



250 Broadway, 29th Floor  
 New York, NY 10007  
 212-386-0009 - Phone  
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 www.nyc.gov/bsa

**Board of Standards  
 and Appeals**

**ZONING (BZ) CALENDAR  
 Application Form**

BSA APPLICATION NO. 148-14 BZ-  
 CEQR NO. 14 BSA-186M

RECEIVED  
 BD STANDARDS AND APPEALS

2014 JUN 21 P 4: 02

**Section A**

Applicant/  
 Owner

Sheldon Lobel, P.C. NAME OF APPLICANT	CAL. NO.	11 Avenue A Realty LLC OWNER OF RECORD
18 Eat 41st Street, 5th Floor ADDRESS		17 Stanton Street #2 ADDRESS
New York NY 10017 CITY STATE ZIP		New York NY 10002 CITY STATE ZIP
(212) 725-2727 AREA CODE TELEPHONE		LESSEE / CONTRACT VENDEE
(212) 725-3910 AREA CODE FAX		ADDRESS
rlobel@sheldonlobelpc.com EMAIL		CITY STATE ZIP

**Section B**

Site  
 Data

11 Avenue A 10009  
 STREET ADDRESS (INCLUDE ANY A/K/A) ZIP CODE

Located on the west side of Avenue A between East 1st Street and East 2nd Street  
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

429 BLOCK	39 LOT(S)	Manhattan BOROUGH	3 COMMUNITY DISTRICT	N/A LANDMARK/HISTORIC DISTRICT
Rosie Mendez CITY COUNCIL MEMBER	R8A/C2-5 ZONING DISTRICT (include special district, if any)	12c ZONING MAP NUMBER		

**Section C**

Dept of Building  
 Decision

BSA AUTHORIZING SECTION(S) 72-21 for  VARIANCE  SPECIAL PERMIT (Including 11-41)  
 Section(s) of the Zoning Resolution to be varied 23-32  
 DOB Decision (Objection/ Denial) date: June 13, 2014 Acting on Application No: 121184182

**Section D**

Description

(LEGALIZATION  YES  NO  IN PART)

This application is filed pursuant to Section 72-21 of the Zoning Resolution of the City of New York, as amended, to waive the minimum lot size requirement under ZR Section 23-32 for multi-family residential use at the Premises on an undersized lot in the subject R8A/C2-5 zoning district.

**Section E**

BSA History  
 and  
 Related Actions

If "YES" to any of the below questions, please explain in the STATEMENT OF FACTS

	YES	NO
1. Has the premises been the subject of any previous BSA application(s)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PRIOR BSA APPLICATION NO(S): _____		
2. Are there any applications concerning the premises pending before any other government agency?...	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the property the subject of any court action?.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Section F**

Signature

I HEREBY AFFIRM THAT BASED ON INFORMATION AND BELIEF, THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN THE PAPERS ARE TRUE.

[Signature]  
 Signature of Applicant, Corporate Officer or Other Authorized Representative

Richard Lobel, Esq. Attorney  
 Print Name Title

SWORN TO ME THIS 24<sup>TH</sup> DAY OF JUNE 2014  
 FRANK ST. JACQUES  
 NOTARY PUBLIC STATE OF NEW YORK  
 NO 02ST6303742  
 QUALIFIED IN KING'S COUNTY  
 NOTARY PUBLIC COMMISSION EXPIRES 5/19/2018



**NYC Development Hub**  
 Department of Buildings  
 80 Centre Street  
 Third Floor  
 New York, New York 10013  
 nycdevelopmenthub@buildings.nyc.gov

## Notice of Comments

<b>Owner:</b> 11 AVENUE A REALTY LLC	<b>Date:</b> June 13, 2014
	<b>Job Application #:</b> 121184182
	<b>Application type:</b> Alt. Type #1
<b>Applicant:</b> ROBERT STRONG ARCHITECT	<b>Premises Address:</b> 11 Avenue A, Manhattan
	<b>Zoning District:</b> R8A/C2-5
<b>Block:</b> 429 <b>Lots:</b> 39 <b>Doc(s):</b> 01	
<b>Lead Plan Examiner at NYC Development Hub:</b> Marguerite J. Baril, RA	

Examiner's Signature: \_\_\_\_\_

No.	Section of ZR and/or MDL	Comments	Date Resolved
1.	ZR 23-32	Zoning lot does not meet the minimum lot area requirement of 1,700 sf for multi-family use in an R8A/C2-5 District, contrary to ZR 23-32.	



**AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION**

**Affidavit of Ownership**

Ariel Soudry, being duly sworn, deposes and says that (s)he resides at 17 Stanton St. #2, in the City of Manhattan, in the County of NYC, in the State of New York; that 11 Avenue A Realty LLC is the owner in fee of all that certain lot, piece or parcel of land located in the Borough of Manhattan, in the City of New York and known and designated as Block 429, Lot(s) 39, Street and House Number 11 Avenue A; and that the statement of facts in the annexed application are true.

Check one of the following conditions:

- Sole property owner of zoning lot  
 Cooperative Building  
 Condominium Building  
 Zoning lot contains more than one tax lot and property owner

**Owner's Authorization**

The owner identified above hereby authorizes Sheldon Lobel, P.C.

to make the annexed application in her/his behalf.

Signature of Owner

*Ariel Soudry*

Print Name

Ariel Soudry

Print Title

Member

Sworn to before me this 17<sup>th</sup> day

of June 2014

*Cristian Morarescu*

CRISTIAN MORARESCU  
Notary Public - State of New York  
NO. 01MO6207332  
Qualified in Queens County  
My Commission Expires Jun 8, 2017



**Sheldon Lobel** P.C.

ATTORNEYS AT LAW

18 East 41st Street

5th Floor

New York, NY 10017

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June 24, 2014

## STATEMENT OF FACTS AND FINDINGS

Premises: Block 429, Lot 39  
11 Avenue A  
New York, New York

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### PRELIMINARY STATEMENT

This application is filed pursuant to Section 72-21 of the Zoning Resolution of the City of New York, as amended (the “Zoning Resolution” or “ZR”), to permit multi-family residential use at the Premises within an R8A/C2-5 zoning district contrary to the lot area requirement under ZR Section 23-32. No other variances are sought for the Premises.

### EXISTING SITE CONDITIONS

The Premises is a 1,500 square foot lot in the Lower East Side neighborhood of Manhattan on the west side of Avenue A, approximately 68 feet north of the intersection formed by Avenue A and East 1<sup>st</sup> Street. The Premises has approximately 19 feet of frontage on Avenue A and a depth of 80 feet. The Premises is currently improved with a three-story plus cellar commercial building with a total floor area of 3,784 square feet (the “Building”). The Building has an existing FAR of 2.52, whereas the maximum allowable FAR is 6.02 and the maximum

allowable floor area is 9,030 square feet within the subject R8A/C2-5 zoning district. The Building has an existing non-complying rear yard of 18'-8" above the first story, whereas a minimum rear yard of 20'-0" for commercial buildings is required. The Building also has an existing non-complying lot coverage of 99%, whereas 70% is the maximum lot coverage permitted.

The Building has been used for commercial use; however, no certificate of occupancy is on record for the Building.

### **PROPOSED PROJECT**

The applicant proposes to enlarge the existing three-story building with a fourth floor and a mezzanine level above the fourth floor. The ground floor and cellar would be used for commercial use, the second and third floors would each consist of two one-bedroom dwelling units and the fourth floor would consist of a one-bedroom dwelling unit and a two-bedroom dwelling unit, for a total of six dwelling units in the building. However, as the Premises is an undersized lot with a lot area of 1,500 square feet, multi-family residential use is not permitted in an R8A zoning district pursuant to ZR § 23-32.

The total proposed floor area is 4,958 square feet (3.31 FAR), with 1,484 square feet of commercial floor area and 3,474 square feet of residential floor area. The proposed height of 52 feet, 7 inches is well within the permissible height of 80 feet in the R8A District. The proposed enlargement does not conflict with any use or bulk regulations other than the requested waiver of minimum lot area under ZR § 23-32.

## **AS-OF-RIGHT COMPARED WITH PROPOSED DEVELOPMENT**

The as-of-right development at the Premises has the same building envelope as the proposed plans; it is a four-story plus cellar and mezzanine building. It is mixed-use with ground floor commercial and apartments on floors two through four.

The as-of-right scenario differs from the proposed project only insofar as it is constrained by the number of dwelling units permitted for undersized lots pursuant to ZR § 23-33. The building has a total of two dwelling units, each with three bedrooms. The first dwelling unit is on floors two and three (1,726 square feet) and the second is on the fourth floor and mezzanine level (940 square feet).

## **DESCRIPTION OF WAIVERS**

Pursuant to ZR § 23-32, multi-family residential use is not permitted in an R8A zoning district unless the parcel has a minimum lot area of 1,700 square feet. The Premises is an undersized lot with a lot area of 1,500 square feet. This application seeks a variance to waive ZR § 23-32 to permit multi-family residential use at the Premises.

## **DEPARTMENT OF BUILDINGS OBJECTION**

Plans were filed at the Department of Buildings for the proposed enlargement. On June 13, 2014, the DOB issued the following objection for the Premises:

“Zoning lot does not meet the minimum lot area required of 1,700 sf for multi-family use in an R8A/C2-5 District, contrary to ZR 23-32.”

## SECTION 72-21 OF THE ZONING RESOLUTION

Pursuant to Section 72-21 of the Zoning Resolution, the Board of Standards and Appeals has the authority to vary the strict application of the zoning regulations, provided that the five findings enumerated in the section are satisfied. We submit that each of the findings can be made in the subject application, as follows:

### (A) UNIQUE CONDITIONS

The small size of the lot is unique to the neighborhood. As a result, unnecessary hardship and practical difficulties are created in strictly complying with the provisions of the Zoning Resolution. As stated in ZR Section 72-21(a), the Board must find:

**that there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the zoning lot is located;**

### Lot Area and Lot Width

The Premises has a lot area of 1,500 square feet and only 18.75 feet of street frontage, severely constraining the marketability of commercial uses within the building. These combined physical characteristics create a practical difficulty in obtaining commercial tenants and making a reasonable return while strictly complying with the provisions of the Zoning Resolution. Two area studies were conducted to demonstrate the lot's physical uniqueness as a small lot.

The first study demonstrates that only a handful of properties in a surrounding 400-foot radius are as small as the Premises, with the Premises being one of the six smallest lots of 53 lots. Moreover, publicly available data indicates that two of the five other lots, specifically Block 429, Lots 33 and 34, are built full or close to the allowable floor area; in contrast, the Premises is underbuilt with an FAR of 2.52 in a district permitting 6.02 FAR. One of the remaining three lots, Block 412, Lot 62, has 50 feet of frontage, creating a desirable condition for the permitted commercial use. Only two of the other four lots have street frontage of less than 19 feet. Therefore, while the Premises is in the bottom 11% of sites in a 400-foot radius when taking solely lot area into account, the combined effect of narrow frontage makes the Premises unique to 6% of the surrounding 53 lots in a 400-foot radius. Furthermore, of these three lots, the Premises is currently the only lot without residential use. *See* Area Study of 400-Foot Radius, attached as Exhibit A.

#### Expanded Study Area

The second area study encompasses a much broader area, which is bounded by Second Avenue on the west, Avenue B to the east, East 4<sup>th</sup> Street to the north, and East Houston Street to the south. Of the 243 properties surveyed in this area, 28 properties have a lot area of 1,500 square feet or less, indicating that the Premises falls in the eleventh percentile for lot area in this enlarged study area. One lot is used as a church (Block 445, Lot 2), distinguishing itself from the Premises because it is not subject to property taxes, thereby being relieved of some of the financial burden associated with an undersized lot. Of the remaining 27 lots, 19 have more than two dwelling units per lot, which distinguishes the Premises as one of only eight lots (less than 4% of the lots surveyed) with a comparable lot area that are similarly impacted by ZR § 23-32

and may not contain more than two dwelling units. *See* Area Study above East Houston, attached as Exhibit B.

#### BSA Precedent

The Board has permitted multi-family residential use on undersized and narrow lots contrary to ZR § 23-32 based upon uniqueness factors and findings similar to those in the instant application. *See* BSA Calendar No. 150-04-BZ, dated March 29, 2005 (granting a waiver of ZR § 23-32 and lot coverage to permit a building with multi-family residential use based upon uniqueness factors of small lot area and shallow lot depth); BSA Calendar No. 374-04-BZ, dated October 18, 2005, and amended on March 19, 2013 (allowing multi-family residential use on a narrow site that necessitated six additional waivers based upon the aggregate impact of site width and partial shallow lot depth); BSA Resolution No. 53-09-BZ, dated January 12, 2010 (granting multi-family residential use on an undersized lot based on uniqueness finding that the lot was the smallest and most narrow corner lot in a 200-foot radius). *See* BSA Resolutions, attached as Exhibit C.

**(B) REASONABLE RETURN:**

Section 72-21(b) of the Zoning Resolution states that the Board must find:

**that because of such physical conditions there is no reasonable possibility that the development of the zoning lot in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such zoning lot; this finding shall not be required for the granting of a variance to a non-profit organization;**

As a result of the unique factors discussed above, unnecessary hardship arises in complying strictly with the use provisions of the Zoning Resolution, and the grant of a variance is therefore necessary to enable the owner to realize a reasonable return at the Premises.

Submitted with this application is an economic analysis prepared by Robert B. Pauls, LLC. The analysis examines two scenarios: (1) the as-of-right scenario with ground floor retail and two three-bedroom dwelling units on the upper floors, and (2) the proposed scenario with ground floor retail and six residential units on the upper floors. Under the as-of-right scenario, the project would provide a capitalized project value of -24.1%. The as-of-right scenario does not provide sufficient project value and would not be financially viable. Under the proposed scenario, the project would provide a more reasonable, albeit negative, return on investment, of -0.6%. The feasibility study thus supports the finding required pursuant to Section 72-21(b), as the grant of a variance is necessary here to enable the owner to realize a reasonable return from the existing building on the subject zoning lot. Without the ability to introduce multi-family

residential use at the Premises, the owner will not be able to make a reasonable return with only limited residential use.

**(C) CHARACTER OF THE NEIGHBORHOOD:**

As stated in ZR Section 72-21(c), the Board must find:

**that the variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare;**

The land use in the area surrounding the Premises is comprised of multi-family residences and mixed-use buildings with commercial on the ground floor and residential use on the upper levels. ABC Playground, a designated New York City park, is located at the southeast intersection of Essex Street and East Houston Street.

The enclosed area study demonstrates that the predominant land uses in the area immediately surrounding the Premises are residential and mixed-use commercial and residential buildings. The subject lot's frontage along Avenue A faces mixed commercial and residential buildings. The proposed residential use on the second, third and fourth floors along with the existing commercial use on the ground floor, are particularly appropriate because the Premises is located within an R8A/C2-5 residential and commercial zoning district. The proposed variance will therefore not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent properties, and will not be detrimental to the public welfare.

**(D) SELF-CREATED HARDSHIP:**

The Board is further required to find:

**that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship;**

The unnecessary hardship encountered by a strict application of the zoning regulations to the site was not caused by the owner of the site nor a predecessor in interest, but is inherent in the Premises' unique lot size and existing building conditions. The owner did not cause these conditions and without the grant of the requested variance the owner would be, in effect, penalized for a situation due to circumstances beyond his control. Absent relief from this Board, nothing else can reasonably be done to alleviate the hardship.

**(E) MINIMAL VARIANCE:**

The Board must finally find:

**that within the intent and purposes of this Resolution the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for.**

Within the intent of the Zoning Resolution, the instant request is minimal but will afford the owner the necessary relief. As is demonstrated in the economic analysis, the increased number of residential units yields a slightly negative return. The requested variance seeks only to increase the density of the residential use permitted at the Premises due to its status as an

undersized lot pursuant to ZR § 23-32. The variance would permit the number of dwelling units to increase from two to six units, which is far fewer than the twelve units that are permitted at the Premises pursuant to the residential density regulations under ZR § 23-22.

### CONCLUSION

The proposed variance will enable the owner to make productive use of the Premises. We are confident that the five findings of Section 72-21 of the Zoning Resolution have been satisfied in the instant matter and, therefore, respectfully submit that the granting of the requested variance in this matter is both appropriate and fully supported by the facts.

Respectfully submitted,



Richard Lobel

**STATEMENT OF FACTS AND FINDINGS EXHIBIT INDEX**

Premises:                   Block 429, Lot 39  
                                  11 Avenue A  
                                  Manhattan, New York

**EXHIBIT A.....AREA STUDY OF 400-FOOT RADIUS**

**EXHIBIT B.....AREA STUDY ABOVE EAST HOUSTON**

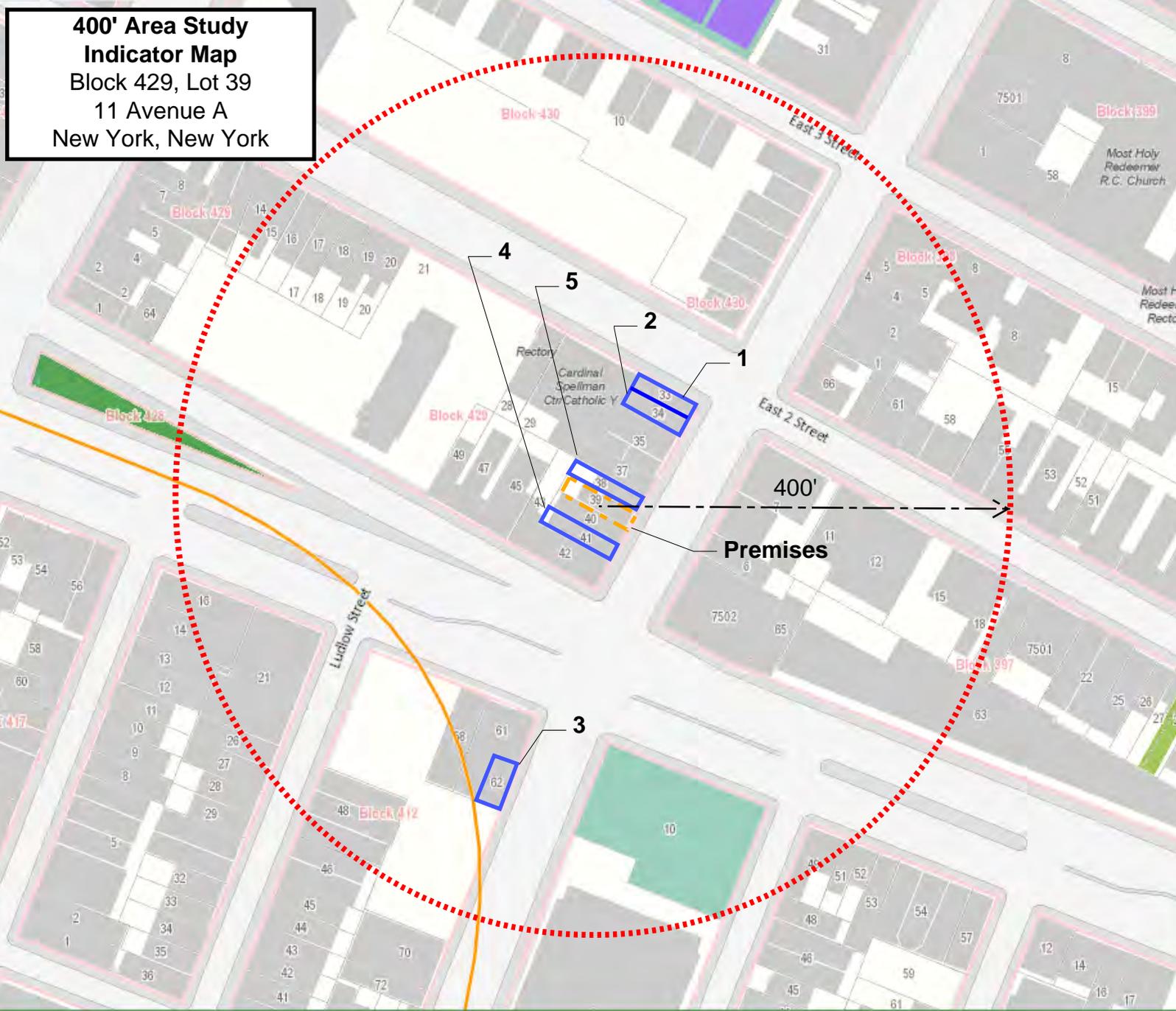
**EXHIBIT C.....BSA RESOLUTIONS**

**EXHIBIT A**

**400' Area Study**  
**Lots with a Lot Area of 1,500 Square Feet or Less**

No.	Block	Lot	Lot Area	Lot Width	Lot Depth	Land Use	Zoning	Lot Type	Allowable FAR	FAR
1	429	33	981	15.33'	64'	Mixed Res/Comm.	R7A/C2-5	Corner	4	4
2	429	34	1230	19.25'	64'	Mixed Res/Comm.	R7A/C2-5	Interior	4	3.57
3	412	62	1250	50'	25'	Mixed Res/Comm.	C6-2A	Interior	6.02	3.9
4	429	41	1258	17.25'	72.58'	Mixed Res/Comm.	R8A/C2-5	Interior	6	2.99
5	429	38	1488	18.5'	80'	Mixed Res/Comm.	R8A/C2-5	Interior	6	2.63
Premises	429	39	1500	18.75'	80'	Commercial/Office	R8A/C2-5	Interior	6	2.61

**400' Area Study  
Indicator Map**  
Block 429, Lot 39  
11 Avenue A  
New York, New York



Block 430

Block 399

Block 429

Block 430

Block 398

Block 428

Block 429

400'

