <td>TOTAL: \$ 0.00</td> <td></td> </tr> <tr> <td>Recording Fee: \$ 73.00</td> <td></td> </tr> <tr> <td>Affidavit Fee: \$ 0.00</td> <td></td> </tr> </table>		Mortgage :	Filing Fee:	Mortgage Amount: \$ 0.00	\$ 0.00	Taxable Mortgage Amount: \$ 0.00	NYC Real Property Transfer Tax:	Exemption:	\$ 0.00	TAXES: County (Basic): \$ 0.00	NYS Real Estate Transfer Tax:	City (Additional): \$ 0.00	\$ 0.00	Spec (Additional): \$ 0.00		TASF: \$ 0.00		MTA: \$ 0.00		NYCTA: \$ 0.00		Additional MRT: \$ 0.00		TOTAL: \$ 0.00		Recording Fee: \$ 73.00		Affidavit Fee: \$ 0.00			
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<p>RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK</p> <p>Recorded/Filed 03-16-2020 10:50 City Register File No.(CRFN): 2020000096255</p> <div style="display: flex; align-items: center; justify-content: center;">  <div style="text-align: center;">  City Register Official Signature </div> </div>																															

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2020031300814001004C43AF

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION) PAGE 2 OF 8

Document ID: 2020031300814001
Document Type: CONDO DECLARATION

Document Date: 01-22-2020

Preparation Date: 03-13-2020

PROPERTY DATA

Borough	Block Lot	Unit	Address
MANHATTAN	1058 1003 Entire Lot	RES	715 9TH AVENUE

Property Type: OTHER

RECORD AND RETURN TO:

Gary A. Kreinik, Esq.
Kreinik & Associates, LLC
747 Third Avenue
New York New York, 10017

THE 715 NINTH AVENUE CONDOMINIUM
AMENDMENT TO DECLARATION

The Declaration of Condominium of The 715 9th Avenue Condominium (the "Condominium") is dated August 10, 1989 and recorded in the New York County Office of the Register of the City of New York (the "City Register's Office") on September 28, 1989 in Reel 1623, Page 0874 (the "Declaration"). The By-Laws of the Condominium (collectively "By-Laws" the By-laws and the Declaration being referred to collectively herein as the ("Condominium Documents")) are filed with, and as an exhibit to, the Declaration.

WHEREAS, Aetna Realty Financial Corp., a New York corporation ("Owner") is the owner of that certain real property interest designated and described as "Commercial Unit C1-Tax Lot 1001" (together with its appurtenant 30% undivided interest in the common elements, the "Commercial Unit") of the Condominium, located a the street address known as 715 Ninth Avenue, New York, New York. Borough of Manhattan, City, County and State of New York; and

WHEREAS, Pursuant to Section 18 of the Declaration and Article XIII, Section 1(B) of the by-laws made part of the Declaration, Owner desires to subdivide their Commercial Unit into Lot 1001 and new Lot 1003, and, as a result of this subdivision the Square Footage Exhibit of Schedule B of the Declaration, which depicts the square footage of each unit and common elements ("Square Foot Exhibit"), must be modified.

Specifically, Lot 1001 will be reduced from 4169.1SF to 3718.1SF and Lot 1003 created at 451.0SF. Lot 1003 shall have no common interest. Lot 1001 common interest shall remain unchanged. Lot 1003 will remain permanently vacant.

NOW THEREFORE, in accordance with Article XIII, Section 1B of the by-laws to the Declaration, the undersigned, being the owner of the Commercial Unit in the Condominium, hereby amends the Declaration as follows:

The Square Footage Exhibit to Schedule B of the Declaration is hereby deleted in its entirety and replaced with the document attached hereto as Exhibit A and made a part hereof ("Square Foot Exhibit-2").