Premises

Block 397

Block 412

4

5

2

1

3

Rectory  
Cardinal Spellman  
Ctr Catholic Y

Ludlow Street

East 3 Street

East 2 Street

**EXHIBIT B**

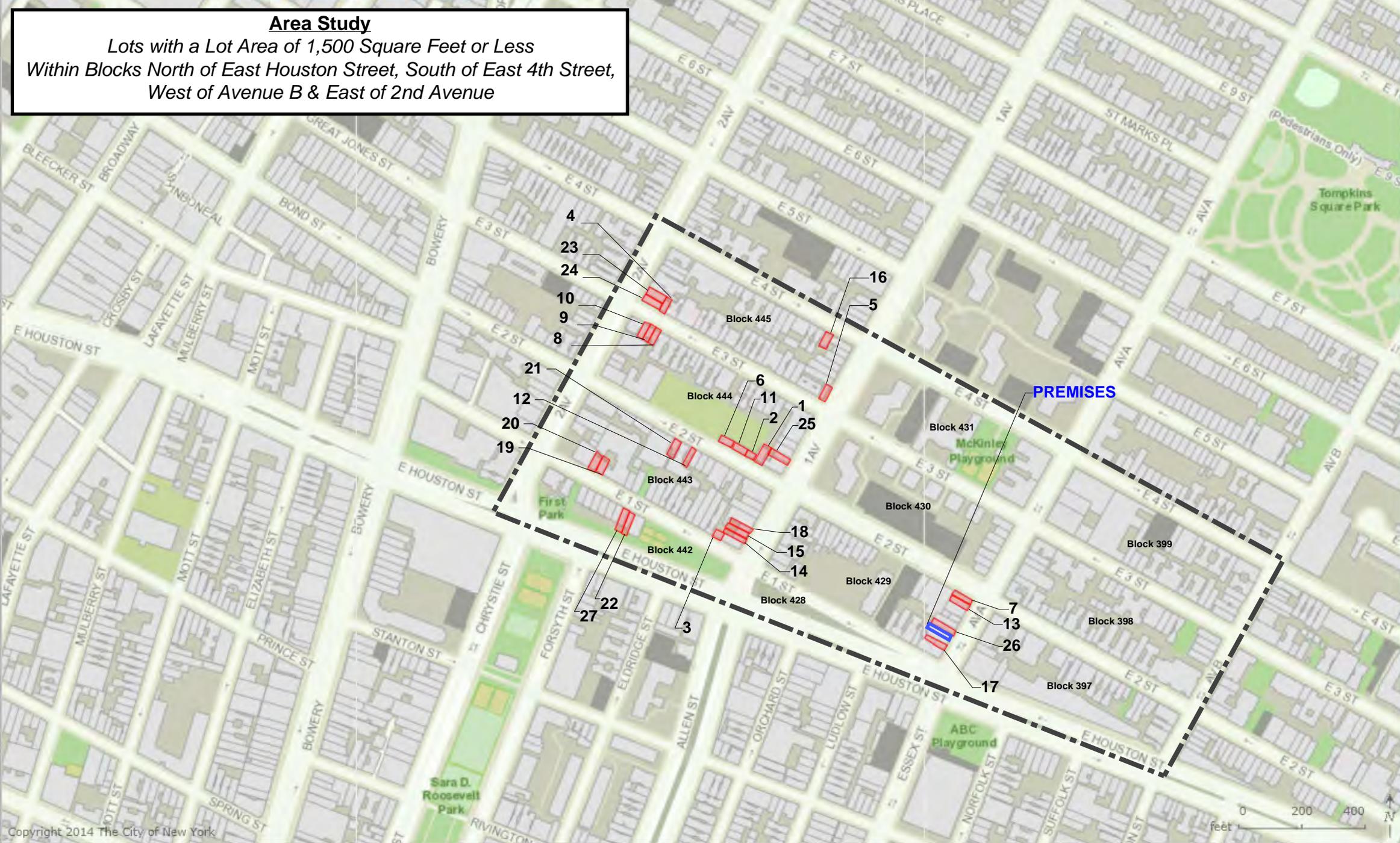
## Area Study

***Lots with a Lot Area of 1,500 Square Feet or Less  
Within Blocks North of East Houston Street, South of East 4th Street,  
West of Avenue B & East of 2nd Avenue  
(243 Lots in Area Study)***

No.	Block	Lot	Lot Area	Land Use	Zoning	Lot Type	Allowable FAR	FAR	Dwelling Units	Number of Floors
1	444	43	578	Mixed Res/Comm.	R7A/C2-5	Interior	4	11.72	8	5
2	444	44	629	Residential 1 & 2 Fam.	R8B	Interior	4	2.77	1	3
3	443	40	837	Mixed Res/Comm.	R7A/C2-5	Interior	4	4.48	5	5
4	445	64	962	Residential 1 & 2 Fam.	R7A/C2-5	Interior	4	2.48	2	3
5	445	37	962	Mixed Res/Comm.	R7A/C2-5	Corner	4	4	10	4
6	444	47	962	Residential 1 & 2 Fam.	R8B	Interior	4	4.37	2	4
7	429	33	981	Mixed Res/Comm.	R7A/C2-5	Corner	4	4	4	4
8	444	12	1000	Residential Multi-Fam.	C6-2A	Interior	6	2.8	3	3
9	444	11	1000	Residential Multi-Fam.	C6-2A	Interior	6	4.2	4	3
10	444	10	1000	Mixed Res/Comm.	C6-2A	Interior	6	4	1	3
11	444	45	1064	Residential Multi-Fam.	R8B	Interior	4	2.97	4	3
12	443	22	1071	Residential Multi-Fam.	R8B	Interior	4	3.57	10	4
13	429	34	1230	Mixed Res/Comm.	R7A/C2-5	Interior	4	3.57	6	4
14	443	38	1250	Mixed Res/Comm.	R7A/C2-5	Interior	4	2.46	4	4
15	443	37	1250	Mixed Res/Comm.	R7A/C2-5	Interior	4	2.24	3	4
16	445	30	1250	Mixed Res/Comm.	R7A/C2-5	Interior	4	4.58	8	5
17	429	41	1258	Mixed Res/Comm.	R8A/C2-5	Interior	6	2.99	2	5
18	443	36	1269	Mixed Res/Comm.	R7A/C2-5	Interior	4	2.24	3	4
19	443	60	1272	Public Facility	R8B	Interior	4	4.02	4	5
20	443	61	1392	Mixed Res/Comm.	R8B	Interior	4	3.86	8	5
21	443	19	1407	Residential Multi-Fam.	R8B	Interior	4	2.02	3	3
22	442	20	1428	Residential Multi-Fam.	R8B	Interior	4	3.56	10	5
23	445	2	1440	Public Facility	R7A/C2-5	Interior	4	2.71	0	3
24	445	1	1440	Mixed Res/Comm.	R7A/C2-5	Corner	4	4.01	2	4
25	444	40	1450	Mixed Res/Comm.	R7A/C2-5	Interior	4	3.83	8	5
26	429	38	1488	Mixed Res/Comm.	R8A/C2-5	Interior	6	2.63	2	3
27	442	19	1491	Residential Multi-Fam.	R8B	Interior	4	4.54	10	5
Premises	429	39	1500	Commercial/Office	R8A/C2-5	Interior	6	2.61	0	3

### Area Study

Lots with a Lot Area of 1,500 Square Feet or Less  
Within Blocks North of East Houston Street, South of East 4th Street,  
West of Avenue B & East of 2nd Avenue



PREMISES

**EXHIBIT C**

PREMISES AFFECTED - 129 Elizabeth Street, Borough of Manhattan.

**150-04-BZ**

**CEQR#04-BSA-158M**

APPLICANT - The Augusta Group, for Shun K. Fung, owner.

SUBJECT - Application August 3, 2004 - under Z.R. §72-20 to permit, within a C6-2G zoning district in the Special Little Italy District, the proposed construction of a new four-story building, with a retail store and one-car garage on the ground floor, a studio on the 2nd floor and a duplex on the 3rd and 4th floors, contrary to Z.R. §§ 23-32 and 109-122.

PREMISES AFFECTED - 129 Elizabeth Street, west side, 60'-5' south of Broome Street, Block 470, Lot 17, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Sol Korman.

**ACTION OF THE BOARD** - Application granted on condition.

**THE VOTE TO GRANT -**

**Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4**

**Negative:.....0**

**THE RESOLUTION -**

WHEREAS, the decision of the Borough Commissioner, dated March 19, 2004, acting on Department of Buildings Application No. 103299048, reads, in pertinent part:

"1. As per section ZR 109-01, Section ZR 35-21 still applies. Therefore the lot dimension is contrary to Section ZR 23-32. Minimum 1700 s.f. is required.

3. Proposed plan indicates lot coverage exceeding 60%; hence it is not permitted by ZR Section 109-122."; and

WHEREAS, a public hearing was held on this application on September 28, 2004, after due notice by publication in the City Record, with continued hearings on November 16, 2004, January 11, 2005, and February 15, 2005, and then to decision on March 29, 2005; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, within a C6-2G zoning district in the Special Little Italy District, the proposed construction of a new four-story building, with a retail store and one-car garage on the ground floor, a studio on the 2nd floor and a duplex on the 3rd and 4th floors, contrary to Z.R. §§ 23-32 and 109-122; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, an owner of property located near the site submitted correspondence to the Board, purportedly on behalf of others in the community, asking the Board not to grant the variance; and

WHEREAS, the original version of this application contemplated a five-story plus cellar mixed use building with a commercial use on the ground floor and residential on the upper floors, with a floor area ratio ("F.A.R.") of 4.7, a total floor area of 3,837 sq. ft., and a total building height of 73 ft., 6 in.; and

WHEREAS, in an interim proposal, the applicant lowered the height of each floor to 10 ft., and lowered the total building height to 50 ft., 6 in.; and

WHEREAS, the current version of this application contemplates a four-story building, with a complying F.A.R. of 4.1, a total floor area of 2,890 sq. ft., a total building height of 43 ft., 6 in., and 100% lot coverage; and

WHEREAS, the subject premises is an 815 sq. ft. lot, with a depth of 23 ft., 8 in.; and

WHEREAS, the applicant represents that the lot is a pre-existing lot; and

WHEREAS, the applicant further represents that the lot size is less than half of the required lot size for any residential development; and

WHEREAS, the applicant states that the small lot size and shallow lot depth are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in conformance with underlying district regulations; and WHEREAS, the applicant represents that due to the small size of the lot, a complying development will result in uncomfortable living space for

residential use and inadequate space for commercial development; and WHEREAS, accordingly, the Board finds that the unique conditions mentioned above, when considered in the aggregate, create practical difficulties and unnecessary hardship in developing the site in strict conformity with current applicable zoning regulations; and

WHEREAS, the Board asked the applicant to consider an alternative conforming use scenario, such as a commercial use, that would be feasible on the subject site; and

WHEREAS, in response, the applicant submitted a feasibility analysis that showed that a conforming commercial use would not result in a reasonable return; and

WHEREAS, the Board also asked the applicant to explore any income that could be generated from a commercial use in the cellar, such as a retail store or cellar storage space for a retail use; and

WHEREAS, the applicant represents that a retail store in the cellar is not feasible due to the small size of the site and the inability to comply with ADA and egress requirements; and

WHEREAS, the applicant also submitted a feasibility analysis of a public parking lot scenario, and determined that such use would not provide a reasonable return; and

WHEREAS, the Board requested that the applicant further evaluate alternative development scenarios using an F.A.R. of 4.1; and

WHEREAS, in response, the applicant analyzed the following three alternatives: Alternative A - ground floor with retail and one-car garage, studio on the 2nd floor, and a duplex on the 3rd and 4th floors;

**150-04-BZ**

**CEQR#04-BSA-158M**

Alternative B - ground floor with a retail store, studio on the 2nd floor and a duplex on the 3rd and 4th floors; and Alternative C - one duplex on the ground and 2nd floors and another duplex on the 3rd and 4th floors; and

WHEREAS, at the Board's direction, the applicant revised its application to Alternative A, as described above; and

WHEREAS, based upon the above, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with the provisions applicable in the subject zoning district will provide a reasonable return; and

WHEREAS, the applicant represents that there are numerous multiple dwellings, between three and seven stories in height, surrounding the subject site; and

WHEREAS, the applicant represents that the height currently proposed for the building is consistent with the height of buildings in the neighborhood; and

WHEREAS, specifically, the applicant represents that buildings to the left of the subject site are approximately 63 ft. and 36 ft., 2 in., and a building to the right of the subject site is 41 ft., 6 in; and

WHEREAS, the applicant submitted a map of the surrounding neighborhood which illustrates the above representations; and

WHEREAS, the Board notes that the significant reduction in F.A.R. and height from the applicant's initial proposal to the applicant's current proposal is more compatible with the built conditions surrounding the site; and

WHEREAS, additionally, the Board notes that a 4.1 F.A.R. is the maximum permitted F.A.R. for interior lots in the Special Little Italy District; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, after taking direction from the Board as to the proper amount of relief, the applicant modified the development proposal to the current version; and

WHEREAS, accordingly, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. § 72-21; and

WHEREAS, the project is classified as an Unlisted Action pursuant to 6 NYCRR, Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 04-BSA-158M dated April 1, 2004; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings under Z.R. § 72-21, to permit, within a C6-2G zoning district in the Special Little Italy District, the proposed construction of a new four-story building, with a retail store and one-car garage on the ground floor, a studio on the 2nd floor and a duplex on the 3rd and 4th floors, contrary to Z.R. §§ 23-32 and 109-122; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 31, 2005" - (4) sheets; and on further condition:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 29, 2005.

PREMISES AFFECTED – 246 Front Street, a/k/a 267½ Water Street, through lot fronting on Front and Water Streets, 126 feet north of the intersection of Peck Slip and Front Street, and 130 feet north of the intersection of Peck Slip and Water Street, Block 107, Lot 34, Borough of Manhattan.

**374-04-BZ**

**CEQR #05-BSA-064M**

APPLICANT – Deirdre A. Carson, Esq., Greenberg Traurig, LLP for Micro Realty Management, LLC c/o Werber Management, owner.

SUBJECT – Application November 26, 2004 – Under Z.R. §72-21 – to permit the proposed development of a seven-story residential building with ground floor commercial space in a C6-2A Special Lower Manhattan District and the South Street Seaport Historic District, to vary Sections 23-145, 23-32, 23-533, 23-692, 23-711, and 24-32 of the Resolution.

PREMISES AFFECTED – 246 Front Street, a/k/a 267½ Water Street, through lot fronting on Front and Water Streets, 126 feet north of the intersection of Peck Slip and Front Street, and 130 feet north of the intersection of Peck Slip and Water Street, Block 107, Lot 34, Borough of Manhattan.

**COMMUNITY BOARD #1M**

**APPEARANCES –**

For Applicant: Meloney McMurry.

For Opposition: Doris Diether.

**ACTION OF THE BOARD –** Application granted on condition.

**THE VOTE TO REOPEN HEARING -**

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

**THE VOTE TO CLOSE HEARING -**

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

**THE VOTE TO GRANT -**

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

**THE RESOLUTION -**

WHEREAS, the decision of the Manhattan Borough Commissioner, dated November 17, 2004, acting on Department of Buildings Application No. 103582785, reads, in pertinent part:

- “1. Proposed 12 foot lot width is contrary to Sec. 23-32 ZR.
- 2. Failure to provide required rear yard equivalent of 60 feet for through lot is contrary to Sec 23-553 ZR.
- 3. Failure to provide adequate rear yard for interior lot is contrary to Sec 23-52 ZR
- 4. Required rooftop recreation space is not accessible as required per Sec. 28-32 ZR.
- 5. Proposed building height in excess of lowest abutting building street wall is contrary to Sec. 23-692 ZR.
- 6. Minimum distance of 20 feet between legally required windows or between windows and wall is contrary to Secs. 23-711 and 23-861 ZR.
- 7. Proposed lot coverage exceeds 70% maximum permitted under Sec. 23-145 ZR.”; and

WHEREAS, a public hearing was held on this application on May 24, 2005 after due notice by publication in the *City Record*, with continued hearings on July 12, 2005 and August 23, 2005, and then to decision on October 18, 2005; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chair Srinivasan, Vice Chair Babbar, former Commissioner Miele and Commissioner Chin; and

WHEREAS, Community Board 1, Manhattan, recommends approval of this application; and

WHEREAS, residents of 265-267 Water Street appeared in opposition to this application and stated that they were not given proper notice of the first hearing on this application; and

WHEREAS, the applicant responded that after checking their records, a notice was sent to 265 Water

Street prior to the May 24<sup>th</sup> hearing, but no notice was posted in the lobby as the applicant did not believe that 265 Water Street was a condominium or a cooperative; the applicant agreed to post notice for any subsequent hearings; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, within a C6-2A zoning district within the South Street Seaport Historic District, the proposed development of a mixed-use building with residential use and ground floor retail, rising to seven stories on Front Street and five stories on Water Street, which does not comply with certain bulk regulations set forth at Z.R. §§ 23-32, 23-145, 23-533, 23-692, 23-711 and 28-32; and

WHEREAS, the initial application proposed a mixed-use building with a total of 11,733 s.f. of floor area including 10,149 s.f. of residential floor area and 1,584 s.f. of commercial floor area, a floor area ratio ("FAR") of 5.25 including 4.54 of residential FAR and 0.71 of commercial FAR, a total height of 72'-10" on the Front Street side and 55'-1" on the Water Street side, a 20'-0" rear yard equivalent, lot coverage ratio of 88%; and

WHEREAS, the current application proposes a mixed-use building with a total of 11,158 s.f. of floor area including 9,571 s.f. of residential floor area and 1,587 s.f. of commercial floor area, an FAR of 4.99 including a 4.28 residential FAR and 0.71 commercial FAR, a total height of 71'-10" on the Front Street side and 55'-1" on the Water Street side, a 30'-0" rear yard equivalent, and a lot coverage ratio of 83%; and

WHEREAS, the premises is a partial through lot running from Water Street to Front Street, between Peck Slip and Dover Street; and

WHEREAS, the portion of the lot bordering Front Street has a width of approximately 20 feet, and the portion of the lot bordering Water Street has a width of approximately 12 feet; and

WHEREAS, the portion of the lot that is 12 feet wide is a through lot and extends 145 feet from Water Street to Front Street; the portion facing Front Street is 63 feet deep and qualifies as a shallow interior lot; and

WHEREAS, the site has a lot area of 2,235 s.f. and is currently vacant; and

WHEREAS, because the site is located within the South Street Seaport Historic District and Extension District, the applicant applied for and received a Certificate of Appropriateness for the proposed development from the Landmarks Preservation Commission ("LPC"), dated November 19, 2003; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in compliance with underlying district regulations: (1) the lot is long and narrow; (2) a portion of the lot is shallow; (3) the site is burdened with a high water table; (4) the site is located in a historic district; and (5) the landfill underlying the site is unique to the area; and

WHEREAS, the applicant states that because of the unusual configuration of the lot, including differing widths from one side of the lot to the other, and the combination of a through lot and an interior lot, development on the site is constrained; and

WHEREAS, specifically, the applicant states that if it complied with the 60 foot rear yard equivalent requirement and the additional 23 foot rear yard requirement (measured from the lot line on the shallow interior portion of the lot), the applicant would be unable to construct units on the Water Street portion of the lot because such units would be less than 40 feet deep and unable to accommodate required circulation elements; and

WHEREAS, in addition, the applicant explains that because of the narrowness of the lot, the building's circulation components, including the mechanical core, stairs and elevators, must be placed along one wall of the building; the applicant represents that, as a result, the living room and bedrooms can only be placed at the front and back of the building, thus limiting the amount of units that can be constructed on the site; and

WHEREAS, the applicant represents that because of the high water table underlying the site, the applicant will need to de-water during construction, seal the cellar of the new building, and add an inverted bathtub structure to the foundation to keep the groundwater out of the basement of the building; and

WHEREAS, the applicant further represents that the unique landfill at the site creates structural and archeological issues not faced by other sites; and

WHEREAS, the applicant represents that the location of the site in the South Street Seaport Historic District requires additional monitoring and protective construction measures because many of the surrounding buildings are from the early nineteenth century; such measures require smaller, lighter equipment that will increase construction costs; and

WHEREAS, the Board notes that although there are few vacant sites in the area, the constraints related to the site's presence in a historic district, the high water table and the quality of landfill on the site are not unique to the site and are conditions generally faced by sites in the surrounding area; and

WHEREAS, however, the Board finds that certain of the unique conditions mentioned above, namely the narrowness of the lot and the shallowness of certain portions of the lot, when considered in the aggregate, create practical difficulties and unnecessary hardship in developing the site in strict compliance with applicable zoning regulations; and

WHEREAS, the applicant initially submitted a feasibility study analyzing the following scenarios: a complying retail and residential building, a lesser non-complying retail and residential building with a 30 foot rear yard equivalent, and the initial proposal (non-complying retail and residential building with 20 foot rear yard equivalent); and

WHEREAS, the applicant concluded that only the initial proposal resulted in a reasonable rate of return; and

WHEREAS, the Board questioned the applicant about the disparity in construction costs per square foot between the complying scheme and the proposed scheme; and

WHEREAS, the applicant, in response, explained that when constructing a low rise building such as the proposed building, certain costs are constant regardless of the square footage of the building; accordingly, when these costs are spread out over a larger building, the cost per square foot is less; and

WHEREAS, the Board requested that the applicant analyze an alternative developing the proposed building on the Front Street portion of the lot, but not the building on the Water Street portion of the lot; and

WHEREAS, the applicant analyzed this scenario and concluded that the return would not be feasible; and

WHEREAS, the Board also asked the applicant to consider a scheme with the proposed building on the Front Street portion of the lot and a one-story building on the Water Street portion of the lot; and

WHEREAS, the applicant submitted a revised feasibility analysis showing that such a project would not generate a reasonable return; and

WHEREAS, at the request of the Board, the applicant was asked to re-examine whether a 30 foot rear yard equivalent could be provided; and

WHEREAS, initially, the applicant concluded that a 30 foot rear yard would not be feasible, even if the applicant increased the height of the building on Water Street, because an increase in building height would require a second means of egress on Water Street, which could not be accommodated due to the narrow size of the lot; and

WHEREAS, after additional examination, the applicant submitted a revised feasibility analysis, with a proposal that includes a 30 foot rear yard equivalent and a decrease in the overall FAR, which reflected a reasonable rate of return for the proposed building; the applicant explained that contrary to the previously submitted 30 foot rear yard equivalent proposal, the revised proposal reconfigured the interior layout of the apartments and achieved a greater return despite the loss of floor area; and

WHEREAS, based upon the above, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with the bulk provisions applicable in the subject zoning district will provide a reasonable return; and

WHEREAS, the applicant represents that a new mixed-use building will be compatible with the immediately surrounding residential uses; and

WHEREAS, the Board notes that the applicant's proposed residential FAR of 4.28 is within the allowable residential FAR of 6.02; and

WHEREAS, the applicant notes that the building will comply with all applicable Quality Housing requirements with the exception of the standards for recreation space; and

WHEREAS, the Board asked whether the applicant could provide recreational open space on the roof of the ground floor accessible by all tenants; and

WHEREAS, the applicant responded that due to the narrowness and shape of the lot, the applicant would be unable to provide an additional access stair to make the space accessible to all tenants in the building, but would make it accessible to tenants on the second floor; the applicant further states that it will provide rooftop space on each of the roofs of the Front Street and Water Street buildings; and

WHEREAS, the applicant states that the building has been approved by LPC and will be compatible with surrounding buildings in terms of height, form, and massing; and

WHEREAS, the applicant notes that the building's streetwall matches that of the neighboring property to the south, and mirrors the height of the new hotel addition starting one lot to the south of the site; and

WHEREAS, opposition to the application raised additional concerns at hearing and through submissions to the Board, specifically related to the alleged failure of the applicant to address the five findings required by Z.R. § 72-21; and

WHEREAS, the applicant responds that with respect to uniqueness, contrary to the opposition's contention that the cited factors for uniqueness are endemic to all properties in the surrounding area, the combination of factors on this site, including the narrowness of the lot, make this site unique; and

WHEREAS, the Board notes that the narrowness and shallowness of portions of the lot constitute uniqueness on the site; and

WHEREAS, the applicant also states that in response to claims that the applicant did not consider additional uses of the property or evidence that lesser variance uses would not yield a reasonable return, it did consider alternatives as suggested by the Board and provided financial analyses documenting the infeasibility of such alternatives; and

WHEREAS, with respect to the opposition's claims that the proposal does not meet the neighborhood character finding, the applicant points out that the opposition agreed that the proposal would not alter the essential character of the neighborhood; and

WHEREAS, in response to claims by the opposition that the applicant joined together two lots and such merger created the hardship on the site, the applicant has submitted a title insurance report that indicates that both lots were under common ownership prior to 1961 and continue to be under common ownership through today;

WHEREAS, the Board notes that it finds this evidence compelling and agrees with the applicant's representations; and

WHEREAS, with respect to the minimum variance finding, the applicant again states that their financial analyses submitted to the Board address the lesser variance schemes proposed by the Board; and

WHEREAS, in addition, the opposition raised claims about the protection of surrounding buildings during construction; and

WHEREAS, the Board notes that all construction must comply with applicable Building Code requirements and DOB rules and policies related to the protection of adjacent structures during construction; and

WHEREAS, the Board questioned the viability of providing a second means of egress from the subject building through the adjacent building to the north; and

WHEREAS, the applicant has submitted a pre-consideration from the Department of Buildings that states that the second means of egress granted by easement through the adjacent property satisfies the requirements under the Building Code; and

WHEREAS, the Board notes that, in any event, the Department of Buildings will approve all means of egress for compliance prior to plan approval; and

WHEREAS, at the request of certain neighbors, the applicant has lowered the roofline on Front Street from approximately 77'-0" to approximately 76'-0" and reduced the bulkhead height by approximately 2'-0", and provided a sloped roof over the bulkhead stair to reduce the overall bulk of the structure; and; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board notes that the applicant reviewed various lesser-variance schemes at the Board's request, and concluded that they were not financially feasible; and

WHEREAS, as discussed above, the Board asked the applicant to consider a scenario in which the rear yard would be increased to 30'-0"; and

WHEREAS, the applicant included this modification in its current proposal; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. § 72-21; and

WHEREAS, the project is classified as a Type I action pursuant to Sections 617.6(h) and 617.2(h) of

6NYCRR; and

WHEREAS, the subject site is located within the South Street Seaport Historic District and as previously noted in this resolution, a COA has been issued for this proposal by the LPC on November 19, 2003; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05BSA064M, dated April 2, 2004; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the New York City Landmarks Preservation Commission (“LPC”) has reviewed the following submissions from the applicant: (1) an Environmental Assessment Statement Form, dated April 2, 2004; and (2) a Stage IA Archaeological Assessment Report, dated August 8, 2005, in response to comments of LPC that indicated the potential presence of archaeological resources on the site, including the potential for the recovery of remains from 18<sup>th</sup> and 19<sup>th</sup> Century occupation of the Site; and

WHEREAS, these submissions specifically examined the proposed action for potential archaeological impacts; and

WHEREAS, a Restrictive Declaration was executed on October 18, 2005 and recorded for the subject property to address archaeological concerns; and

WHEREAS, LPC has determined that there will not be any impacts from the subject proposal, based on the implementation of the measures cited in the Restrictive Declaration and the applicant’s compliance with the conditions noted below; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Type I Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings under Z.R. §72-21, to permit, within a C6-2A zoning district within the South Street Seaport Historic District, the proposed development of a mixed-use building with residential use and ground floor retail, rising to seven stories on Front Street and five stories on Water Street, which does not comply with certain bulk regulations set forth at Z.R. §§ 23-32, 23-145, 23-533, 23-692, 23-711 and 28-32; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received August 31, 2005”–(2)sheets; and *on further condition*:

THAT the applicant or any successor in title will adhere to all requirements for archaeological identification, investigation, and mitigation as set forth in the CEQR Technical Manual and LPC’s Guidelines for Archaeological Work in NYC, including without limitation, the completion of an archaeological documentary study, archaeological field testing, excavation, mitigation, curation of archaeological resources, and a final archeological report, as required by the LPC, and as memorialized in the Restrictive Declaration executed on October 18, 2005 (collectively, the “Archaeological Work”);

THAT prior to the issuance of any DOB permit for any work on the site that would result in soil disturbance (such as site preparation, grading or excavation), the applicant or any successor will perform all of the Archaeological Work to the satisfaction of LPC and submit a written report that must be approved by LPC; the only exception to this condition shall be those soil disturbing activities necessitated by the applicant’s performance of the Archaeological Work required for LPC’s approval (such as archaeological “pits”) that may require a DOB permit;

THAT any DOB permit issued for soil disturbing activities pursuant to this exception shall clearly state on its face that such soil disturbance is limited to that necessary to perform the mandated archaeological work;

THAT no temporary or permanent Certificate of Occupancy shall be issued by DOB or accepted by the applicant or successor until the Chairperson of LPC shall have issued a Final Notice of Satisfaction or a Notice of No Objection indicating that the Archaeological Work has been completed to the satisfaction of LPC;

THAT the bulk parameters of the proposed building shall be as follows: a maximum total FAR of 4.99; maximum total floor area of 11,158 sq. ft.; maximum residential FAR of 4.28; maximum residential floor area of 9,571 sq. ft.; maximum commercial FAR of 0.71; maximum commercial floor area of 1,584 sq. ft.; maximum building height on Front Street of 72'-10"; maximum building height on Water Street of 55'-1"; and maximum lot coverage ratio of 83%;

THAT there shall be a maximum of nine residential units, and each unit shall have a minimum size of 585 sq. ft., and all other bulk parameters shall be as indicated on the BSA-approved plans;

THAT the interior layout and all exiting requirements shall be as reviewed and approved by the Department of Buildings;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 18, 2005.

**53-09-BZ**

APPLICANT – Harold Weinberg, P.E., for David Salamon, owner.

SUBJECT – Application April 6, 2009 – Variance (§72-21) for the construction of a three-family home on a vacant undersized lot. This application seeks to vary floor area (§23-141); front yard (§23-45) side yard (§23-461) and parking (§25-161) in an R5 zoning district.

PREMISES AFFECTED – 540 Schenck Avenue, southwest corner of Dumont Avenue, between Schenck Avenue and Hendrix Street, Block 4075, Lot 118, Borough of Brooklyn.

**COMMUNITY BOARD #5BK**

APPEARANCES –

For Applicant: Harold Weinberg and Frank Sellitto.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated December 30, 2009, acting on Department of Buildings Application No. 310305158, reads in pertinent part:

“The proposed erection of a three family three story residence in Use Group 2 in an R5 zoning district:

1. Creates non-compliance with respect to one front yard and is contrary to Section 23-45 of the Zoning Resolution.

2. Is contrary to Sections 23-32 and 23-33 which requires a minimum lot area of 1,700 square feet;” and

WHEREAS, this is an application under ZR § 72-21, to permit, within an R5 zoning district, the proposed construction of a three-story three-family home that does not comply with the zoning requirements for lot area and front yards, contrary to ZR §§ 23-32, 23-33 and 23-45; and

WHEREAS, a public hearing was held on this application on July 28, 2009 after due notice by publication in *The City Record*, with continued hearings on September 22, 2009, November 10, 2009, and December 15, 2009, and then to decision on January 12, 2010; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 5, Brooklyn, recommends approval of this application; and

WHEREAS, the adjacent property owner testified in opposition to this application, citing concerns that the proposed home will be built on a portion of her property; and

WHEREAS, in response to the adjacent neighbor, the applicant provided a survey reflecting the lot lines of the subject site, and the Board notes that the proposed plans reflect that no construction will take place beyond the subject lot lines; and

WHEREAS, certain other members of the community testified in opposition to this application, citing the following primary concerns: (1) the proposed home is not compatible with neighborhood character; (2) the proposed home would overburden the existing sewer system; and (3) the proposed home will decrease property values in the surrounding area; and

WHEREAS, the site is located on the southwest corner of Dumont Avenue and Schenck Avenue, within an R5 zoning district; and

WHEREAS, the site has a width of 20 feet, a depth of 80 feet, and a total lot area of 1,600 sq. ft.; and

WHEREAS, the site is currently vacant; and

WHEREAS, the applicant proposes to construct a three-story three-family home; and

WHEREAS, the proposed home will have the following complying parameters: 1,980 sq. ft. of floor area (1.25 FAR); a lot coverage of approximately 41 percent; 940 sq. ft. of open space; a side yard with a width of 37’-0” along the western lot line; a front yard with a depth of 10’-0” along the eastern lot line; a wall height of 30’-0”; a total height of 30’-0”; and three parking spaces; and

WHEREAS, however, the applicant proposes not to provide a front yard along the northern lot line (two front yards with minimum depths of 18’-0” and 10’-0”, respectively, are required); and

WHEREAS, the applicant originally proposed to construct a three-story three-family home with a floor area of 2,640 sq. ft. (1.65 FAR) and two parking spaces, which necessitated additional waivers for floor area and parking; and

WHEREAS, during the course of the hearing process the applicant revised its proposal to provide a floor area of

1,980 sq. ft. (1.25 FAR) and three parking spaces, thereby eliminating the floor area and parking waivers; and

WHEREAS, the applicant has provided documentation establishing that the subject lot is an undersized lot pursuant to ZR § 23-32; and

WHEREAS, the applicant submitted Department of Finance records and other evidence reflecting that the site has existed in its current configuration since before December 15, 1961 and its ownership has been independent of the ownership of the two adjoining lots; and

WHEREAS, the applicant states that front yard relief is necessary, for reasons stated below; thus, the instant application was filed; and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties and unnecessary hardship in developing the subject site in compliance with underlying district regulations: the subject corner lot is small and narrow; and

WHEREAS, the applicant represents that the pre-existing lot width of 20'-0" cannot feasibly accommodate a complying development; and

WHEREAS, the Board notes that a three-family home is permitted as-of-right in an R5 zoning district, but that a waiver is required for the site's substandard lot size; and

WHEREAS, the applicant states that the subject site is a corner lot, which requires front yards with widths of 18'-0" and 10'-0", respectively; and

WHEREAS, the applicant states that the building would have a maximum exterior width of 10'-0" if front yard regulations were complied with fully; and

WHEREAS, the applicant represents that subtracting the widths of the exterior walls would leave a complying home with a maximum interior width of 8'-0"; and

WHEREAS, accordingly, the applicant represents that the front yard waiver is necessary to create a building with a sufficient width; and

WHEREAS, as to the uniqueness of this condition, the applicant submitted a 200-ft. radius diagram reflecting that the subject lot is both the smallest and narrowest corner lot in the surrounding neighborhood; and

WHEREAS, based upon the above, the Board finds that the cited unique physical condition creates practical difficulties in developing the site in strict compliance with the applicable front yard regulations; and

WHEREAS, the applicant provided a financial analysis indicating that, due to the narrow width and small size of the subject lot, development of the proposed three-family home is necessary in order to provide a reasonable rate of return; and

WHEREAS, based upon its review of the applicant's financial analysis, the Board has determined that because of the subject site's unique physical conditions, there is no reasonable possibility that use in strict conformance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed variance will not negatively affect the character of the neighborhood, or impact adjacent uses; and

WHEREAS, the applicant notes that the proposed bulk is compatible with nearby residential development and that that it complies with all relevant bulk regulations; and

WHEREAS, specifically, the applicant notes that the proposed home complies with the R5 zoning district regulations for use, FAR, side yards, lot coverage, open space, height, and parking; and

WHEREAS, the applicant submitted evidence that the subject site was occupied by a three-story five-family building dating from 1940; and

WHEREAS, the applicant submitted a land use map identifying 14 multiple dwellings with three units or more located within three blocks of the subject site; and

WHEREAS, therefore, the Board finds that this action will neither alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title, but is a result of the historical lot dimensions; and

WHEREAS, as noted above, the applicant originally proposed to construct a three-story three-family home with a floor area of 2,640 sq. ft. (1.65 FAR) and two parking spaces, which necessitated additional waivers for floor area and parking; and

WHEREAS, the Board directed the applicant to revise the proposal to reflect compliance with floor area requirements (1.25 FAR is the maximum permitted) and parking requirements (three parking spaces are the minimum required), thereby eliminating the floor area and parking waivers; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, thus, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21.

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Type II Declaration under 6 NYCRR Part 617.5 and 617.13, §§ 5-02(a), 5-02(b)(2), and 6-15 of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 72-21 to permit, within an R5 zoning district, a three-story three-family home that does not comply with the zoning requirements for lot area and front yards, contrary to ZR §§ 23-32, 23-33 and 23-45; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received December 1, 2009”– (9) sheets; and *on further condition*:

THAT the parameters of the proposed building shall be as follows: a maximum floor area of 1,980 sq. ft. (1.25 FAR); a lot coverage of approximately 41 percent; 940 sq. ft. of open space, a side yard with a width of 37’-0” along the western lot line; a front yard with a depth of 10’-0” along the eastern lot line; a wall height of 30’-0”; a total height of 30’-0”; and parking for a minimum of three cars, as per the BSA-approved plans;

THAT the internal floor layouts on each floor of the proposed building shall be as reviewed and approved by DOB;

THAT there shall be no habitable room in the cellar;

THAT this approval is limited to the relief granted by the Board, in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT significant construction shall proceed in accordance with ZR § 72-23;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 12, 2010.

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# ECONOMIC ANALYSIS

11 Avenue A  
New York, New York

Prepared for:  
Sheldon Lobel P.C.  
Attorneys at Law

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# **ECONOMIC ANALYSIS**

**11 Avenue A  
New York, New York**

Prepared For:

**Sheldon Lobel P.C**  
Attorneys at Law

June 2014

**Robert B. Pauls, LLC  
Real Estate & Planning Consultants  
29 West 17<sup>th</sup> Street  
New York NY 10011**

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## INTRODUCTION

The following has been prepared for Sheldon Lobel P.C., in order to assess the financial feasibility of two redevelopment scenarios for a property located at **11 Avenue A (Block 429, Lot 39)** in East Village-Lower East Side area of Manhattan. More specifically, it is situated on the west side of Avenue A, just north of the intersection of East Houston Street and Essex Street.

The subject site is an existing three-story, plus cellar, walk-up commercial building totaling about 3,784 square feet of above grade building area, contained on a lot area of approximately 1,500 square feet, located within a R8A zoning district with a C2-5 overlay. The subject property has only 18.75 feet of frontage facing Avenue A and is 80 feet deep. Much of the surrounding area contains multi-family apartment buildings and mixed-use buildings with commercial on the ground floor and residential use on the upper floors.

The applicant seeks to obtain a variance to permit multi-family residential use on an under-sized lot contrary to NYC Zoning Resolution Section 23-32. The applicant proposes to enlarge the existing three-story, plus cellar building with a fourth floor and a mezzanine level above the fourth floor. The ground floor would remain as retail space and the upper floors are proposed residential space. Based on current zoning, multi-family residential use is not permitted in this zoning district unless the parcel has a minimum lot area of 1,700 square feet, which exceeds the lot area of the subject site. The proposed enlargement of the existing building does not conflict with the bulk or height restrictions of the zoning district.

The analysis studies the proposed plan as well as the “as-of-right” conforming scenario for the site which is also represented as the existing, three-story, plus cellar building enlarged with a fourth floor and added mezzanine level totaling 4,948 square feet of above grade building area. However, within the redevelopment of the building, only two dwelling units can be provided given the constraint of the zoning regulations for small sites under 1,700 square feet.

This “as-of-right” option will be a challenge as the large three-bedroom units with multiple bathrooms in a duplex format are more in tune with “townhouse” type residences in locations, unlike the subject site, that perceived as more attractive residential locations. The proposed plan, however, provides a better match to the area’s market, as it provides five one-bedroom units and one two-bedroom unit within the same enlarged building envelope as the “as-of-right” option. The financial performance of each plan highlights the hardship associated with the subject site itself in the effort to generate sufficient income to offset redevelopment costs.

## Summary of Findings & Conclusions

The subject site consists of a three-story walkup commercial building located at 11 Avenue A in the East Village-Lower East Side area of Manhattan. The subject property is zoned R8A with a C2-5 commercial overlay. The lot area is only 1,500 square feet, less than the 1,700 square feet minimum to provide for multi-family development.

The “as-of-right” option clearly demonstrates how the under-sized subject site’s sole revenue source is a direct reflection of the inability to provide more than the two, three-bedroom units compared to the multi-family unit configuration presented in the proposed plan. We have not analyzed an “as-is” option as the walk-up commercial building with its small floor-plates, limited rental income (if tenants can be secured), and needed upgrades reflect what is a severe competitive disadvantage compared to more traditional and useful commercial office buildings.

The proposed plan with its 6, mostly one-bedroom units, within the same enlarged building envelope as shown in the “as-of-right” plan, provides for not only the best unit mix to fit the market but also sufficient rental income to offset redevelopment costs which generates a reasonable return.

We have used the **capitalization approach** to determine value and viability for each rental option. This approach capitalizes the net operating income and includes both lender and investor expectations. The capitalization rate used is based on a survey of 312 lenders and investors taken by *RealtyRates.com* in the 1st quarter of 2014.

When the value created by capitalizing the net operating income is approximately equal to the project cost, then the project is viable as both the lender and investor would receive reasonable rates of return; however, when it is significantly less than the project cost, it is not a viable project, as a lender would not finance the project. Conversely, when the project value is significantly more than the project cost, it creates a greater than minimum acceptable return on investment and would not meet the minimum variance standard of the NYC Board of Standards and Appeals.

### Project Value Summary

Scenario	Project Cost	Project Value	Project Profit/Loss	Annual Return As % of Cost
“As-of-Right” Mixed-Use – 4 Story plus Mezzanine Level – 2 Units	\$3,742,976	\$2,464,274	(\$1,278,702)	-24.1%
<b>Proposed Mixed-Use – 4 Story plus Mezzanine Level – 6 Units</b>	<b>\$3,744,261</b>	<b>\$3,713,769</b>	<b>(\$30,491)</b>	<b>-0.6%</b>

## SITE DESCRIPTION

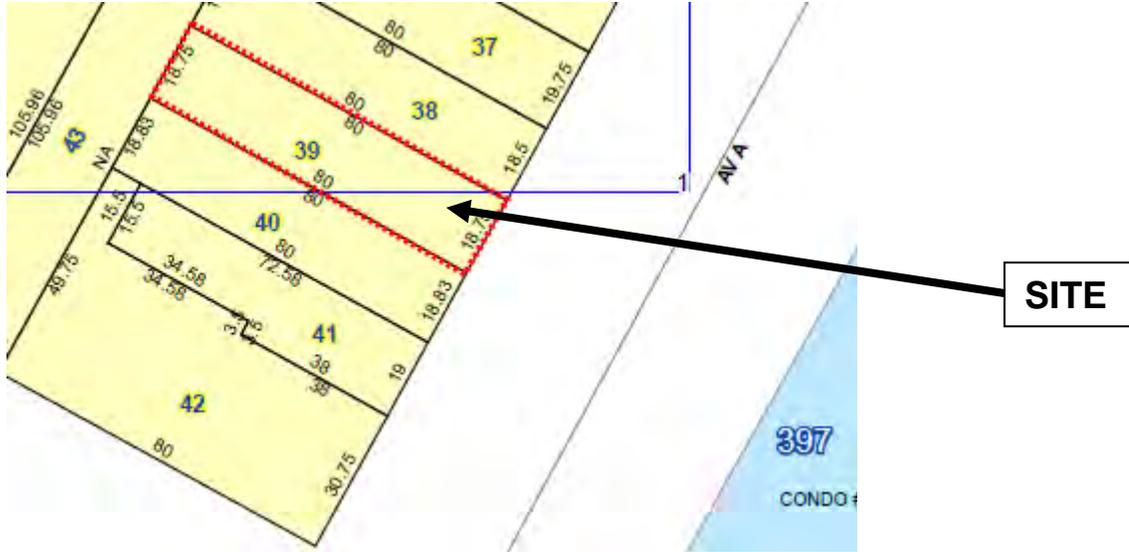
The subject site consists of an existing, three-story, walk-up, commercial building on **Lot 39** on **Block 429** in the East Village neighborhood of Manhattan. The total lot area is approximately 1,500 square feet with about 18.75 feet facing Avenue A to a depth of about 80 feet. The site is zoned R8A with a C2-5 commercial overlay. The existing building has a total floor area of 3,774 square feet, and is under-built to current zoning.