[REMAINDER OF PAGE BLAK;
SIGNATURE PAGES TO FOLLOW]

EXECUTED UNDER SEAL as of this day of January²², 2020

**MORDRED REALTY CORPORATION,
AUTHORIZED BY CURRENT OWNER
PER SEPARATE AGREEMENTS
DATED APRIL 25th, 2016 AND FILED
AND RECORDED ON June 16th, 2016**

By: 
Name: Sadri Garakani
Title: President

STATE OF NEW YORK 1
 ss:
COUNTY OF NEW YORK 1

On this 22nd day of January, 2020, before me, the undersigned, personally appeared Sadri Garakani personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public 
My Commission Expires: May 6th 2023

Exhibit "A"

Schedule "A"

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, and lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at a point on the westerly side of 9th Avenue, distant 50 feet 2 inches and 1/2 of an inch southerly from the southwesterly corner of 9th Avenue and 49th Street, and running

THENCE westerly parallel with 49th Street, and part of the way through a party wall, 100 feet;

THENCE southerly parallel with 9th Avenue 6 feet 9-1/2 inches;

THENCE westerly again parallel with 49th Street, and through a party wall, 18 feet 9 inches

THENCE northerly again parallel with 9th Avenue 1 foot 6-1/4 inches more or less to late of Philip Webbers;

THENCE northwesterly along said land 32 feet and 3/4 of an inch to a line running parallel with 9th Avenue, and distant 150 feet westerly therefrom on a line at right angles thereto, which point of intersection is 48 feet and 3 inches South of the southerly side of 49th Street; running

THENCE southerly again parallel with 9th Avenue, 27 feet and 3/4 of an inch more or less;

THENCE easterly again parallel with 49th Street, and part of the way through a party wall 150 feet to the westerly side of 9th Avenue;

THENCE northerly along said westerly side of 9th Avenue, 25 feet 1-1/4 inches to the point or place of BEGINNING.

SAID premises also being known as 715 9th Avenue.

**EXHIBIT B
TO THE DECLARATION
DESCRIPTION OF THE UNITS**

THE 715 NINTH AVENUE CONDOMINIUM
715 NINTH AVENUE
NEW YORK, NEW YORK 10019

EXISTING

UNIT	BEDROOM AND BATHROOM COUNTS	APPROXIMATE TOTAL SQUARE FEET	BLOCK 0699 TAX LOT NO.	PERCENTAGE OF COMMON INTEREST	FLOOR NO.	LOCATION IN PORTION OF BUILDING FACING DIRECTION SET FORTH BELOW	COMMON ELEMENT TO WHICH UNIT HAS IMMEDIATE ACCESS
1001	Bedrooms 0 Full Bath 2	Unit 4,122	1001	100	CEL-001	EAST	LOBBY, STAIRS, HALL,

PROPOSED

UNIT	BEDROOM AND BATHROOM COUNTS	APPROXIMATE TOTAL SQUARE FEET	BLOCK 0699 TAX LOT NO.	PERCENTAGE OF COMMON INTEREST	FLOOR NO.	LOCATION IN PORTION OF BUILDING FACING DIRECTION SET FORTH BELOW	COMMON ELEMENT TO WHICH UNIT HAS IMMEDIATE ACCESS
1001	Bedrooms 0 Full Bath 2	Unit 3,920	1001	100	CEL-001	EAST	LOBBY, STAIRS, HALL,
1003	Bedrooms 0 Full Bath 0	Unit 451	1003	0	1	WEST	



My Filings

Tile List

To view a filing, click on it below.

Condo Worksheet for New Condo or Condo Amendment (/SmartFile/Filing/FilingInstance/Status/74dedb69-6535-45e1-a09d-09438e08cc00)	
Filing Id	68962
Created	03/03/2020 12:57 PM
Modified	03/10/2020 4:17 PM
Status	Accepted and Published to the Property Tax System
Primary Keys	Condo Name: THE 715 NINTH AVENUE CONDOMINI Condo No: 100660

**THE 715 NINTH AVENUE CONDOMINIUM
AMMENDMENT TO DECLARATION**

DATED: JANUARY 22, 2020

**ADDRESS: 715 NINTH AVENUE
COUNTY: NEW YORK
STATE: NEW YORK
BLOCK: 1058
LOT: F/K/A 1001, N/K/A 1001 AND 1003**

RECORD AND RETURN TO:

**GARY A. KREINIK, ESQ.
C/O KREINIK AND ASSOCIALES, LLC
747 THIRD AVENUE, 23RD FLOOR
NEW YORK NEWYORK, 10017**

Appendix D. Zoning Resolution Preliminary Approval by Manhattan Borough Commissioner on 11/12/2019



ZRD1: Zoning Resolution Determination Form

Orient and affix BIS job number label here

Must be typewritten.