### Subject Site 11 Avenue A – Manhattan



The land use in the area surrounding the subject site is comprised mostly of multi-family apartment buildings, many along the avenues with ground floor commercial use. To the south near Essex and East Houston Streets, there is the “ABC Playground”, a New York City park that provides open space for the neighborhood.

**Subject Site  
Block 429 Lot 39 – Manhattan**



**R8A/C2-5 Zoning District**



## ZONING & DEVELOPMENT OPTIONS

The subject site is zoned R8A/C2-5 which allows for residential use at a maximum FAR of 6.02 and a maximum commercial FAR of 2.0. The site is a three-story walkup commercial building totaling 3,784 square feet of above grade building area and is under-built to current zoning. The subject site has a total lot area of only 1,500 square feet, less than the required minimum for multi-family development.

Therefore, this report will analyze two, mixed-use re-development scenarios.

- 1. “As-of-Right” Mixed-Use** - The annual return of the existing three-story, plus cellar, walk-up building enlarged to four floors, plus a mezzanine level atop of the fourth floor. Total above grade building is 4,958 square feet. The small site constraint only provides for two residential apartment units. Both units are large three-bedroom, duplex apartments, one totaling 1,726 square feet and the other at 940 square feet. Retail space totaling 1,486 square feet is provided at the ground floor.
- 2. Proposed Mixed-Use** - The annual return of the existing three-story walk-up building enlarged to four floors plus a mezzanine level atop of the fourth floor. Total above grade building is 4,958 square feet. The plan consists of five one-bedroom units and one two-bedroom unit. The fourth floor and mezzanine level contain the duplex apartment units. Retail space totaling 1,484 square feet is provided at the ground floor.

## SITE VALUATION - "AS IS"

The existing building is walk-up commercial building that totals approximately 3,784 square feet of above grade building area within a R8A/C2-5 zoning district. The subject site is under-built compared to the maximum FAR 6.02 allowed under current zoning and therefore we have made an adjustment to reflect the value of the excess development rights. We made other adjustments to the sales comparables to determine comparability to the subject site. **Exhibit 1** presents recent sales of low-rise commercial buildings within the area.

### Exhibit 1

#### Commercial Building Sales Comparables – Adjustment Grid

	NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6
<b>Location</b>	153 E Broadway	3 Essex St	151 Avenue C	290 Grand St	222 E 14 St	27 E 20 St
<b>Block &amp; Lot</b>	283-28	297-29	392-35	413-29	469-19	849-22
<b># Stories</b>	2	4	2	2	5	3.5
<b>Property Class.</b>	K9	K9	K2	K2	K9	K9
<b>Zoning</b>	R7-2	C6-2	R7A	C4-4A	C1-6A	M1-5M
<b>Lot SF</b>	2,128	1,120	1,909	2,187	1,652	1,702
<b>Bldg SF</b>	5,850	4,632	3,957	4,376	5,492	3,751
<b>Sale Date</b>	8/8/2013	6/28/2012	6/18/2012	8/2/2013	4/4/2013	4/8/2014
<b>Sales Price</b>	\$3,325,000	\$2,500,000	\$1,750,000	\$2,900,000	\$4,100,000	\$3,300,000
<b>Price/SF</b>	\$568.38	\$539.72	\$442.25	\$662.71	\$746.54	\$879.77
<b>Adjustment Factors</b>						
<b>Time</b>	1.00	1.00	1.00	1.00	1.00	1.00
<b>Location</b>	1.05	1.00	1.10	1.00	1.00	0.95
<b>Size</b>	1.00	1.00	1.00	1.00	1.00	1.00
<b>Excess Dev. Rights</b>	1.00	1.00	1.00	1.00	0.95	1.00
	1.10	1.10	1.10	1.10	1.10	1.10
<b>Composite Adj.</b>	1.16	1.10	1.21	1.10	1.05	1.05
<b>Adj. Price/SF</b>						
<b>Avg. Adj. Price SF</b>		<b>\$ 702.29 /SF</b>				

On the basis of the above, the total site value is estimated as follows:

Subject site: 3,784 SF of building area @ \$ 702.29/SF = \$2,657,480

<b>Total Site Value</b>	<b>= \$2,657,480</b>
-------------------------	----------------------

# COMPARABLE RETAIL AND RESIDENTIAL LEASES

## Retail Lease Comparables

Under both the “as-of-right” and the proposed plan, the retail commercial space provided in the existing building will remain. The ground floor retail space totals 1,486 square feet, and the following table presents available space within the vicinity of the subject site. We have made adjustments in order to determine comparability to the subject site.

### Exhibit 2

#### Retail Lease Comparables - Adjustment Grid

	NO. 1	NO. 2	NO. 3	NO. 4	NO. 5
<b>Location</b>	250 Houston St	136 E. 3rd St	128 First Ave	131 Orchard St	139 Essex St
<b>Lease Date</b>	Immediate	Immediate	Immediate	Immediate	Immediate
<b>Size (SF)</b>	5,000	1,328	1,500	1,000	600
<b>Price/SF</b>	\$75.00	\$60.00	\$72.00	\$102.00	\$90.00
<b>Adjustment Factors</b>					
<b>Time</b>	1.00	1.00	1.00	1.00	1.00
<b>Location</b>	0.95	1.20	1.00	1.05	1.05
<b>Size</b>	1.15	0.95	0.95	0.95	0.90
<b>Condition</b>	1.05	1.05	1.05	1.05	1.05
<b>Composite Adj.</b>	1.15	1.20	1.00	1.05	0.99
<b>Adj. Price/SF</b>	<b>\$86.03</b>	<b>\$71.82</b>	<b>\$71.82</b>	<b>\$106.83</b>	<b>\$89.30</b>
<b>Avg. Adj. Price/SF</b>	<b>\$ 85.16/SF</b>				

Based on the above, we have assigned a retail rental rate of \$85.00 per square foot for the ground floor retail space under both the “as-of-right” and proposed plan.

## Residential Lease Comparables

### “As-of-Right” Option

Due to the small size of the subject site, multi-family developments are not permitted. Therefore the number of apartment units is constrained to the “as-of-right” plan that

provides for two, large three-bedroom, duplex apartment units. The duplex unit provided on the 2<sup>nd</sup> and 3<sup>rd</sup> floor is a three bedroom/three bath unit totaling 1,726 square feet.

We have researched rental rates for three-bedroom units in the area surrounding the subject site and these are summarized below.

**Exhibit 3**

**Residential (Three Bedroom) Lease Comparables - Adjustment Grid**

	<b>NO. 1</b>	<b>NO. 2</b>	<b>NO. 3</b>
<b>Location</b>	141 Attorney St	32 Orchard St	330 East 6 St
<b>Unit Type</b>	3 Bedrm/1 bath	3 Bedrm/2 bath	3 Bedrm/2 bath
<b>Lease Date</b>	Immediate	Immediate	Immediate
<b>Price/Month</b>	\$4,700	\$4,999	\$5,995
<b>Adjustment Factors</b>			
<b>Time</b>	1.00	1.00	1.00
<b>Location</b>	1.00	1.00	0.90
<b>Size</b>	0.95	0.95	0.95
<b>Condition</b>	1.05	1.05	1.05
<b>Composite Adj.</b>	1.00	1.00	0.90
<b>Adj. Price/Mo.</b>	<b>\$4,688</b>	<b>\$4,987</b>	<b>\$5,382</b>
<b>Avg. Adj. Price/Mo.</b>	<b>\$ 5,019/Month</b>		

The “as-of-right” option is characterized as a type of “townhouse” format with the large, duplex units in a low-rise building. We believe that the required pricing and unit type is not the best fit for the residential market in the vicinity of the subject site and will be a challenge to attract quality, long term tenants for these very special units.

**Proposed Plan**

The proposed plan provides for a total of 6 residential apartment units, five of which are one-bedroom units with the remaining as a two-bedroom unit. The average size for the one-bedroom units is 476 square feet, while the two-bedroom unit is 638 square feet.

Summarized below are one- and two- bedroom apartment units available in the market.

**Exhibit 4**

**Residential (One- and Two- Bedroom) Lease Comparables -  
Adjustment Grid**

	<b>NO. 1</b>	<b>NO. 2</b>	<b>NO. 3</b>	<b>NO. 4</b>	<b>NO. 5</b>	<b>NO. 6</b>
<b>Location</b>	123 Ludlow St	317 East 3rd St	127 Rivington St	66 Avenue A	201 East 2nd St	110 East 1st St
<b>Unit Type</b>	1 Bedrm/1 bath	1 Bedrm/1 bath	1 Bedrm/1 bath	2 Bedrm/1 bath	2 Bedrm/1 bath	2 Bedrm/1 bath
<b>Lease Date</b>	Immediate	Immediate	Immediate	Immediate	Immediate	Immediate
<b>Price/Month</b>	\$2,244	\$2,700	\$2,325	\$4,525	\$3,400	\$3,250
<b>Adjustment Factors</b>						
<b>Time</b>	1.00	1.00	1.00	1.00	1.00	1.00
<b>Location</b>	1.00	0.95	1.00	1.00	1.00	0.95
<b>Size/Config/Walkup</b>	0.95	0.95	0.95	0.90	0.95	0.95
<b>Condition</b>	1.05	1.05	1.05	1.05	1.05	1.05
<b>Composite Adj.</b>	1.00	0.95	1.00	0.95	1.00	0.95
<b>Adj. Price/Mo.</b>	<b>\$2,238</b>	<b>\$2,559</b>	<b>\$2,319</b>	<b>\$4,276</b>	<b>\$3,392</b>	<b>\$3,080</b>
<b>Avg. Adj. Price/Mo. – One Bedroom Unit</b>			<b>\$ 2,272/Month</b>			
<b>Avg. Adj. Price/Mo. – Two Bedroom Unit</b>			<b>\$ 3,582/Month</b>			

**Comparable Rate Summary**

**Exhibit 5** summarizes the rates that are used in the financial pro forma analysis of each development scenario.

**Exhibit 5**

**Pro-Forma Rate Summary**

<b>Use</b>	<b>Pro Forma Rate</b>
<b>Site Value</b>	<b>\$2,657,480</b>
“As-of-Right” & Proposed Retail Space	\$ 85.00 per sqft
“As-of-Right- Three-Bedroom Unit	\$ 5,019 per month
Proposed – One-Bedroom Unit	\$ 2,372 per month
Proposed – Two-Bedroom Unit	\$ 3,582 per month

# COST ANALYSIS

Costs for each of the scenarios analyzed has been taken from the Marshall & Swift Valuation Service and adjusted to local conditions. They are assumed to represent typical costs in the New York market for the type of structure contemplated in each scenario. Where special items exist, such as sprinklers, elevators or HVAC systems, or office finishes, they have been added to the base cost. The details of these costs are presented in the **Appendix**

## “As-of-Right” and Proposed Mixed-Use Building

### Rehabilitation of Existing Building & New Construction

Costs for the “as-of-right” option and the proposed plan have been calculated on the basis of Marshall & Swift Valuation Service Manual for both the rehabilitation of the existing building and the new construction of the additional 4<sup>th</sup> floor and mezzanine level atop of the fourth floor. We have utilized the cost of an interior build-out for the renovation required for the existing three floors.

According to Marshall & Swift, the cost of an interior build-out for a Good Class B high-rise residential building is \$61.33 per square foot of above grade building area including sprinklers. Adjusting for the Manhattan market and for inflation as well as the small site premiums, these costs then rise to \$106.79 per square foot of above grade building area.

The new construction that provides for the expansion of the existing building is based on Marshall & Swift’s cost estimate of a Good Class B high-rise residential building at \$136.29 per square foot of above grade building area, including sprinklers as well as the cost deduction associated with the foundation. Adjusting for the Manhattan market, small site premiums and for inflation, these costs rise to \$237.31 per square foot.

## Exhibit 6

### Construction Cost Summary

Use	Pro Forma Rate
Proposed Residential Rehab & New Construction	
Rehab - Existing Building	\$ 106.79/sf
New Construction- Add'l Floors	\$ 237.31/sf

## PRO FORMA ANALYSIS

**Exhibit 7** presents a summary of the assumptions used in each scenario. **Exhibits 8 & 9** present a pro forma analysis of the permitted scenarios, as well as the proposed re-development. **Exhibit 8** presents a summary of costs, income, and expenses for each development scenario, as well as an investment analysis for each scenario.

**Exhibit 9** presents the development costs for each scenario, including land valuation, base construction costs, FF & E costs, financing and soft costs. Additionally, a breakdown of the soft costs and financing costs for each scenario is presented.

### Economic and Financial Assumptions

The **building size, zoning floor areas, and the rentable areas** are as per the architectural schemes prepared by Robert Strong Architect.

The **construction loan rate** is based on the average paid in a survey of 312 appraisers, lenders and developers taken by *RealtyRates.com* in the 1<sup>st</sup> quarter 2014. We have used a rate of 6.0% annually. The **construction loan amount**, in this case, is equal to 70% of the total cost of construction, as this is the average loan to cost ratio according to the *RealtyRates.com* survey.

**Lease rates** for each use are based on current leases and comparable leases (see **Exhibit 5**). **Maintenance and operating costs** (M & O Costs) are New York industry norms, and are in part based on the median expenses as used by the NYC Assessors office. **Vacancy rates** have been adjusted depending on use and expected occupancy and reflect the current vacancy rate in the market for each use. **Current and New Real Estate Taxes** are the actual 2014 taxes on the property.

**Soft costs** are based on industry standards for each type of development, envisioned in each scenario. Where they are typically calculated on a percentage basis, this is shown in **Exhibit 9**.

**Exhibit 7** presented immediately following this text summarizes the assumptions used for each development scenario.

**Exhibit 7**

**Basic Development Assumptions**

	<b>As of Right Mixed-Use 4-Story &amp; Mezz</b>	<b>Proposed Mixed-Use 4 Story &amp; Mezz.</b>
Lot Area	1,500	1,500
Bldg Floor Area SF	4,958	4,958
FAR over Entire Site	3.31	3.31
<b>Area</b>		
Retail - Grnd Flr	1,484	1,484
Commercial Upper Flr		
Total Residential Units	2	6
# of One Bedrm Units		5
# of Two-Bedrm Units		1
# of Three-Bedrm Units	2	
Construction Loan Rate	6.00%	6.00%
Lease up Time - Months	6	4
Construction Loan Amt.	\$2,338,118	\$2,338,118
Site Value	\$2,657,480	\$2,657,480
<b>Lease Rates</b>		
Retail - Grnd Flr	\$85.00	\$85.00
Commercial Upper Flr		
One Bedroom - \$/Month		\$2,370
Two-Bedrm Units-\$/Month		\$3,585
Three-Bedrm Units-\$/Month	\$5,020	
Vacancy Rate	3.0%	3.0%
FF&E	\$0.00	\$0.00
Base Constr. Costs/sf	\$137.69	\$137.69
Base Constr. Costs	\$682,688	\$682,688
M&O Expenses	\$4.00	\$4.00
Management	5.0%	5.0%
Current Real Estate Taxes	\$30,970	\$30,970
New Real Estate Taxes	\$30,970	\$30,970
Capitalization Rate	7.3%	6.5%

**Exhibit 8**

**Pro Forma Analysis Summary**

	<b>As of Right Mixed-Use 4-Story &amp; Mezz</b>	<b>Proposed Mixed-Use 4 Story &amp; Mezz.</b>
<b>Building Area (Sq. Ft.)</b>		
FAR	3.31	3.31
Building Floor Area SF	4,958	4,958
Total Residential Units	2	6
<b>Capital Investment Summary</b>		
Site Value	\$2,657,480	\$2,657,480
Base Constr. Costs	\$682,688	\$682,688
FF & E Costs	\$0	\$0
Est. Soft Costs	\$402,807	\$404,092
<b>Est. Total Dev. Costs</b>	<b>\$3,742,976</b>	<b>\$3,744,261</b>
<b>Rental Income and Expenses</b>		
Annual Residential Rental	\$120,480	\$185,220
Annual Commercial Rental	\$126,140	\$126,140
<b>Gross Rental Income</b>	<b>\$246,620</b>	<b>\$311,360</b>
Less Vacancy	(\$3,784)	(\$3,784)
<b>Effective Rental Income</b>	<b>\$242,836</b>	<b>\$307,576</b>
Less M&O Expenses	(\$19,832)	(\$19,832)
Management	(\$12,142)	(\$15,379)
Less Real Estate Taxes	(\$30,970)	(\$30,970)
<b>Net Operating Income</b>	<b>\$179,892</b>	<b>\$241,395</b>
<b>Return on Investment</b>		
Project Development Cost	\$3,742,976	\$3,744,261
Capitalized Value of Net Operating Income	(\$2,464,274)	(\$3,713,769)
<b>Est. Project Value/Loss</b>	<b>(\$1,278,702)</b>	<b>(\$30,491)</b>
<b>Annual Return As % of Cost</b>	<b>-24.1%</b>	<b>-0.6%</b>

Exhibit 9

Development Cost Summary

		<b>As of Right Mixed-Use 4-Story &amp; Mezz</b>	<b>Proposed Mixed-Use 4 Story &amp; Mezz.</b>
	<b>Basis</b>		
Bldg Value		\$2,657,480	\$2,657,480
Base Constr. Costs		\$682,688	\$682,688
FF & E Costs		\$0	\$0
Est. Soft Costs		\$402,807	\$404,092
<b>Est. Total Dev. Costs</b>		<b>\$3,742,976</b>	<b>\$3,744,261</b>
Est. Const. Loan Amount		\$2,338,118	\$2,338,118
Est. Const. Period (Mo.)		11	12
<b>Est. Soft Costs:</b>			
Archit. & Engin. Fees	6.0%	\$40,961	\$40,961
Construction Management	3.0%	\$20,481	\$20,481
Inspections, Borings & Surveys		\$10,000	\$10,000
Dev. Legal Fees		\$35,000	\$35,000
Permits & Approvals		\$25,000	\$25,000
Accounting		\$5,000	\$5,000
Real Property Tax		\$43,874	\$41,293
Insurance	3.0%	\$20,481	\$20,481
Appraisal Fees		\$5,000	\$5,000
Con. Loan Int. ,Loan Rate@	6.00%	\$99,370	\$93,525
Con. Lender Fees	1.25%	\$29,226	\$29,226
Con. Lender Legal		\$7,500	\$7,500
Bank Inspect. Engin.		\$5,000	\$5,000
Commercial Brokerage	30%	\$37,842	\$37,842
Residential Marketing	15%	\$18,072	\$27,783
<b>Total Est. Soft Costs</b>		<b>\$402,807</b>	<b>\$404,092</b>

**APPENDIX**  
**Development Cost Estimates**

**Development Cost Estimates**  
**11 Avenue A - Manhattan**  
As Per Marshall & Swift Valuation Service

	<b>As -of-Right &amp; Proposed Rehab 2nd &amp; 3rd Flrs</b>	<b>As -of-Right &amp; Proposed New 4th Flr &amp; Mezz.</b>
<b>Base Cost per SF*</b>	<b>\$56.85</b>	<b>\$140.03</b>
Sprinklers	\$4.48	\$3.75
Less Foundation and/or Exterior Walls		(\$3.61)
Elevator Adj		(\$3.88)
<b>Subtotal Base Cost Per SF</b>	<b>\$61.33</b>	<b>\$136.29</b>
Façade Area Adjustment	116.5%	116.5%
Floor Height Adjustment	100.0%	100.0%
Ceiling Height Adjustment	100.0%	100.0%
Geographic Multiplier	141.0%	141.0%
Inflation Factor	106.0%	106.0%
<b>Total Cost Per SF*</b>	<b>\$106.79</b>	<b>\$237.31</b>

\* Costs are for above grade area.