Use this form only to request Zoning Resolution determination (use CCD1 for all other requests)

1 Location Information *Required for all requests on filed applications.*

House No(s) 410 Street Name WEST 49TH STREET
 Borough MANHATTAN Block 01058 Lot 00038 BIN 1806525 CB No. 104

2 Applicant Information *Required for all requests on filed applications.*

Last Name NICHOLSON First Name DAVID Middle Initial B
 Business Name SBLM Business Telephone (212) 995-5600
 Business Address 545 WEST 45TH STREET, 4TH FLOOR Business Fax _____
 City NEW YORK State NY Zip 10036 Mobile Telephone _____
 E-Mail DNICHOLSON@SBLM.COM License Number 015015
 License Type P.E. R.A. **DOB IPENS ID # (if available)** _____

3 Attendee Information *Required if different from Applicant in section 2 or no Applicant.*

Relationship to the property: Attorney Filing Representative (Class 2) Other
 Last Name BARAQUIEL First Name ARIEL Middle Initial _____
 Business Name SBLM Business Telephone (212) 995-5600
 Business Address 545 WEST 45TH STREET, 4TH FLOOR Business Fax _____
 City NEW YORK State NY Zip 10036 Mobile Telephone _____
 E-Mail EXPEDITING@SBLM.COM License/Registration # (if P.E./R.A./R.L.A./Attorney) _____

4 Nature of Request *Required for all requests. Only one request may be submitted per form.*

Determination request is for: Determination Predetermination
 Determination request issued to: Borough Commissioner's Office Technical Affairs
 Job associated with this request? Yes (provide job # / doc # / obj # / examiner name below) No
 Job #: _____ Document #: _____ Objection #: _____ Examiner: _____
 Has this request or a similar one been previously Denied? Yes (**attach all denied request form(s) and attachment(s)**) No
 Enter short description of Technical Topic (5 words or less): REAR YARD FOR PORTIONS OF SHALLOW LOTS
 Enter All Control #(s) for related CCD1/ZRD1 requests: _____
 Zoning District(s): R8 TPPN, Memo: _____
 Zoning Overlay(s): NONE MDL: _____
 Special District(s): CLINTON AREA 'A' BBs: _____
 ZR Section: 23-52 (C) Code Section: _____ Rule #: _____
 Indicate all Buildings Department officials that you have previously reviewed this issue with (if any): Borough Commissioner Code & Zoning Specialist General Counsel's Office
 Deputy Borough Commissioner Chief Plan Examiner Other

ADMINISTRATIVE USE ONLY

Control #: _____
 Appointment Scheduled With: _____
 Comments: _____
 Review Team Members: _____
 Reviewed By: _____ Date: _____

APPROVED BY
 Scott D. Pavan, RA
 Borough Commissioner

 APPROVED WITH CONDITIONS
 ZRD1 (6/2019) Page 1 of 14
 Date: 11/12/2019

5	Description of Request (additional space is available on page 3)
----------	---

Note: Buildings Department officials will only interpret or clarify the Zoning Resolution. Any request for variations of the Zoning Resolution must be filed with the Board of Standards and Appeals (BSA) or the Department of City Planning (DCP).

Please itemize all attachments, including plans/sketches, submitted with this form. (*attachment may not be larger than 11" x 17"*)
 If request is based on a plan examiner objection, type in the applicable objection text exactly as it appears on the Objection sheet and include a copy of the Objection sheet in the submitted Pdf.

Block 1058 Lot 38, known as 410 West 49th Street is a vacant lot on the south side of 49th Street 137.5 feet west of the westerly side of 9th Avenue. It has existed as a separate tax and zoning lot since before 1961.

Block 1058 Lot 1003 is a condominium lot of 715 9th Avenue (formerly Tax Lot 34) and consists of 451 sf of vacant land at the rear of the building.

The vacant land abuts the vacant Lot 38.

Both parcels are to be placed under the same ownership and formed into a single irregularly shaped zoning lot with a street frontage of 18.75 feet on 49th Street, a depth of 75' 3-3/4" and an area of 1369sf. The zoning lot falls within an R8 Zoning District as well as Area "A" of the Clinton Special District.

A New Building application will be filed for a new two-family dwelling (R3) on this new zoning lot. It will be as-of-right under the New York City Zoning Resolution and 2018 New York City Construction Code. Clarification of provisions of ZR-103 and ZR 23-52 (c) is requested.

As to rear yard, ZR 23-52 (c) would apply. The westerly property line of tax lot 38 is 46' 9-3/8" before an offset to the east. This portion of the zoning lot was in existence prior to December 15, 1961, and is therefore subject to the provisions of ZR 23-53 (b), and a rear yard of 10 feet is required at this portion of the zoning lot. Additionally, the entire zoning lot is 75' 3-3/4" in depth and a rear yard of 24' feet is required. The proposed development will comply in providing a yard of 28' 6-1/8". ZR 96-103 does not reference the applicability of ZR 23-52 in the Clinton Special District by omission.

Note: Buildings Department Determination will be issued on the ZRD1 Response Form

6	Statements and Signature Required for all requests (if Attorney, include "Esquire" or "Esq." in signature)
----------	---

I hereby state that all of the above information is correct and complete to the best of my knowledge. 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.

Name (please print) **DAVID NICHOLSON** Date **11/20/19**
 Signature _____



P.E. / R.A. Seal (apply seal, then sign and date over seal - not required for Attorneys on unfiled applications)

ADMINISTRATIVE USE ONLY	REVIEWED BY Control Scott D. Pavan, RA Borough Commissioner	
Reviewed By:	Date:	


APPROVED WITH CONDITIONS
 ZRD1 (62023) Page 2 of 14
 Date: 11/12/2019

7 Description of Request (use this section if additional space is required for description)

We are seeking confirmation that ZR 23-52 (c) applies to the offset westerly property line as illustrated on the submitted proposed development plan and that a 10' rear yard is the requirement at the offset. Also that the main rear yard of 28' 6-1/8" complies with ZR 23-52.

Note: Buildings Department Determination will be issued on the ZRD1 Response Form

8 Statements and Signature Required for all requests (If Attorney, include "Esquire" or "Esq." in signature)

I hereby state that all of the above information is correct and complete to the best of my knowledge. 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.

Name (please print)
DAVID NICHOLSON
Signature _____ Date **4/6/19**



P.E. / R.A. Seal (apply seal, then sign and date over seal - not required for Attorneys on unfiled applications)

ADMINISTRATIVE USE ONLY
Reviewed By: _____ Date _____
Reviewed BY: **Scott D. Pavan, RA**
Borough Commissioner

Building 
APPROVED WITH CONDITIONS
ZRD1 (62029) Page 3 of 14
Date: 11/12/2019

ZRD1/CCD1 Response Form

Location Information (To be completed by a Buildings Department official if applicable)

House No(s) 410 Street Name West 49 Street
 Borough Manhattan Block 1058 Lot 38 BIN 1806525 Job No. Predeterm

DETERMINATION (To be completed by a Buildings Department official)

Request has been: Approved Denied Approved with conditions
 Follow-up appointment required? Yes No

Primary Zoning Resolution or Code Section(s): ZR 23-53(C)
 Other secondary Zoning Resolution or Code Section(s):

Control Number:
 Comments:

The request to accept that the provisions of ZR 23-52(c) Special Provisions for Shallow Interior Lots are applicable to the proposed zoning lot located in the Special Clinton District (CL) is hereby approved with conditions.

The proposed is a new 7-story two-family dwelling in a newly created zoning lot pursuant ZR 12-10. Such zoning lot is a shallow interior lot located in an R8 District within the Special Clinton District (CL). No application has yet been filed for Department review.

The applicant's findings indicate that the proposed shall comply with ZR 96-103 Yard Regulations, and with the Additional Yard Regulations pursuant ZR 23-50 for the underlying R8 district regulations which include ZR 23-52(c).

ZR 96-103 prescribes yards regulations for the Special District in lieu of the base district regulations of ZR 23-40. However, it does not address the Additional Yard Regulations of ZR 23-50. As such, ZR 23-52(c) is still applicable.

The proposed is accepted provided:

1. An application shall be filed with the Department for full review.
2. The applicant shall provide proof for compliance with ZR 23-52(c) demonstrating that "the shallow lot condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition on the zoning lot, or portion thereof, has neither increased nor decreased in depth."
3. As no application has yet been filed, this determination is subject to further review upon complete examination.

Name of Authorized Reviewer (please print):

Title (please print):

Authorized Signature: Date:

Issuers: write signature, date, and time on each page of the request forms; and attach this form.

Note: Determination will expire if construction document approval is not obtained within 12 months of issuance.