**APPENDIX**  
***RealtyRates.com***

RealtyRates.com INVESTOR SURVEY - 1st Quarter 2014*						
APARTMENTS - HI-RISE/URBAN TOWNHOUSE						
Item	Input					OAR
<b>Minimum</b>						
Spread Over 10-Year Treasury	0.90%	<b>DCR Technique</b>	1.35	0.054692	0.75	<b>5.54</b>
Debt Coverage Ratio	1.35	<b>Band of Investment Technique</b>				
Interest Rate	3.62%	Mortgage	75%	0.054692	0.041019	
Amortization	30	Equity	25%	0.065905	0.016476	
Mortgage Constant	0.054692	OAR				<b>5.75</b>
Loan-to-Value Ratio	75%	<b>Surveyed Rates</b>				<b>5.46</b>
Equity Dividend Rate	6.59%					
<b>Maximum</b>						
Spread Over 10-Year Treasury	5.88%	<b>DCR Technique</b>	1.96	0.118873	0.50	<b>11.65</b>
Debt Coverage Ratio	1.96	<b>Band of Investment Technique</b>				
Interest Rate	8.60%	Mortgage	50%	0.118873	0.059437	
Amortization	15	Equity	50%	0.159248	0.079624	
Mortgage Constant	0.118873	OAR				<b>13.91</b>
Loan-to-Value Ratio	50%	<b>Surveyed Rates</b>				<b>13.21</b>
Equity Dividend Rate	15.92%					
<b>Average</b>						
Spread Over 10-Year Treasury	3.39%	<b>DCR Technique</b>	1.66	0.081880	0.68	<b>9.15</b>
Debt Coverage Ratio	1.66	<b>Band of Investment Technique</b>				
Interest Rate	6.11%	Mortgage	68%	0.081880	0.055269	
Amortization	23	Equity	33%	0.107909	0.035071	
Mortgage Constant	0.081880	OAR				<b>9.03</b>
Loan-to-Value Ratio	68%	<b>Surveyed Rates</b>				<b>9.06</b>
Equity Dividend Rate	10.79%					

\*4th Quarter 2013 Data

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RealtyRates.com™ INVESTOR SURVEY - 1st Quarter 2014*						
APARTMENTS - STUDENT HOUSING						
Item	Input					OAR
<b>Minimum</b>						
Spread Over 10-Year Treasury	0.90%	<b>DCR Technique</b>	1.25	0.050433	0.75	<b>4.71</b>
Debt Coverage Ratio	1.25	<b>Band of Investment Technique</b>				
Interest Rate	3.62%	Mortgage	75%	0.050433	0.037825	
Amortization	35	Equity	25%	0.065905	0.016476	
Mortgage Constant	0.050433	OAR				<b>5.43</b>
Loan-to-Value Ratio	75%	<b>Surveyed Rates</b>				<b>5.16</b>
Equity Dividend Rate	6.59%					
<b>Maximum</b>						
Spread Over 10-Year Treasury	5.31%	<b>DCR Technique</b>	1.81	0.114852	0.50	<b>10.37</b>
Debt Coverage Ratio	1.81	<b>Band of Investment Technique</b>				
Interest Rate	8.03%	Mortgage	50%	0.114852	0.057426	
Amortization	15	Equity	50%	0.153248	0.076624	
Mortgage Constant	0.114852	OAR				<b>13.40</b>
Loan-to-Value Ratio	50%	<b>Surveyed Rates</b>				<b>12.73</b>
Equity Dividend Rate	15.32%					
<b>Average</b>						
Spread Over 10-Year Treasury	3.10%	<b>DCR Technique</b>	1.53	0.076019	0.68	<b>7.83</b>
Debt Coverage Ratio	1.53	<b>Band of Investment Technique</b>				
Interest Rate	5.82%	Mortgage	68%	0.076019	0.051313	
Amortization	25	Equity	33%	0.105209	0.034193	
Mortgage Constant	0.076019	OAR				<b>8.55</b>
Loan-to-Value Ratio	68%	<b>Surveyed Rates</b>				<b>9.22</b>
Equity Dividend Rate	10.52%					

\*4th Quarter 2013 Data

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**APPENDIX**  
**Qualifications**

**ROBERT B. PAULS, LLC** - Offers a full range of real estate consulting services to retail tenants, private developers, financial institutions, public agencies and community development organizations. Since its inception in 1975, the firm has provided market feasibility analyses, highest and best use studies, financial pro forma and cash flow analyses, economic impact studies, cost-benefit analyses, project valuations and expert testimony on every type of real estate development. Assignments have included projects throughout the United States as well as in Europe, South America and Africa.

**MARKET STUDIES:** The firm has prepared a large number of market feasibility studies for public and private clients for virtually all types of projects including retail, office, industrial, hotel, residential, and recreational uses. These studies have analyzed market demand, pricing, absorption, demographic characteristics, zoning requirements, user availability and political climates in order to determine feasibility. The firm has had experience in projects ranging from single use sites to large mixed-use developments.

**FINANCIAL ANALYSES:** The firm has provided financial pro forma and cash flow analyses for all segments of the real estate community. Many developers, financial institutions and real estate attorneys have used our firm to aid in their "due diligence" process, to document preparation for lenders or to obtain zoning changes or variances. Factors that are typically analyzed are construction costs, soft costs, financing costs, land values, absorption, pricing and operating costs. These studies range from single pro forma analyses to complicated multi-year, multi-use cash flow analyses.

**ECONOMIC IMPACT ANALYSES:** We have been active in preparing economic impact analyses for private developers and local governments as part of environmental impact studies, cost-benefit studies, zoning applications and use variances.

**EXPERT TESTIMONY:** Partners of the firm have provided expert testimony regarding economic viability, market demand, fiscal impacts and other real estate issues at zoning hearings, variance application proceedings, and before other judicial and administrative bodies. Many environmental firms, real estate attorneys and architects have included us as part of their team to present their case before public agencies municipal and judicial authorities.

**ROBERT B. PAULS, LLC** - Has worked extensively throughout New York City, the nation and the world, in the planning and implementation of all types of real estate developments. Previous assignments have ranged from complex central business district mixed-use projects to smaller projects involving development or redevelopment of individual sites. Clients have included:

**Private Sector**

Zubizarreta - Montemayor Assoc.  
Zeckendorf Company  
Brodsky Organization  
Homart Development  
NJ Public Service & Gas  
Princess Hotels  
A&P Supermarkets  
Michael Kwartler & Associates  
Greater New York Savings Bank  
New Brunswick Savings Bank  
Archstone Properties  
Stroock & Stroock  
Kushner Companies  
Shopco Group  
Chemical Bank  
Conway Stores  
Herrick Feinstein  
Phillips Nizer

Murray Hill Properties  
Continuum Company  
STV, Inc.  
Prestige Properties  
Columbia University  
Nathan's Famous, Inc.  
The Mills Corporation  
Konheim & Ketcham  
Citicorp  
Procter & Gamble  
Petroleos de Venezuela  
Univision  
Carl Marks & Company  
Finast Supermarkets  
Oxford Development Corp.  
Rosenshein Associates  
Paul Hastings et al  
Ohrenstein & Brown

**Public Sector**

New York City Economic Development Corp.  
New York City Department of City Planning  
Empire State Dev.Corp.  
Roosevelt Island Operating Corp.  
State of New Jersey Dept. of Historic Pres.  
City of New Haven, Connecticut  
City of Jamestown, New York  
New York City Board of Education  
Greater Jamaica Development Corporation  
South Bronx Overall Economic Dev. Corp.  
Times Square BID  
Downtown Alliance

New York City Office of Bus.Dev.  
New York City Dept.of Trans.  
Jacob K. Javits Conv. Center  
United Nations Dev. Corp.  
City of Bloomfield, Connecticut  
NYC Board of Education  
Long Island City Dev. Corp.  
NYC Housing Authority  
Upper Man. Empwrmnt Zone  
Fourteenth-Union Square BID  
Fashion Center BID  
Downtown Brooklyn Council

**ROBERT B. PAULS**  
**MANAGING PARTNER**

**EXPERIENCE**

Mr. Pauls has been providing extensive real estate and planning consulting services since 1975. He has been involved in a variety of assignments including highest and best use, project feasibility, land use analyses, market feasibility studies, housing analyses, cash flow analyses, pro forma statements and residual land value analyses, on all types of real estate development. These services have been provided for every conceivable type of development from a small retail or residential project to hundred million dollar plus mixed use projects.

Clients have included major architectural and planning firms, governmental agencies, retail tenants, private developers, financial institutions and major corporations. Representative clients include the City and State of New York; NYC Economic Development Corporation; the State of New Jersey; Procter & Gamble; Conway Stores; Oxford Development Corp.; A&P Supermarkets; Jacob K. Javits Convention Center; Princess Hotels International; Petroleos de Venezuela, and many others.

Prior to commencing a private consulting practice, Mr. Pauls gained experience in all phases of real estate development including land acquisition, project planning, financing, and marketing working for several major developers including Kimco Corporation and Sanndrel, Inc. Mr. Pauls also served as a vice president for Nordal Associates on various large, mixed-use developments throughout the United States, South America, Africa and Europe.

In addition to his consulting activities, Mr. Pauls is an active lecturer, having given seminars at New York University, Columbia University, Princeton University, City University Graduate Center, Lehman College, Brooklyn College as well as many professional conferences and workshops. He has also been qualified as an expert witness in both State and Federal Courts

Mr. Pauls has degrees in Economics and graduate studies in Urban Planning.

**BARBARA J. COHEN**  
**SENIOR ASSOCIATE**

Ms. Cohen has worked with **Robert B. Pauls, LLC** - Real Estate & Planning Consultants for the past 18 years. She has been involved in a number of assignments, including retail market studies, commercial revitalization strategies, Business Improvement District studies, feasibility studies, and commercial and residential market analyses. Most recently, she has worked on the economic and revitalization strategies for the Times Square BID, The Fashion Center BID, The Upper Manhattan Empowerment Zone as well as a variety of other planning and real estate analyses.

As a senior associate, her responsibilities with the firm include research, data analyses, field inventories, project supervision and other planning and real estate functions. Ms Cohen has also been actively involved in the many services that we have performed for private sector, public sector and Business Improvement District clients and has a unique understanding of the BID process.

Prior to joining forces with **Robert B. Pauls, LLC** - Real Estate & Planning Consultants, Ms. Cohen completed her B.A. in Architectural History at State University of New York at Buffalo and received her Master's degree in Urban Planning at CUNY - Hunter College.

Additional experience in the field is demonstrated by her work with the NYC Landmarks Preservation Commission, the Center for Building Conservation, The Pitkin Avenue BID, The Alliance for Downtown NY, The Glen Cove BID and Phipps Houses. Ms. Cohen has a masters degree in Urban Planning from Hunter College.



BSA CALENDAR NO. \_\_\_\_\_ BLOCK 429 LOT 39  
 SUBJECT SITE ADDRESS 11 Avenue A, Manhattan  
 APPLICANT Sheldon Lobel, P.C.

COMPLIANT: "Y"  
 IF NOT: "N" and  
 INDICATE AMT  
 OVER/UNDER

	PRIOR BSA #						
	* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	
ZONING DISTRICT <u>C2-5 in R8A</u>							
SPECIAL/HISTORIC DISTRICT _____							
COMMUNITY BOARD <u>3</u>							
<b>LOT AREA</b>	23-32		1700 SF		1500 SF	1500 SF	N under 200sf
<b>LOT WIDTH</b>	23-32		18'		18.75'	18.75'	Y
<b>USE GROUP (S)</b>	32-00/22-00	1 through 9			6	6 & 2	Y
<b>FA RESIDENTIAL</b>	23-145	9030			0	3474	Y
<b>FA COMMUNITY FACILITY</b>	24-111	9030			0	0	Y
<b>FA COMMERCIAL/INDUST.</b>	33-121	3000			3784	1484	Y
<b>FLOOR AREA TOTAL</b>		9030				4958	Y
<b>FAR RESIDENTIAL</b>	23-145	6.02			0	2.32	Y
<b>FAR COMMUNITY FACILITY</b>	24-111	6.02			0	0	Y
<b>FAR COMMERCIAL/INDUST.</b>	33-121	2.0			2.52	.99	Y
<b>FAR TOTAL</b>		6.02				3.31	Y
<b>OPEN SPACE</b>	N/A						
<b>OPEN SPACE RATIO</b>	N/A						
<b>LOT COVERAGE (%)</b>	23.145	70%			99%	99%	Y*
<b>NO. DWELLING UNITS</b>	23-33 / 23-22	2 / 12			0	6	N over by 4**
<b>WALL HEIGHT</b>	23-633	60'-85'			34'-7"	52'-7"	Y
<b>TOTAL HEIGHT</b>	23-692	80'			34'-7"	52'-7"	Y
<b>NUMBER OF STORIES</b>						4	Y
<b>FRONT YARD</b>	N/A						
<b>SIDE YARD</b>	23-462(c)		0		0	0	Y
<b>SIDE YARD</b>	23-462(c)		0		0	0	Y
<b>REAR YARD</b>	33-26/23-48		20'/30'		10"/--	10"/18'-8"	Y***
<b>SETBACK (S)</b>	23-633(b)		10'		0	0	Y
<b>SKY EXP. PLANE (SLOPE)</b>	N/A						
<b>NO. PARKING SPACES</b>	13-10		0		0	0	Y
<b>LOADING BERTH (S)</b>	N/A						
<b>OTHER:</b> _____							

\* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included. NOTES: \*Pre-existing non-compliance.

\*\* Seeking variance pursuant to ZR 72-21 to waive ZR 23-32.

\*\*\* First three floors have pre-existing, non-complying rear yards.



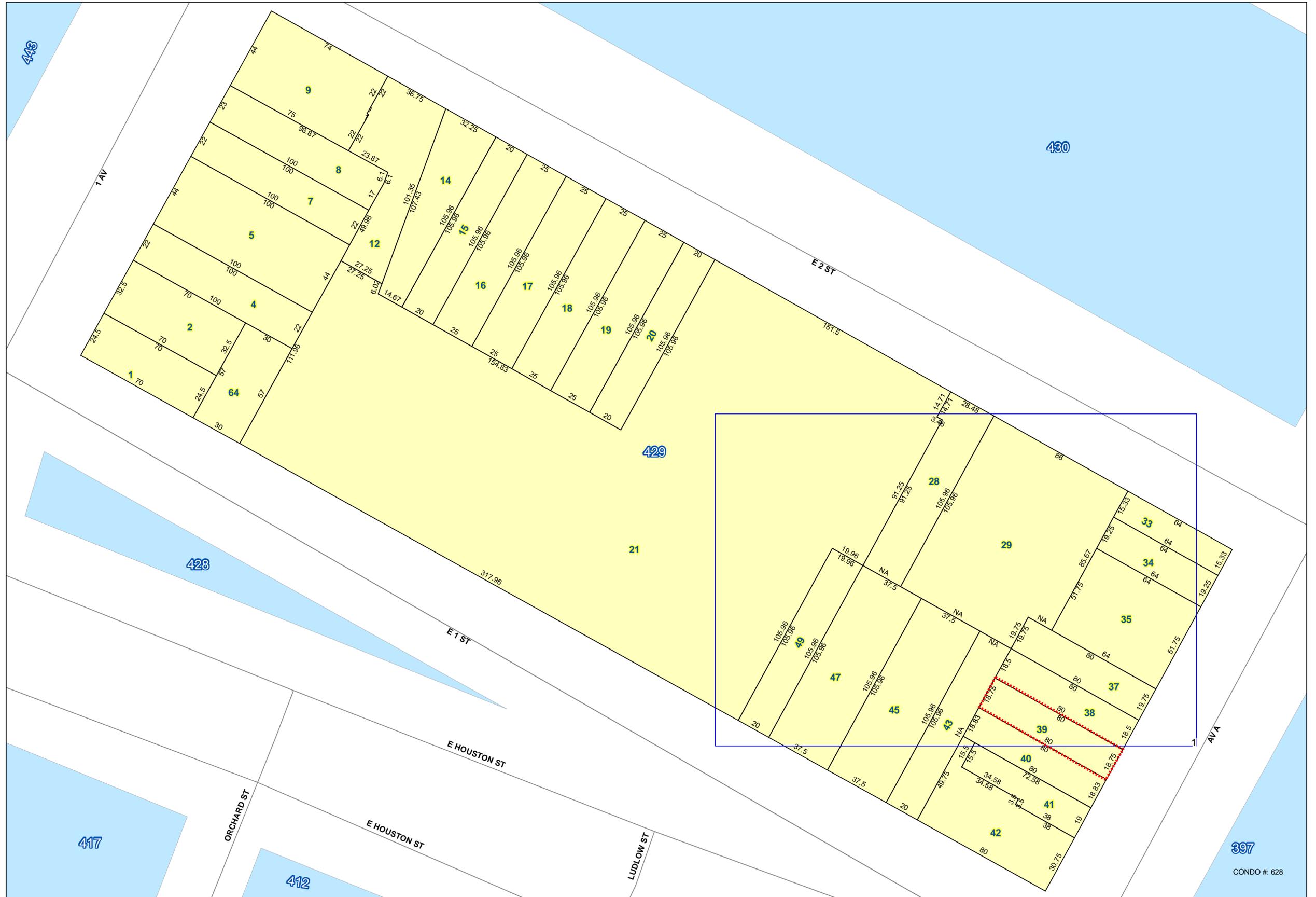


NYC Digital Tax Map

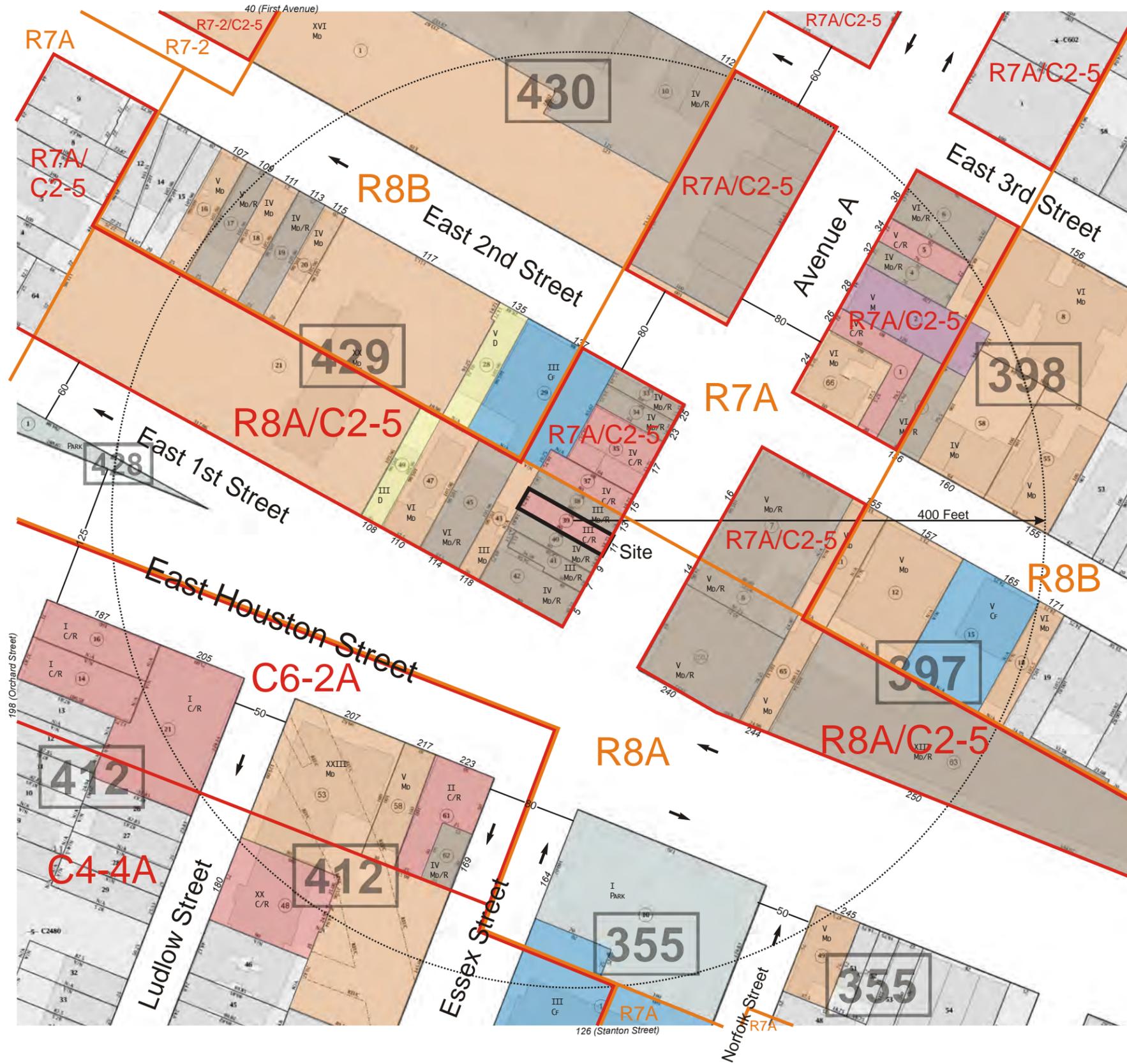
Effective Date : 12-09-2008 12:34:07  
 End Date : Current  
 Manhattan Block: 429

Legend

- Streets
- Miscellaneous Text
- ↓ Possession Hooks
- - - Boundary Lines
- ↓ Lot Face Possession Hooks
- Regular
- - - Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon
- ..... Premises

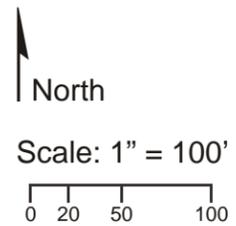


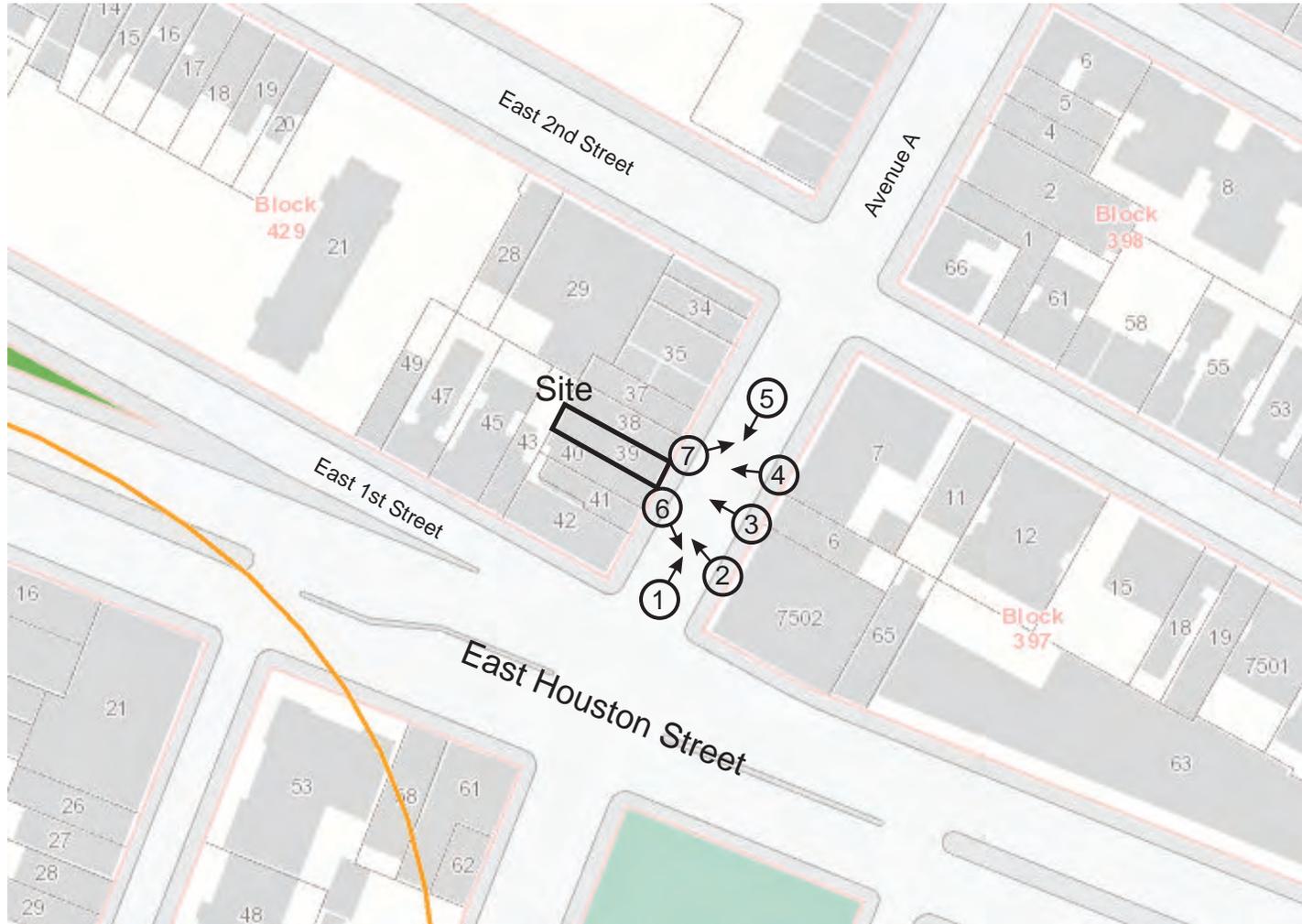
CONDO #: 628



- Land Uses**
- One and Two-Family Homes
  - Multiple Dwelling
  - Commercial
  - Mixed Use (Residential-Commercial)
  - Manufacturing
  - Open Space / Park Land
  - Institutional / Community Facility
  - Parking / Automotive

- Legend**
- # - Lot Numbers (within radius)
  - ### - Block Numbers
  - I, II, III - Story Height
  - MD - Multiple Dwelling
  - D - Dwelling
  - R - Retail
  - G - Garage
  - C - Commercial
  - I - Industrial
  - M - Manufacturing
  - W - Warehouse
  - V - Vacant
  - Cf - Community Facility











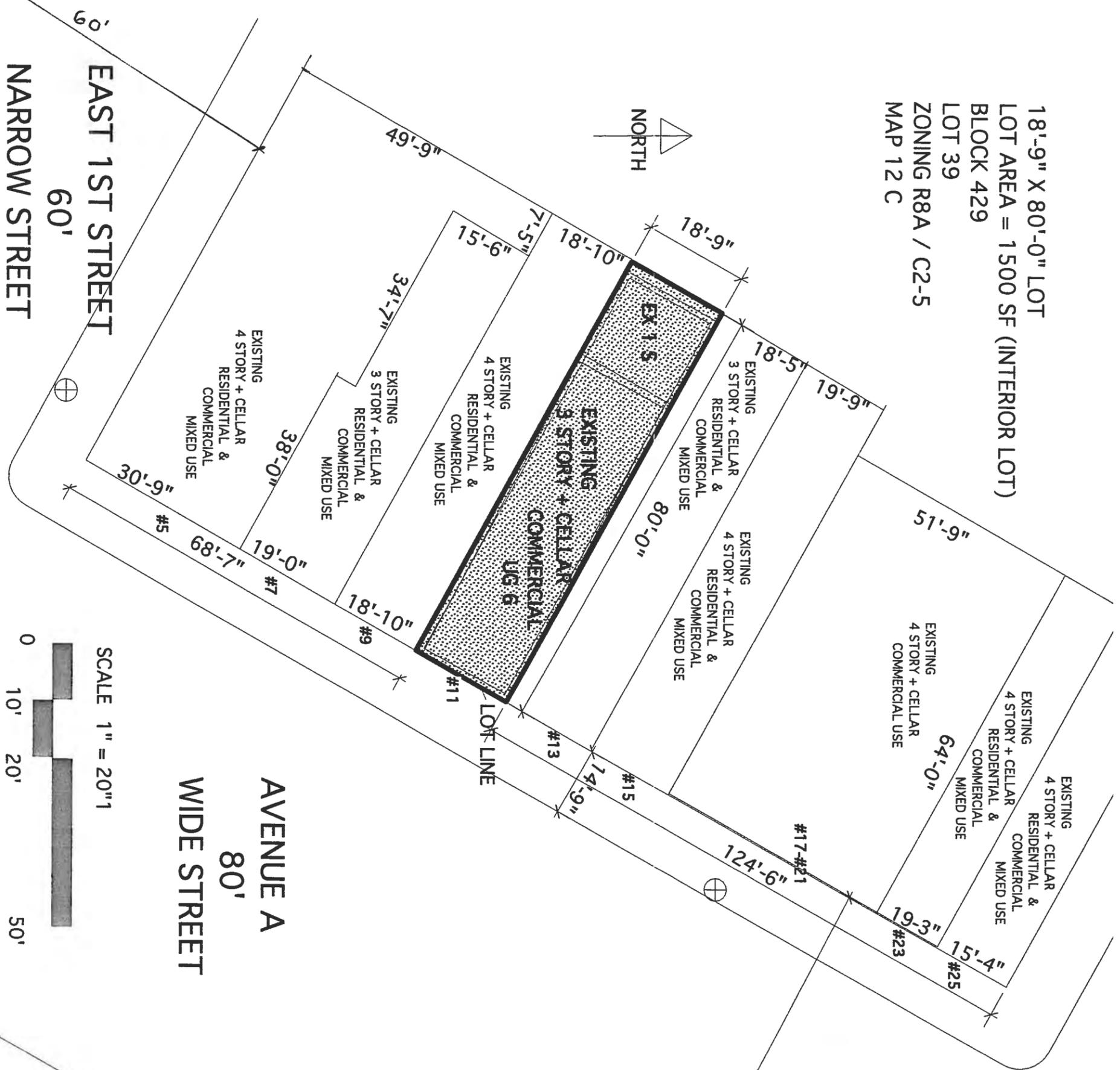






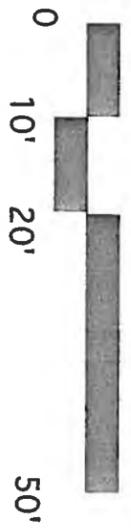


18'-9" X 80'-0" LOT  
 LOT AREA = 1500 SF (INTERIOR LOT)  
 BLOCK 429  
 LOT 39  
 ZONING R8A / C2-5  
 MAP 12 C



AVENUE A  
 80'  
 WIDE STREET

SCALE 1" = 20"1



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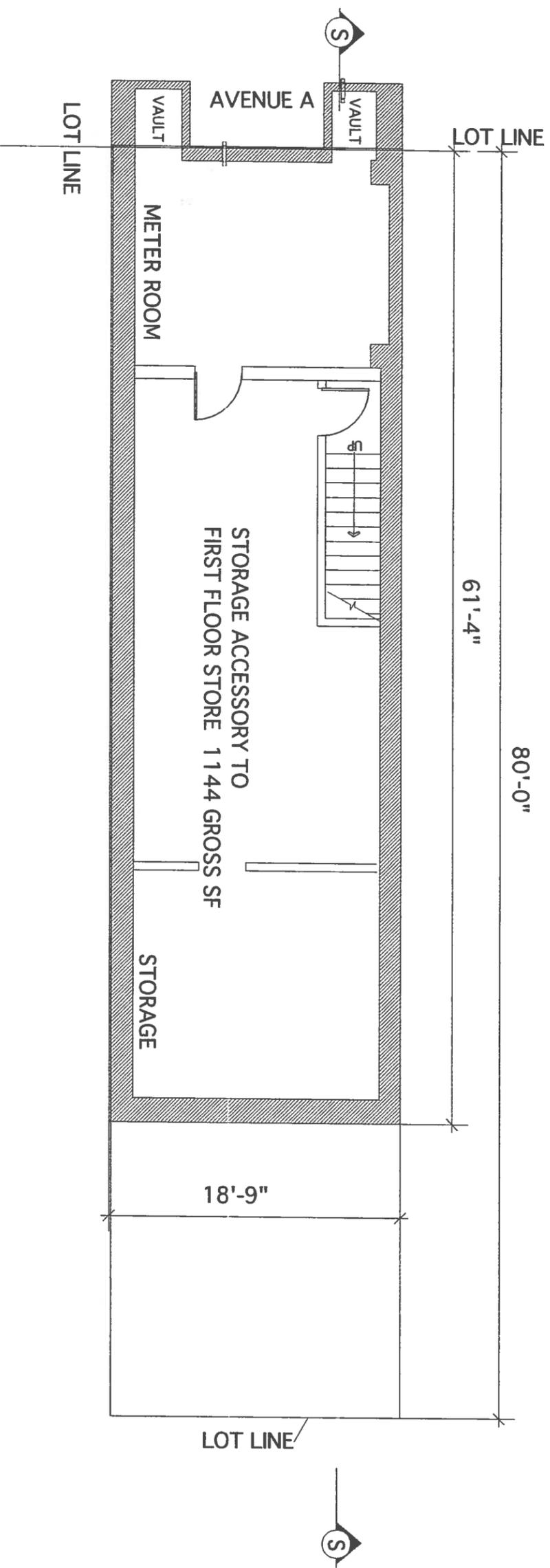
PROJECT  
**11 AVENUE A, MANHATTAN**

**EXISTING PLOT PLAN**

PAGE 1  
 OF 18



EAST 1ST STREET  
 60'  
 NARROW STREET



**EXISTING CELLAR PLAN**

SCALE 1/8" = 1'-0"

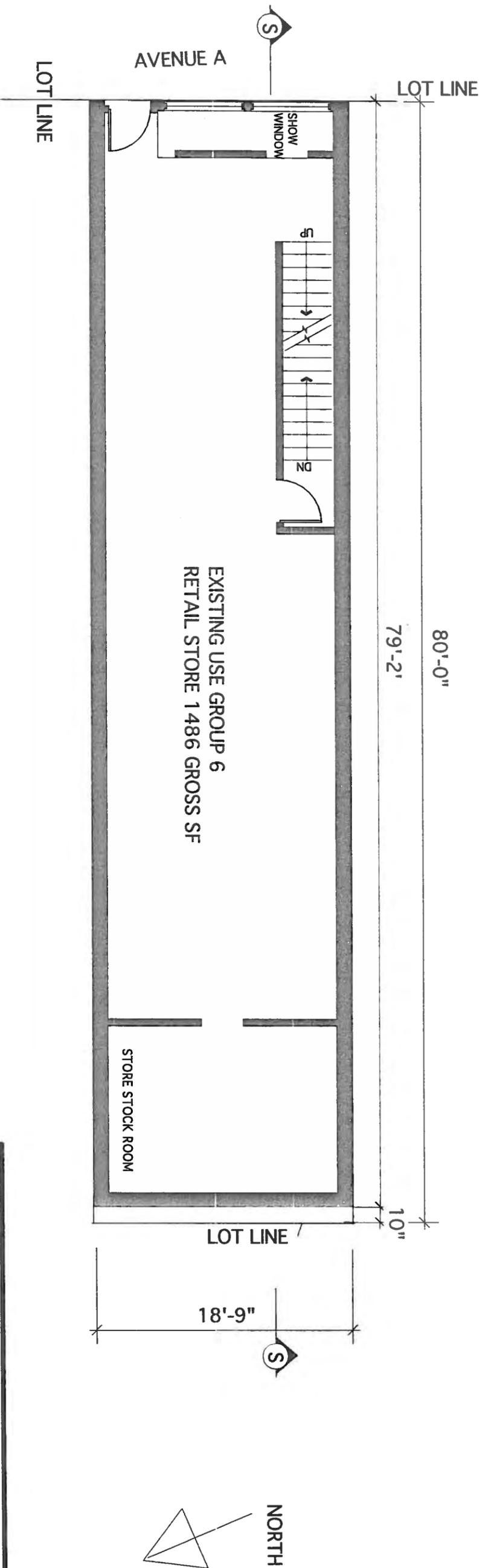


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EXISTING CELLAR PLAN PAGE 2  
 OF 18





**EXISTING  
FIRST FLOOR PLAN**

SCALE 1/8" = 1'-0"



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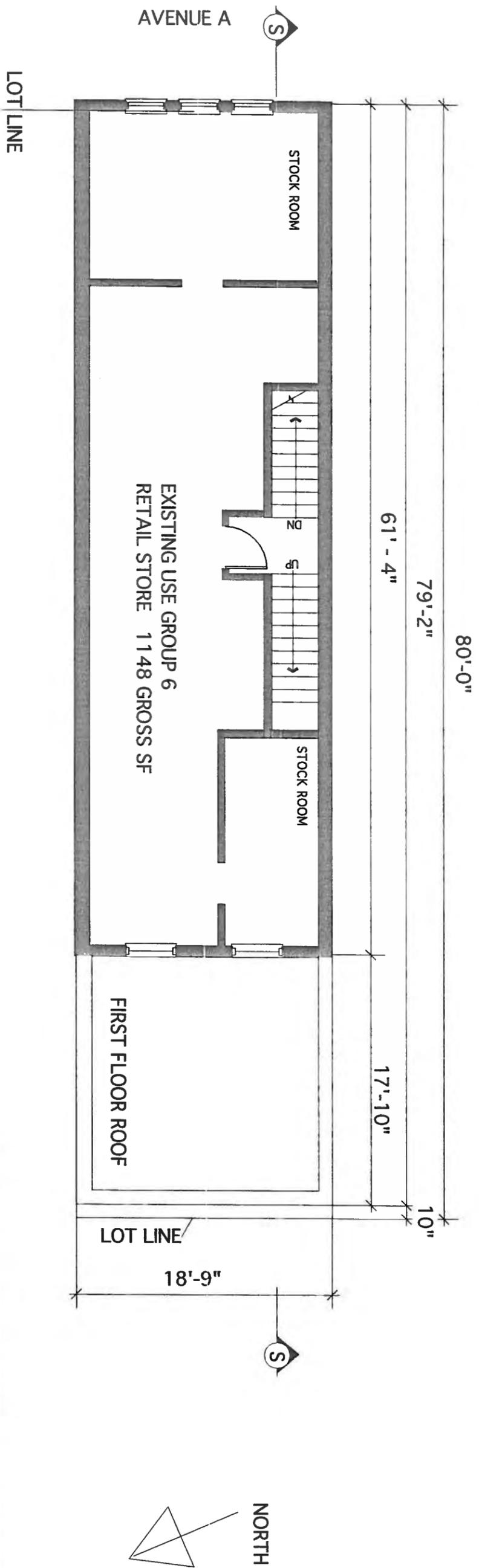
PROJECT  
**11 AVENUE A, MANHATTAN**

EXISTING  
FIRST FLOOR PLAN

PAGE  
**3**

OF 18





**EXISTING  
SECOND FLOOR PLAN**

SCALE 1/8" = 1'-0"



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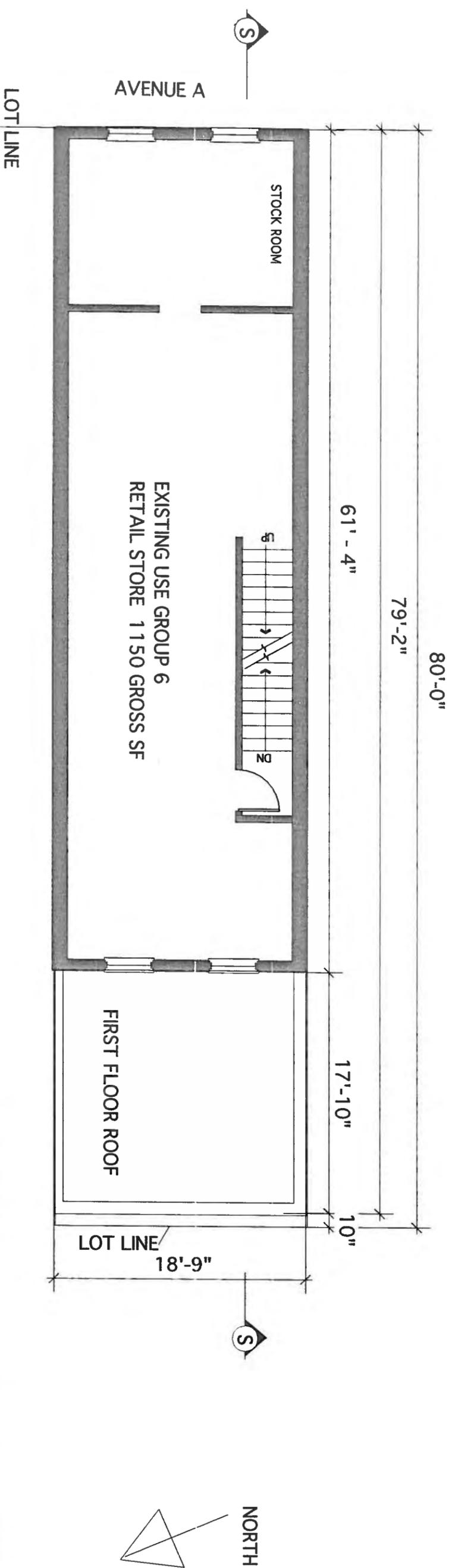
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PROJECT  
**11 AVENUE A, MANHATTAN**

EXISTING SECOND FLOOR PLAN	PAGE <b>4</b>	OF <b>18</b>
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**EXISTING  
THIRD FLOOR PLAN**

SCALE 1/8" = 1'-0"

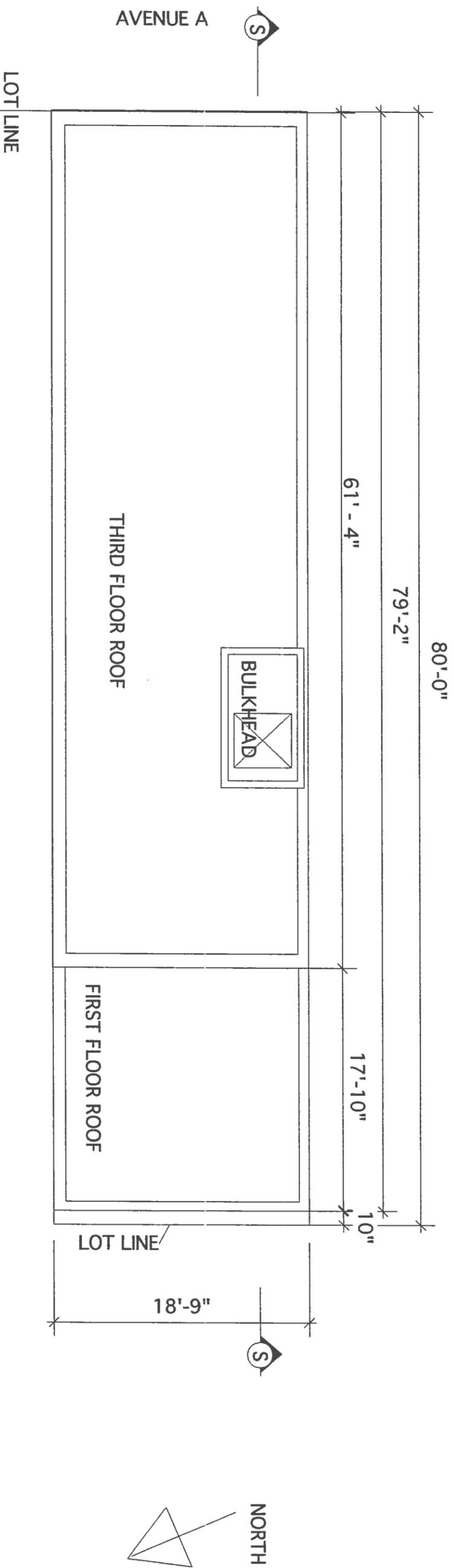


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**11 AVENUE A, MANHATTAN**

EXISTING THIRD FLOOR PLAN	PAGE <b>5</b>
	OF 18





EXISTING ROOF  
PLAN

SCALE 1/8" = 1'-0"



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PROJECT  
**11 AVENUE A, MANHATTAN**

EXISTING ROOF  
PLAN

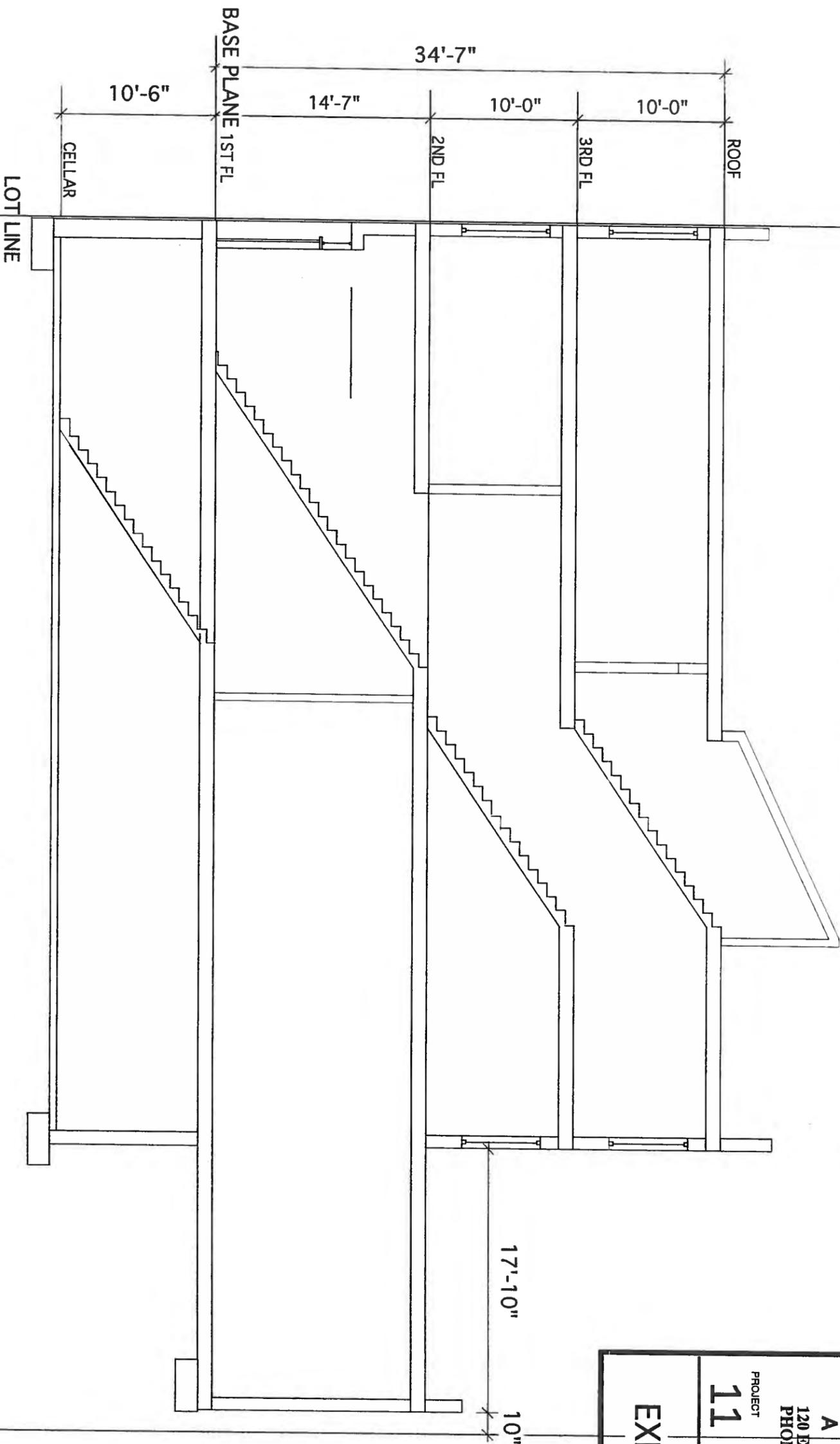
PAGE  
**6**

OF 18



80'-0"