REVIEWED BY
 Scott D. Pavan, RA
 Borough Commissioner

APPROVED WITH CONDITIONS

Date: 11/12/2019



Zoning Resolution

THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Marisa Lago, Chair

23-52 - Special Provisions for Shallow Interior Lots

File generated by <https://zr.planning.nyc.gov/> on 10/18/2019



23-52 - Special Provisions for Shallow Interior Lots

LAST AMENDED
3/22/2016

R3 R4 R5

- (a) In the districts indicated, if an *interior lot* :
- (1) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and
 - (2) is less than 70 feet deep at any point;

the depth of a required *rear yard* for such *interior lot* may be reduced by one foot for each foot by which the maximum depth of such *zoning lot* is less than 70 feet. On any *interior lot* with a maximum depth of 50 feet or less, the minimum depth of a required *rear yard* shall be 10 feet.

R6 R7 R8 R9 R10

- (b) In the districts indicated, if an *interior lot* :
- (1) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and
 - (2) is less than 90 feet deep at any point;

the depth of a required *rear yard*, or portion thereof, for such *interior lot*, may be reduced by six inches for each foot by which the depth of a *zoning lot*, or portion thereof, is less than 90 feet. However, in no event shall the minimum depth of a *required yard*, or portion thereof, be reduced to less than 10 feet.

- (c) Special provisions for *zoning lots* created after December 15, 1961

Notwithstanding the provisions of paragraph (b) of this Section, in R6 through R10 Districts, the special *rear yard* provisions of this Section may be applied to a *zoning lot* created after December 15, 1961, or portion thereof, provided that the shallow lot condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition on the *zoning lot*, or portion thereof, has neither increased nor decreased in depth.





Zoning Resolution

THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Marisa Lago, Chair

96-103 - Yard regulations

File generated by <https://zr.planning.nyc.gov> on 11/6/2019



96-103 - Yard regulations

LAST AMENDED

2/2/2011

The #yard# regulations of this Section apply to any #development# or #enlargement#.

For #zoning lots#, or portions thereof, located within 100 feet of the #street line# of a #wide street#, no #rear yard# shall be required.

For all #zoning lots#, or portions thereof, located more than 100 feet from the #street line# of a #wide street#, a #rear yard# having a minimum depth of 30 feet shall be required.

On a #through lot#, or portion thereof, more than 100 feet from the #street line# of a #wide street#, the #rear yard equivalent# provisions of Section 23-532, paragraph (a), shall apply.





Zoning Resolution

THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Marisa Lago, Chair

96-00 - GENERAL PURPOSES

File generated by <https://zr.planning.nyc.gov> on 11/6/2019



96-00 - GENERAL PURPOSES

LAST AMENDED
1/19/2005

The "Special Clinton District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. Because of the unique geographical location of the Clinton community, situated between the waterfront on the west and a growing central business district on the east, it is necessary to provide specific programs and regulations which will assure realization of community and city-wide goals.

These goals include, among others, the following:

- (a) to preserve and strengthen the residential character of the community;
- (b) to permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups currently residing in the area;
- (c) to preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;
- (d) to recognize the unique character of the eastern edge of the District as an integral part of the Theater Subdistrict within the Special Midtown District as well as the Special Clinton District;
- (e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;
- (f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent Special Hudson Yards District;
- (g) to provide amenities, such as street trees, to improve the physical environment;
- (h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and
- (i) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

96-01 - Definitions

LAST AMENDED
2/2/2011



For purposes of this definition, #dwelling unit#, #referral date# and #rooming unit# shall be defined as in Section 96-110.

Material alteration

"Material alteration" shall mean any alteration to a #multiple dwelling# including, but not limited to, an alteration which reduces or increases the #floor area# of the #multiple dwelling#, #converts floor area# from #residential# to non-#residential use#, changes the number or layout of #dwelling units# or #rooming units#, or adds or removes kitchens or bathrooms; provided, however, that #material alteration# shall not include:

- (a) an #incidental alteration# which does not change the layout of #dwelling units# or #rooming units#; or
- (b) a repair or replacement of existing elements of such #multiple dwelling# without materially modifying such elements.

For purposes of this definition, #dwelling unit# and #rooming unit# shall be defined as in Section 96-110.

Mixed building

For the purposes of this Chapter, a "mixed building" is a #building# in a #Commercial District# used partly for #residential use# and partly for #community facility# or #commercial use#, or a #building# in a #Residence District# used partly for #residential use# and partly for #community facility use#.