61'-4"



EXISTING SECTION

SCALE 1/8" = 1'-0"



LOT LINE

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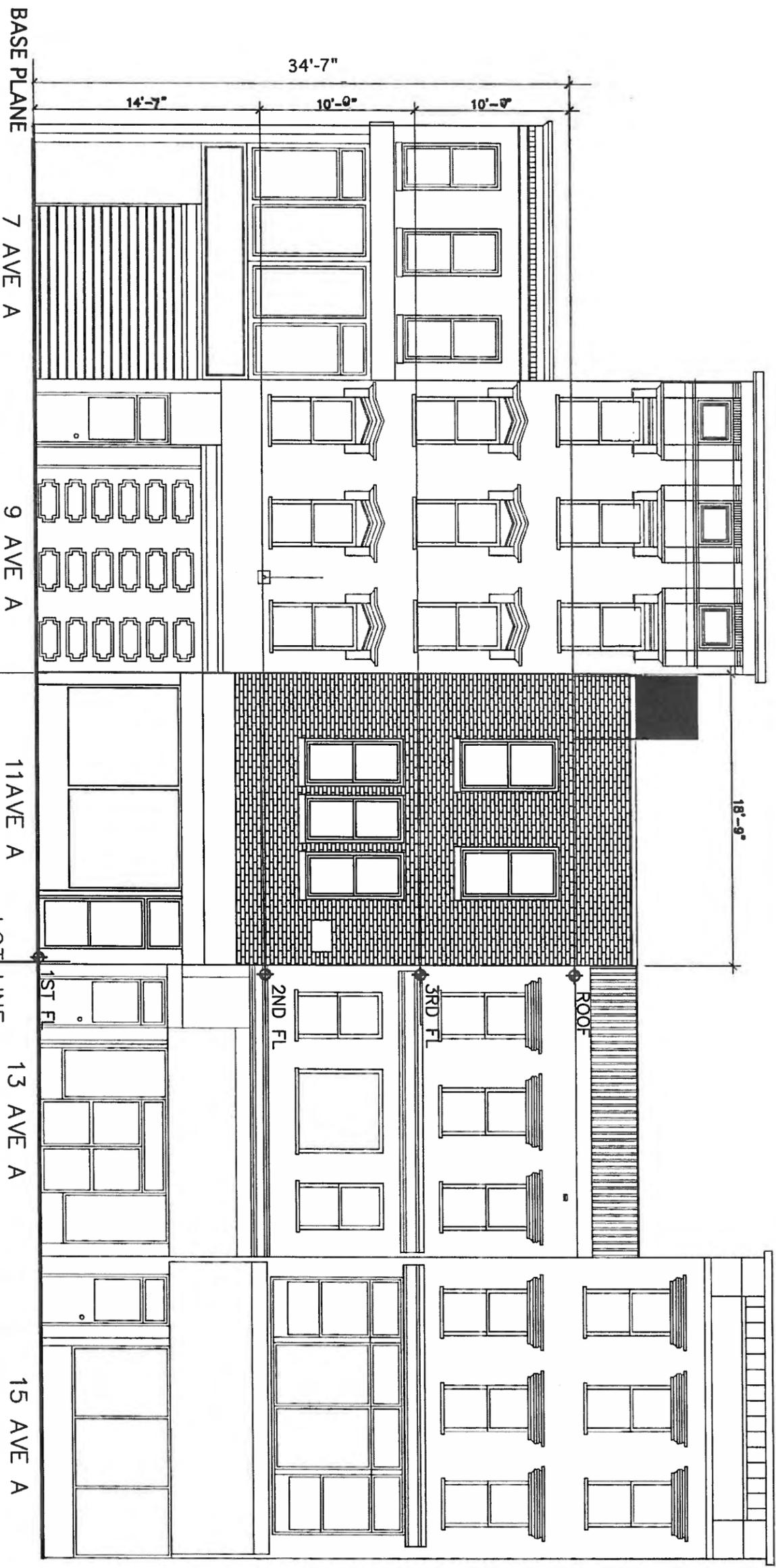
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EXISTING SECTION

PAGE  
**7**

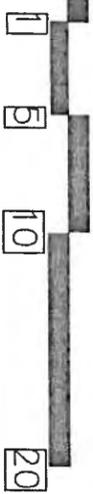
OF 18





EXISTING AVENUE A  
STREET ELEVATION

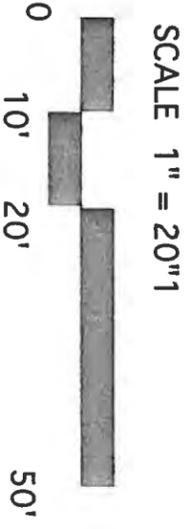
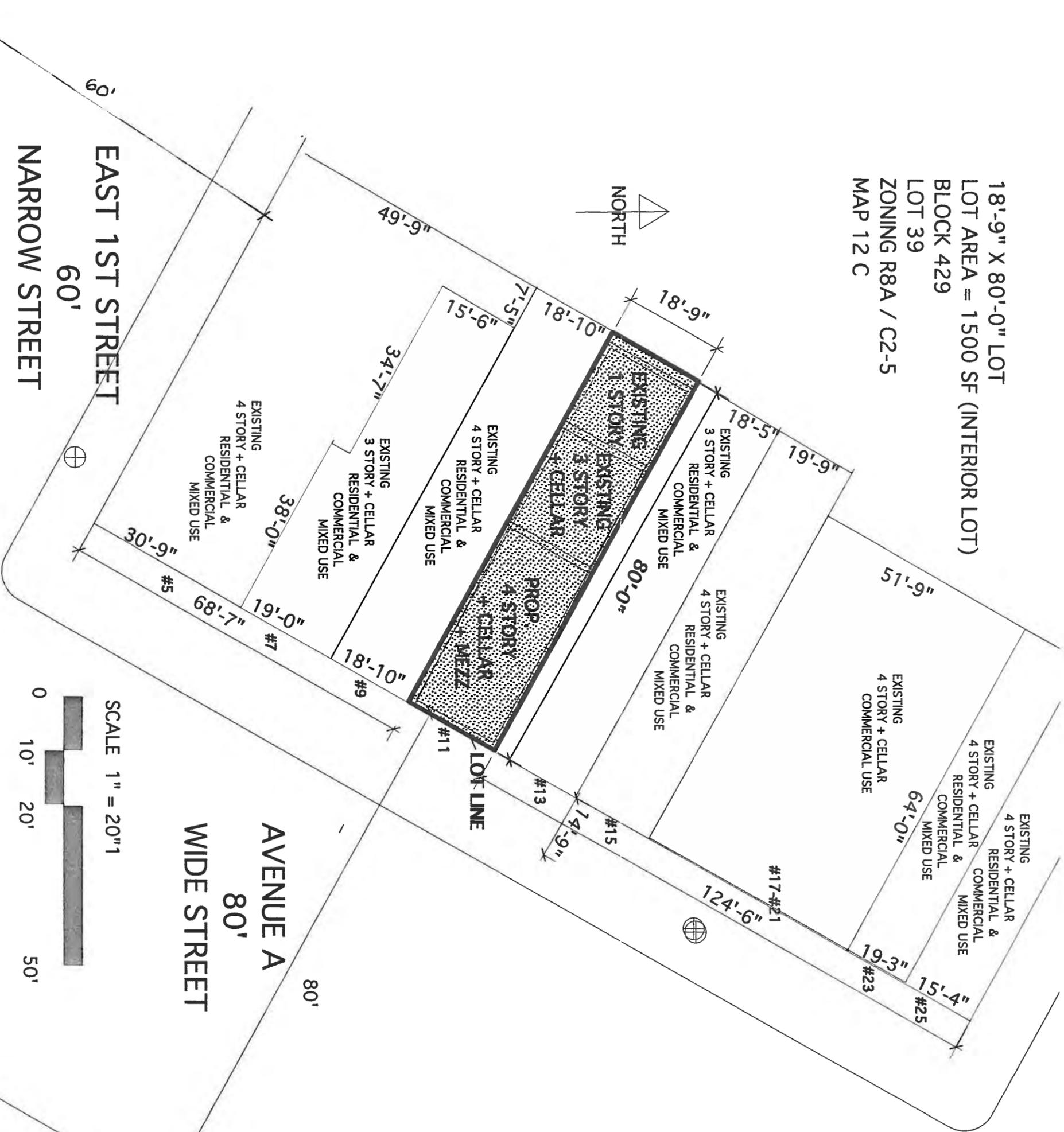
SCALE 1/8" = 1'-0"



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PROJECT  
**11 AVENUE A, MANHATTAN**  
 EXISTING AVENUE A  
 STREET ELEVATION

18'-9" X 80'-0" LOT  
 LOT AREA = 1500 SF (INTERIOR LOT)  
 BLOCK 429  
 ZONING R8A / C2-5  
 MAP 12 C



FLOOR	USE GROUP	FLOOR AREA	# DWELLING UNITS PROP.
CELLAR	COM 6	0 SF	0
1	COM 6	1484 SF	0
2	RES 2	1150 SF	1/2
3	RES 2	1150 SF	1/2
4	RES 2	939 SF	1/2
MEZZ	RES 2	235 SF	1/2
<b>TOTALS</b>		<b>4958 SF</b>	<b>2</b>

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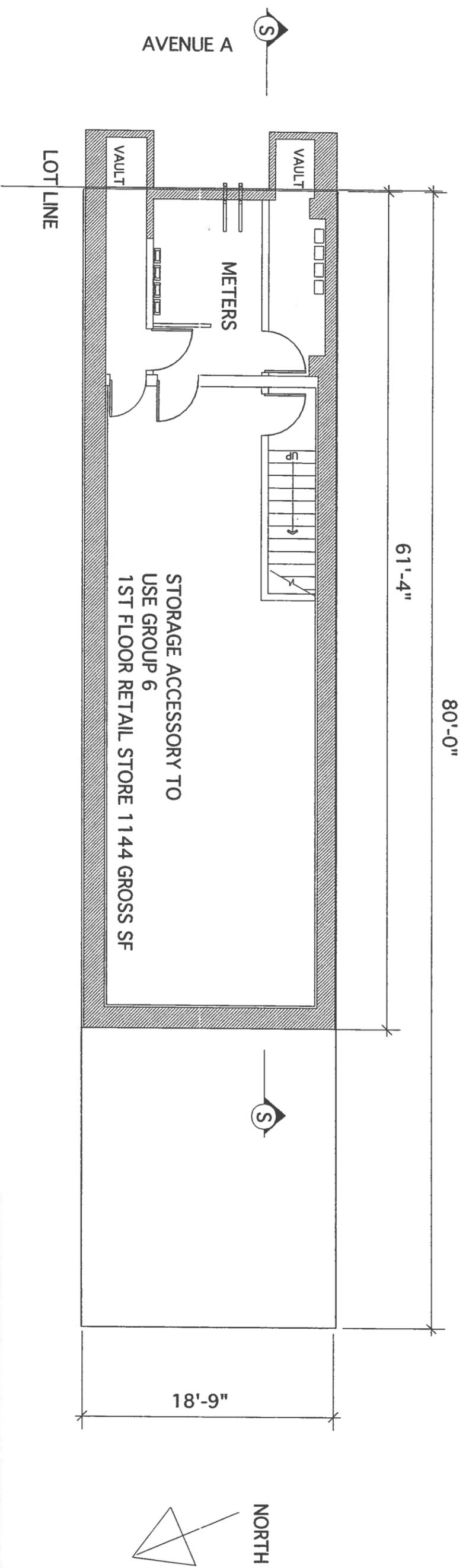
**ROBERT STRONG**  
 ARCHITECT

120 EAST 34TH STREET: SUITE 15J: NEW YORK, N.Y. 10016  
 PHONE 212/689-7468 robertstrong@nyc.rr.com FAX 212 689-7296

PROJECT  
**11 AVENUE A, MANHATTAN**

AS OF RIGHT PLOT PLAN 1 PAGE 1 OF 10





**AS OF RIGHT  
CELLAR FLOOR PLAN**

SCALE 1/8" = 1'-0"



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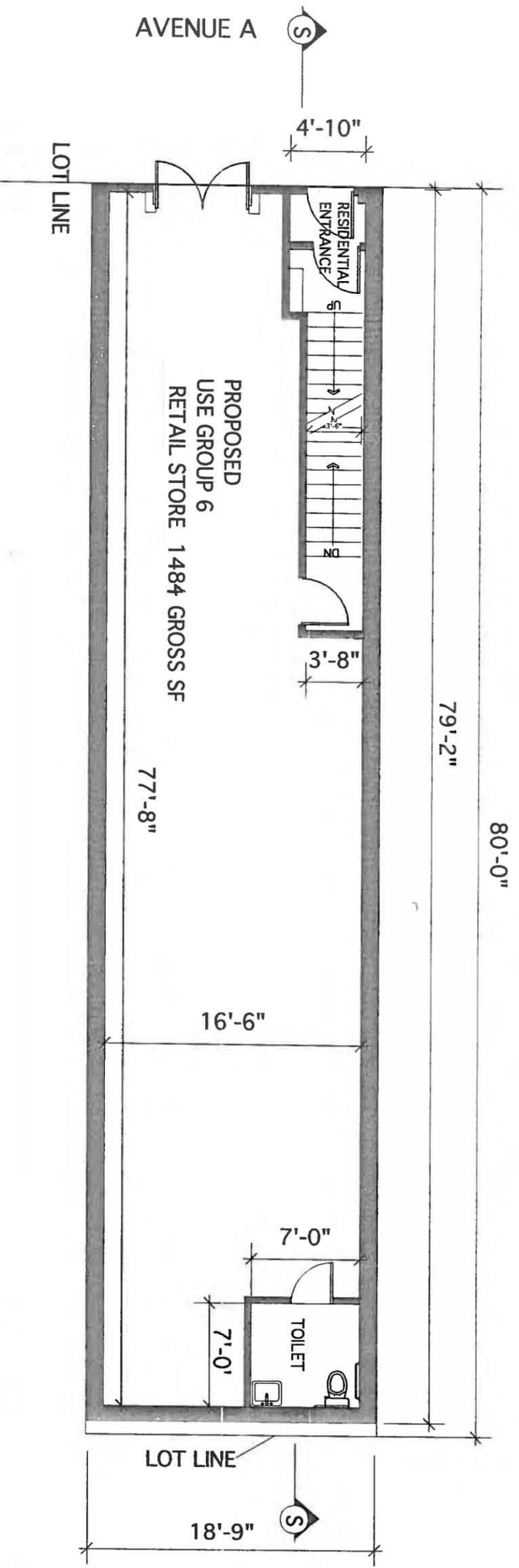
PROJECT  
**11 AVENUE A, MANHATTAN**

AS OF RIGHT  
CELLAR FLOOR PLAN

PAGE  
**2**

OF 10





AS OF RIGHT  
FIRST FLOOR PLAN

SCALE 1/8" = 1'-0"



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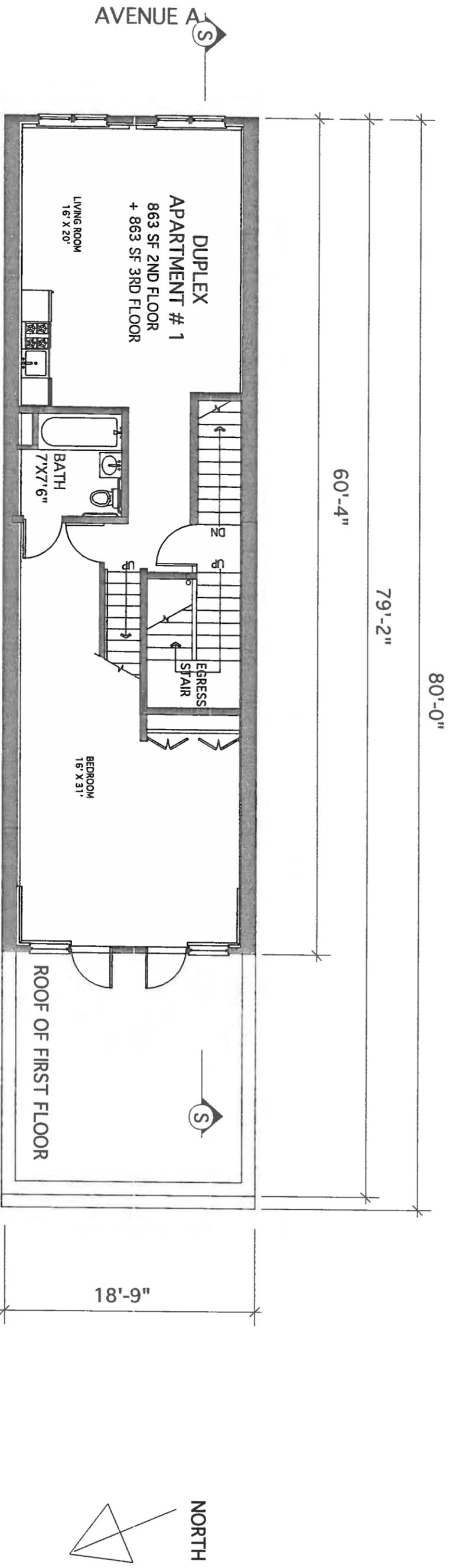
PROJECT  
**11 AVENUE A, MANHATTAN**

AS OF RIGHT  
FIRST FLOOR PLAN

PAGE  
**3**

OF 10





AS OF RIGHT  
SECOND FLOOR PLAN

SCALE 1/8" = 1'-0"



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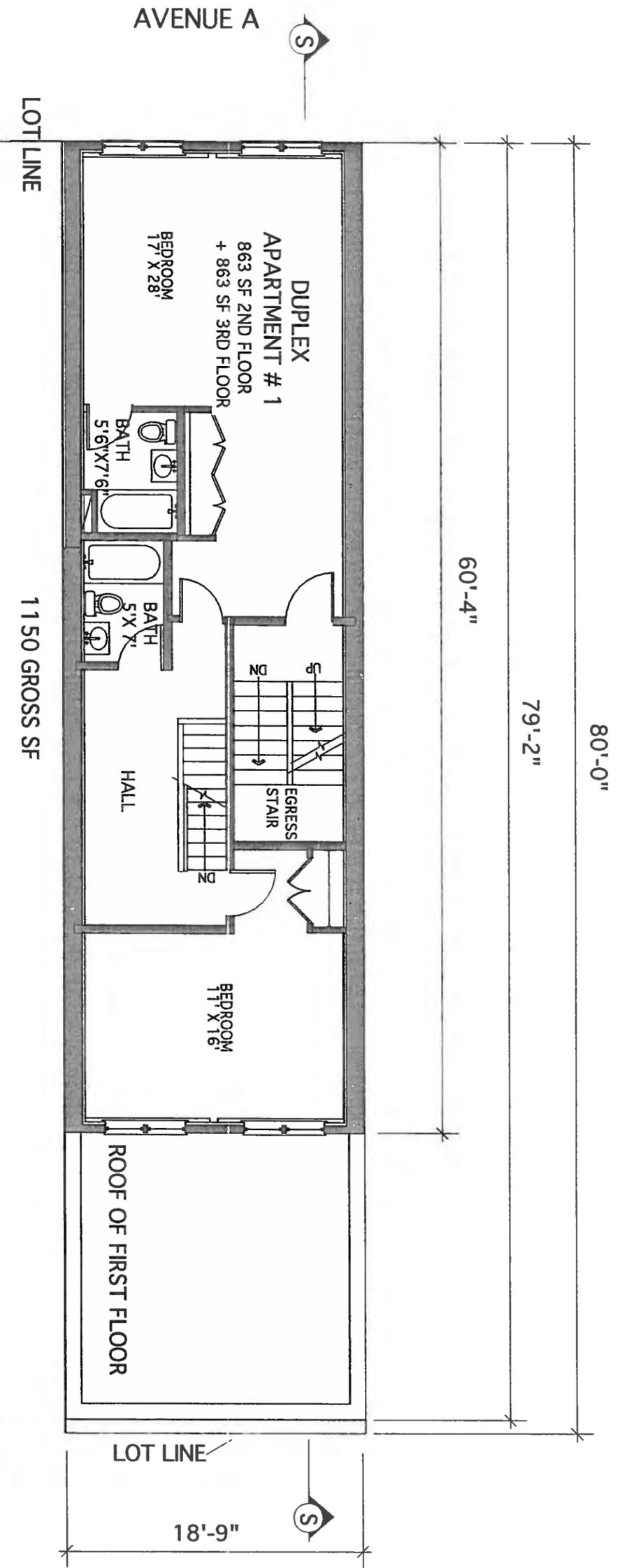
PROJECT  
**11 AVENUE A, MANHATTAN**