Multiple dwelling

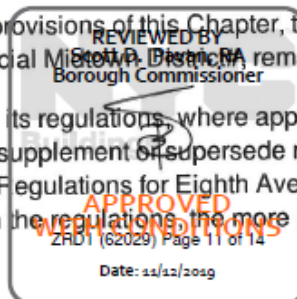
"Multiple dwelling" shall have the meaning set forth in the Multiple Dwelling Law.

96-02 - General Provisions

LAST AMENDED
10/10/2013

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts, or as modified by the #Special Midtown District#, remain in effect.

The #Special Midtown District# and its regulations, where applicable in the #Special Clinton District#, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area). In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in



accordance with Section 11-22 (Application of Overlapping Regulations). This portion of the Special Purpose District is designated on the #zoning map# by the letters "CL-MiD."

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

96-03 - District Map

LAST AMENDED
8/16/1990

The District Map for the #Special Clinton District# (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Clinton District#. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

Area A - PRESERVATION AREA, Section 96-10

Area B - PERIMETER AREA, Section 96-20

Area C - OTHER AREAS, Section 96-30



WEST 49TH STREET

ST. NO. 410

EXISTING ZONING
TAX LOT 38
VACANT

45'-0"

51'-10"

27'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

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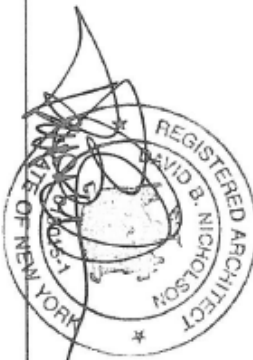
EXISTING ZONING AND FORMER TAX LOT 34
CONDO LOTS 1001-1002-1003

ST. NO. 715

25'-10"

ZONE R8 ZONE C

EXISTING CONDITIONS



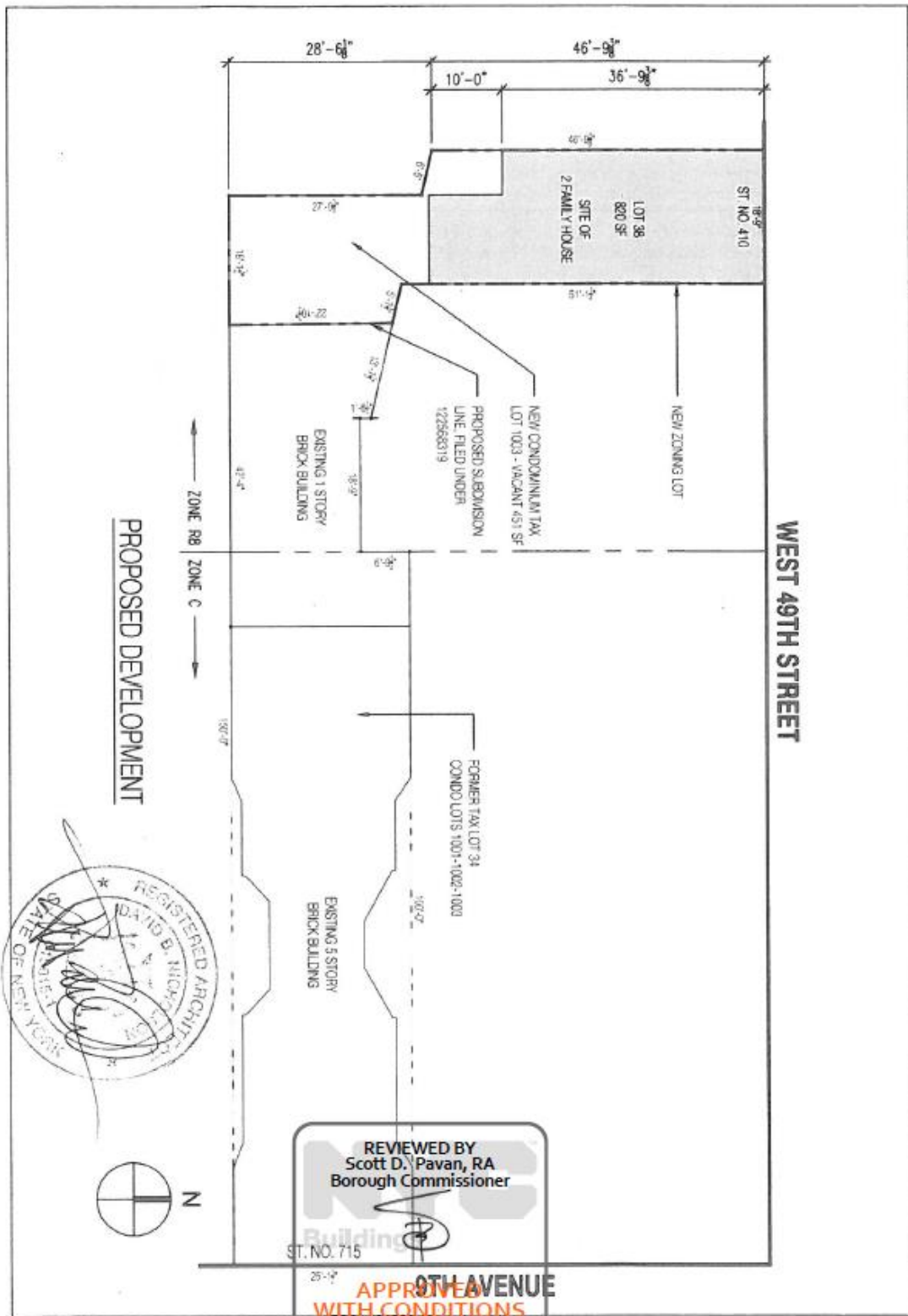
REVIEWED BY
Scott D. Pavan, RA
Borough Commissioner