AS OF RIGHT  
SECOND FLOOR PLAN

PAGE  
**4**

OF 10





AS OF RIGHT  
THIRD FLOOR PLAN

SCALE 1/8" = 1'-0"



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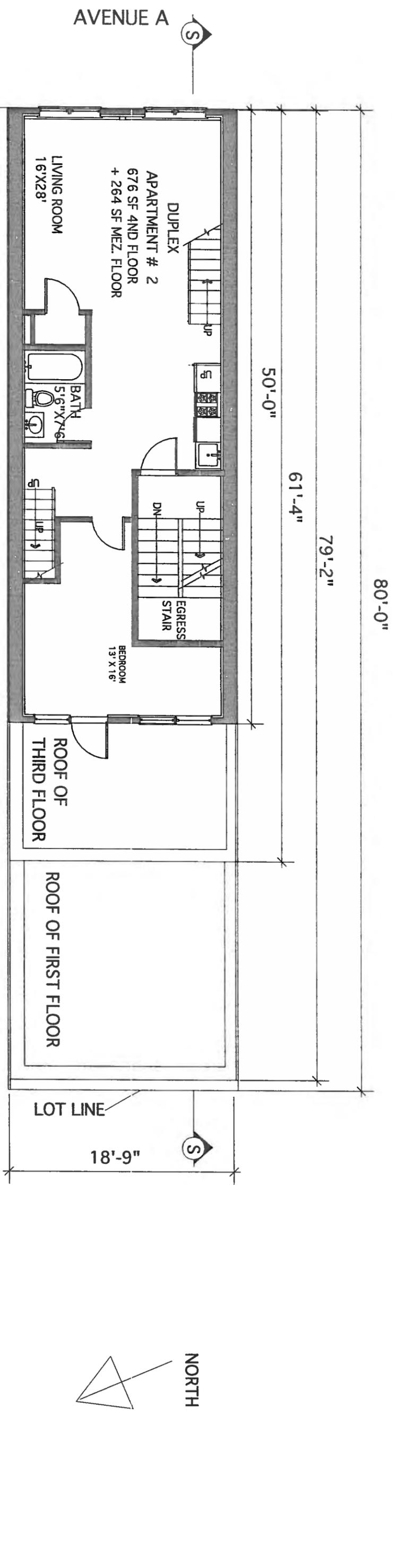
PROJECT  
**11 AVENUE A, MANHATTAN**

AS OF RIGHT  
THIRD FLOOR PLAN

PAGE  
**5**

OF 10





AS OF RIGHT  
FOURTH FLOOR PLAN

SCALE 1/8" = 1'-0"

1 5 10 20

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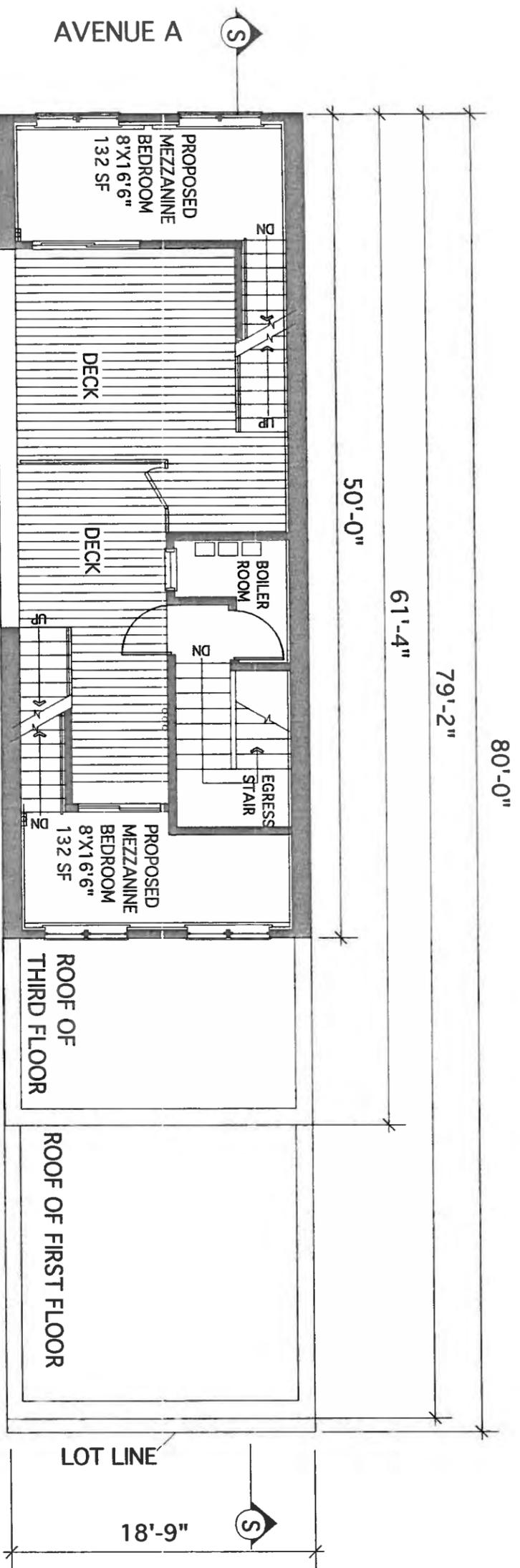
PROJECT  
**11 AVENUE A, MANHATTAN**

AS OF RIGHT  
FOURTH FLOOR PLAN

PAGE  
**6**

OF 10





DUPLEX  
 APARTMENT # 2  
 676 SF 4ND FLOOR  
 + 264 SF MEZ. FLOOR

**AS OF RIGHT  
 MEZZANINE PLAN**

SCALE 1/8" = 1'-0"



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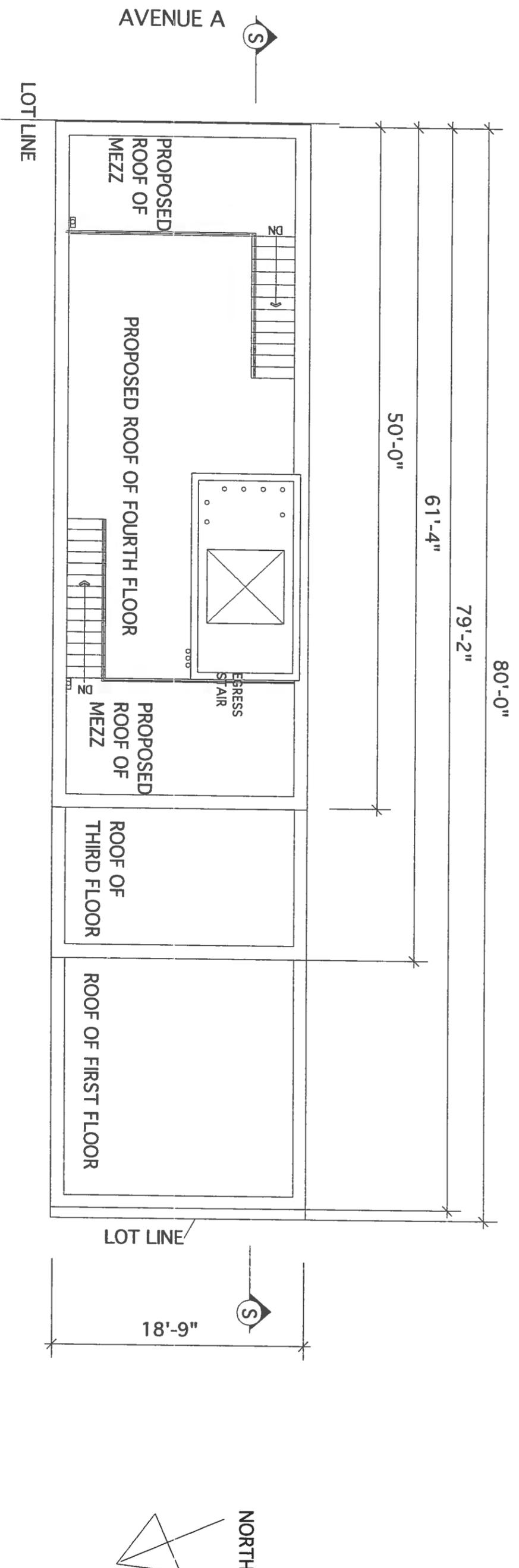
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PROJECT  
**11 AVENUE A, MANHATTAN**

AS OF RIGHT  
 MEZZANINE PLAN

PAGE  
**7**  
 OF 10





**AS OF RIGHT  
ROOF PLAN**

SCALE 1/8" = 1'-0"



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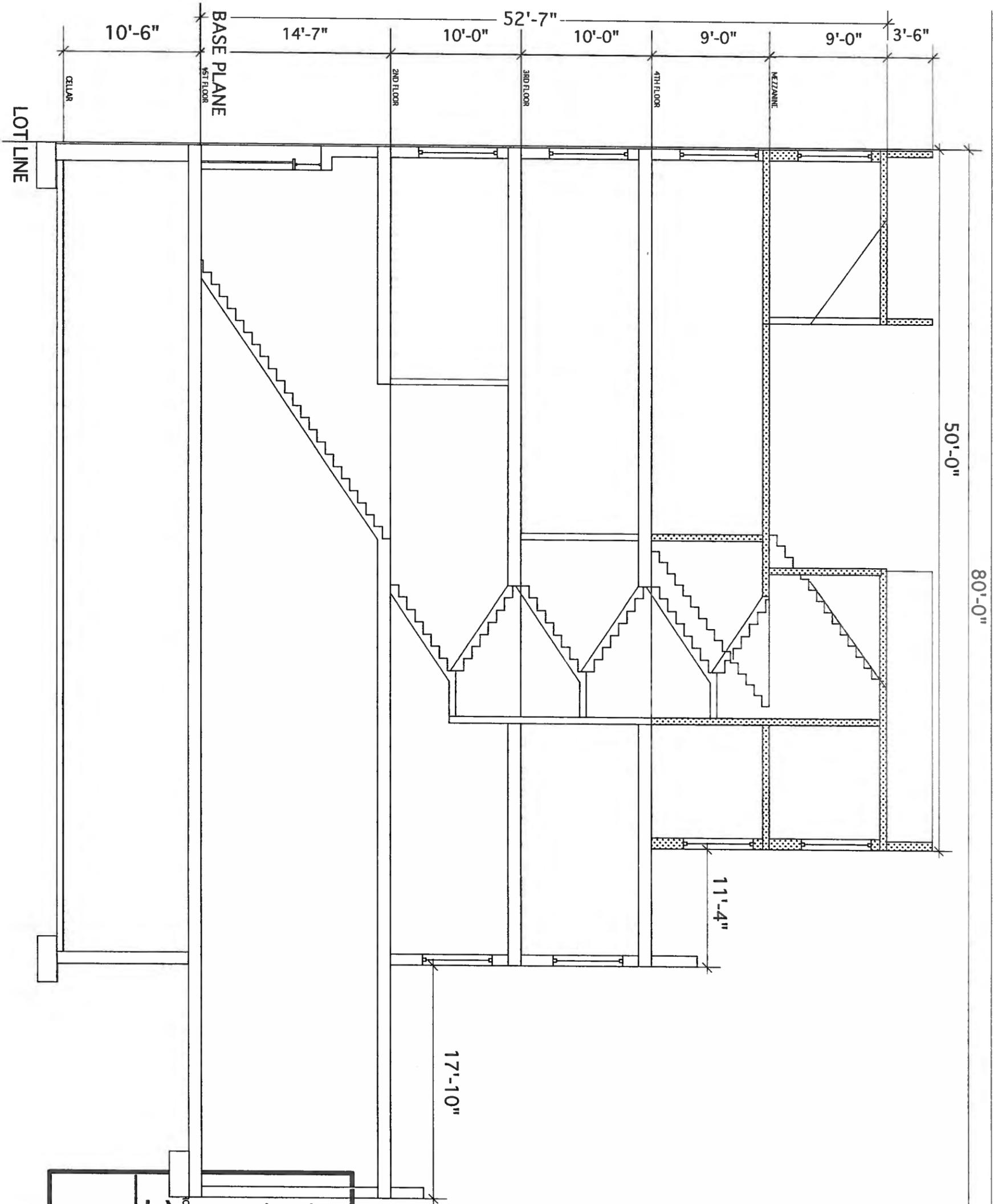
PROJECT  
**11 AVENUE A, MANHATTAN**

AS OF RIGHT  
ROOF PLAN

PAGE  
**8**

OF 10





AS OF RIGHT  
SECTION

SCALE 1/8" = 1'-0"



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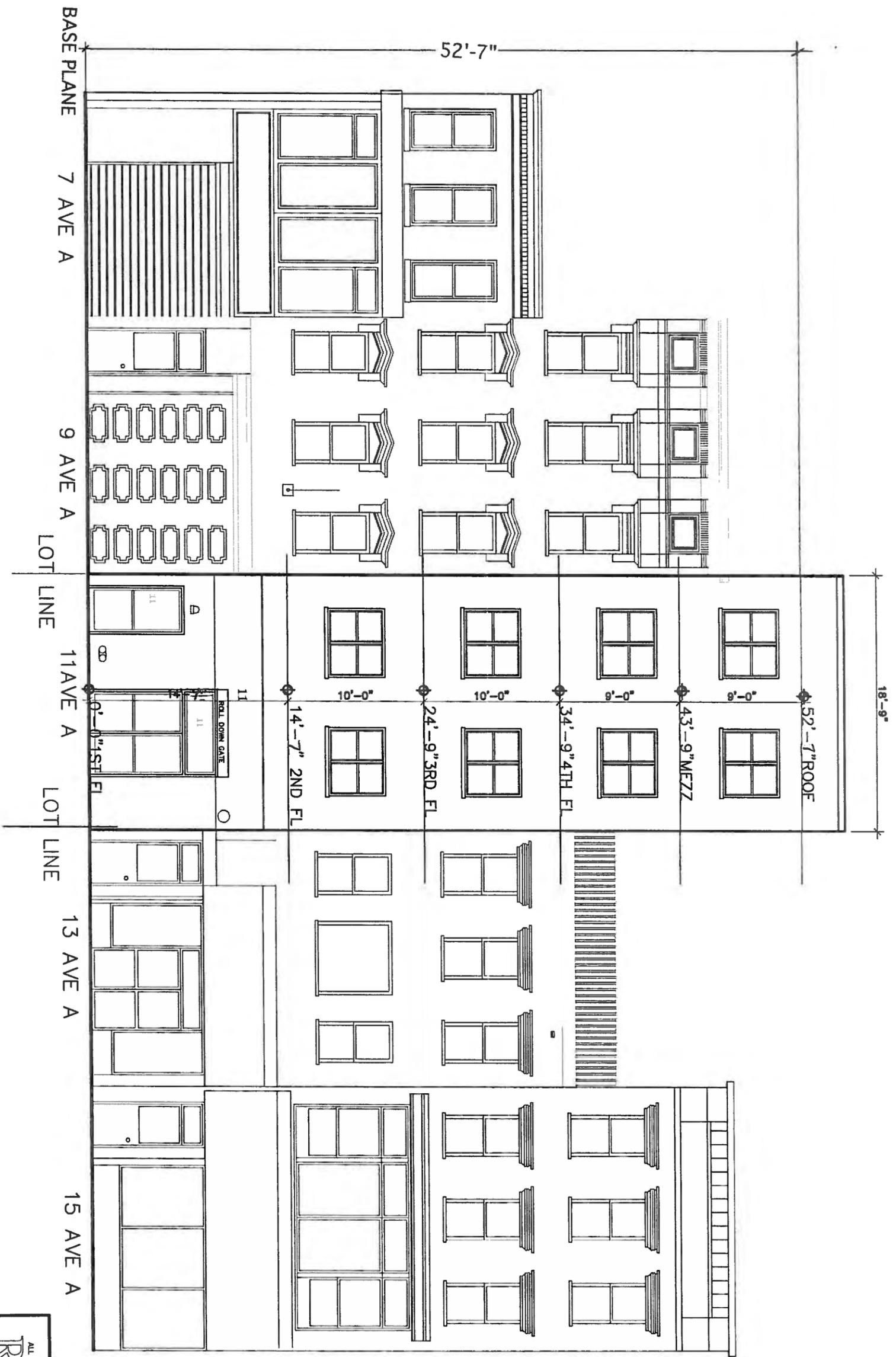
OBJECT  
**11 AVENUE A, MANHATTAN**  
 AS OF RIGHT  
 SECTION

PAGE  
**9**  
 OF 10



LOT LINE

LOT LINE



PROPOSED AVENUE A  
STREET ELEVATION

SCALE 1/8" = 1'-0"



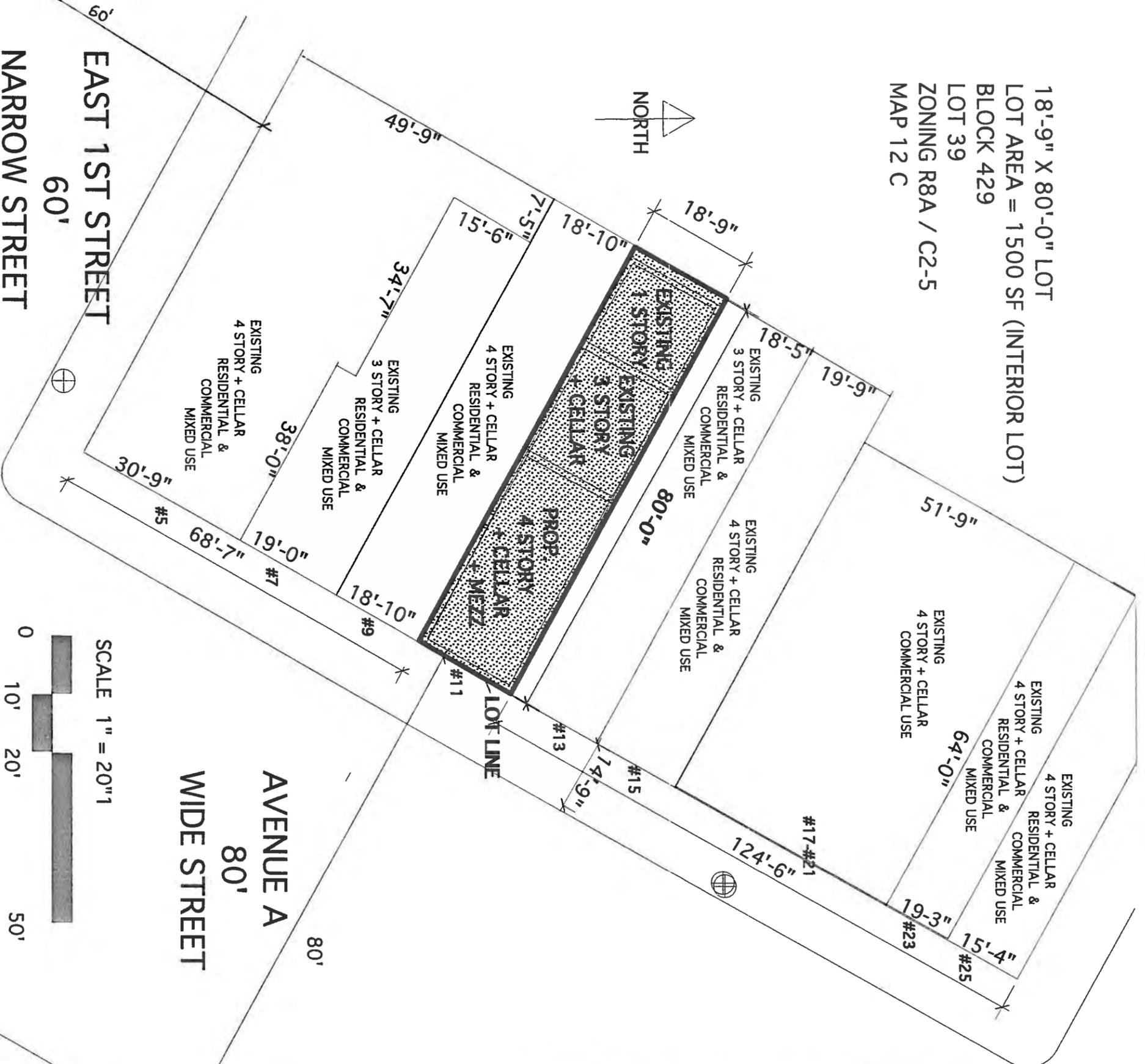
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PROJECT  
**11 AVENUE A, MANHATTAN**

AS OF RIGHT AVENUE A STREET ELEVATION

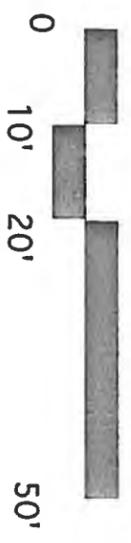
PAGE  
**10**  
 OF 10

18'-9" X 80'-0" LOT  
 LOT AREA = 1500 SF (INTERIOR LOT)  
 BLOCK 429  
 LOT 39  
 ZONING R8A / C2-5  
 MAP 12 C



AVENUE A  
 80'  
 WIDE STREET

SCALE 1" = 20" 1



FLOOR	EX. USE GROUP	PROP. USE GROUP	EXISTING FLOOR AREA	PROP. FLOOR AREA	# DWELLING UNITS EX. / PROP.
CELLAR	COM 6	COM 6	0 SF	0 SF	0 / 0
1	COM 6	COM 6	1484 SF	1484 SF	0 / 0
2	COM 6	RES 2	1150 SF	1150 SF	0 / 2
3	COM 6	RES 2	1150 SF	1150 SF	0 / 2
4		RES 2	0 SF	939 SF	0 / 2
MEZZ		RES 2	0 SF	235 SF	0 / 0
TOTALS			3774 SF	4958 SF	0 / 6

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