Building Department

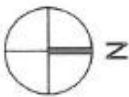
APPROVED
WITH CONDITIONS

ZRD1 (6/2029) Page 13 of 14

Date: 11/12/2019



PROPOSED DEVELOPMENT



REVIEWED BY
Scott D. Pavan, RA
Borough Commissioner

APPROVED WITH CONDITIONS

ZDOT (62029) Page 14 of 14

Date: 11/12/2019

Appendix E. Plan Exam Approval on 12/31/2020

Premises: 410 WEST 49 STREET MANHATTAN
 BIN: [1806525](#) Block: 1058 Lot: 38

Job No: 123919359

Document: 01 OF 1

Job Type: NB - NEW BUILDING

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					
Zoning Documents		Challenge Period Status			Challenge Results

Last Action: PLAN EXAM - APPROVED 12/31/2020 (P)
Application approved on: 12/31/2020

Pre-Filed: 05/20/2020 Building Type: 1, 2, or 3 Family Estimated Total Cost: \$0.00
 Date Filed: 05/20/2020 Electronically Filed: Yes
 Fee Structure: STANDARD
 Review is requested under Building Code: 2014

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

1 Location Information (Filed At)

House No(s): 410 Street Name: WEST 49TH STREET
 Borough: Manhattan Block: 1058 Lot: 38 BIN: [1806525](#) CB No: 104
 Work on Floor(s): CEL,ROF 001 thru 007 Apt/Condo No(s): Zip Code: 10019

2 Applicant of Record Information

Name: DAVID NICHOLSON
 Business Name: SBLM ARCHITECTS Business Phone: 212-995-5600
 Business Address: 545 WEST 45TH STREET NEW YORK NY 10036 Business Fax:
 E-Mail: DNICHOLSON@SBLM.COM Mobile Telephone:
 License Number: 015015

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: ARI/JEF/CHR/ROY BARA/ESPI/TOR/RIV Business Phone: 212-995-5600
 Business Name: SBLM ARCHITECTS

Business Address: 545 WEST 45TH STREET 4TH FLOOR NEW
YORK NY 10036

E-Mail: EXPEDITING@SBLM.COM

Business Fax:

Mobile Telephone:
Registration Number: 2642

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: 67

8 Additional Information

Enlargement proposed?

- No Yes Horizontal Vertical

Total Building Square Footage: 6,694 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)

CRFN No.: 2020000268785 2020000268786

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.

Code Compliance Path: NYCECC ASHARE

Energy Analysis: Tabular REScheck COMcheck Energy Modeling (EN1)

11 Job Description

FILINGHEREWITH FOR THIS 7-STORY TWO FAMILY DWELLING NEW BUILDING.
RELATED DOB JOB NUMBERS M000339717, M000339826, M000339829

RELATED DOB JOB NUMBERS M000339717, M000339826, M000339829, 123907013

Related BIS Job Numbers:

Primary application Job Number:

12 Zoning Characteristics

District(s): R8 - GENERAL RESIDENCE DISTRICT

Overlay(s):

Special District(s): CL - CLINTON

Map No.: 8c Street legal width (ft.): 50 Street status: Public Private

Zoning lot includes the following tax lots: Not Provided

Proposed: Use	Zoning Area (sq.ft.)	District	FAR
RESIDENTIAL	5,530	R8	4.04
Proposed Totals:	5,530	--	4.04
Existing Total:		--	--

Proposed Lot Details: Lot Type: Corner Interior Through
Lot Coverage (%): 58 Lot Area (sq.ft.): 1,369 Lot Width (ft.): 18

Proposed Yard Details: No Yards Or
Front Yard (ft.): 0 Rear Yard (ft.): 27 Rear Yard Equivalent (ft.): 0
Side Yard 1 (ft.): 0 Side Yard 2 (ft.): 0

Proposed Other Details: Perimeter Wall Height (ft.): 65
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 D

Occupancy Classification: R-2 - RESIDENTIAL: APARTMENT HOUSES 2014/2008 Code Designations? Yes No
Construction Classification: I-A: 3 HOUR PROTECTED - NON-COMBUST Yes No
Multiple Dwelling Classification: HAEA
Building Height (ft.): 65
Building Stories: 7

Dwelling Units: 2

Mixed use building? Yes No

14 Fill

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

15 Construction Equipment

Not Applicable

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 checked="" 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 type="checkbox"/>	<input checked="" 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

Comments for Document 01

FILING PRIOR TO APPROVAL AMENDMENT TO REVISE SECTION 7,10,11A AND SCH A

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: REZA GARAKANI

Relationship to Owner: PRESIDENT

Business Name: GALLAHAD REALTY CORP

Business Address: 415 EAST 54TH STREET 12F NEW YORK NY 10022

E-Mail: RGARAKANI@HOTMAIL.COM

Business Phone: 212-223-0505

Business Fax:

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)

Metes and Bounds

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

Appendix F. Zoning Challenge and Appeal Form 2/9/2021



Zoning Challenge
and Appeal Form
(for approved applications)

Must be typewritten

1	Property Information <i>Required for all challenges.</i>
BIS Job Number 123919359 BIS Document Number 01	
Borough Manhattan House No(s) 410 Street Name West 49th Street	

2	Challenger Information <i>Optional.</i>
<i>Note to all challengers: This form will be scanned and posted to the Department's website.</i>	
Last Name Scarpa First Name Robert Middle Initial	
Affiliated Organization ROBERT W SCARPA JR ARCHITECT	
E-Mail ScarpaArch@msn.com Contact Number 212 988 5209	

3	Description of Challenge <i>Required for all challenges.</i>
<i>Note: Use this form only for challenges related to the Zoning Resolution</i>	
Select one: <input checked="" type="checkbox"/> Initial challenge <input type="checkbox"/> Appeal to a previously denied challenge (denied challenge must be attached)	
Indicate total number of pages submitted with challenge, including attachments: <i>(attachment may not be larger than 11" x 17")</i>	
Indicate relevant Zoning Resolution section(s) below. <i>Improper citation of the Zoning Resolution may affect the processing and review of this challenge.</i>	
(1) ZR 23-33, (2) ZR 23-33, (3) ZR 23-52 (c)	

Describe the challenge in detail below: (continue on page 2 if additional space is required)

- (1) Per ZR 23-32 a lot with a minimum dimension of 18' and a minimum lot area of 1,700 sq. ft. is required for the proposed building. The proposed zoning lot does not appear to be in conformance.
- (2) Per ZR 23-33 a lot smaller than that allowed in 23-32 is acceptable for a 2-family structure if the zoning lot existed separately and individually from all other tracts of land prior to December 15, 1961. The proposed zoning lot does not appear to be in conformance as the zoning lot proposed did not exist prior to December 15, 1961
- (3) Per ZR 23-52 (c) a shallower rear yard is permitted for lots less than 90' deep if a zoning lot was created after December 15, 1961 is permitted to have a shallower rear yard if the creation of the new zoning lot did not increase or decrease the zoning lot depth. The proposed building and zoning lot does not appear to be in conformance as its creation from two lots did increase its depth, and therefore also not in conformance with DOB's zoning determination.

Note to challengers: An official decision to the challenge will be made available no earlier than 75 days after the Development Challenge process begins. For more information on the status of the Development Challenge process see the Challenge Period Status link on the Application Details page on the Department's website.

ADMINISTRATIVE USE ONLY			
Reviewer's Signature:	Date:	Time:	WO#: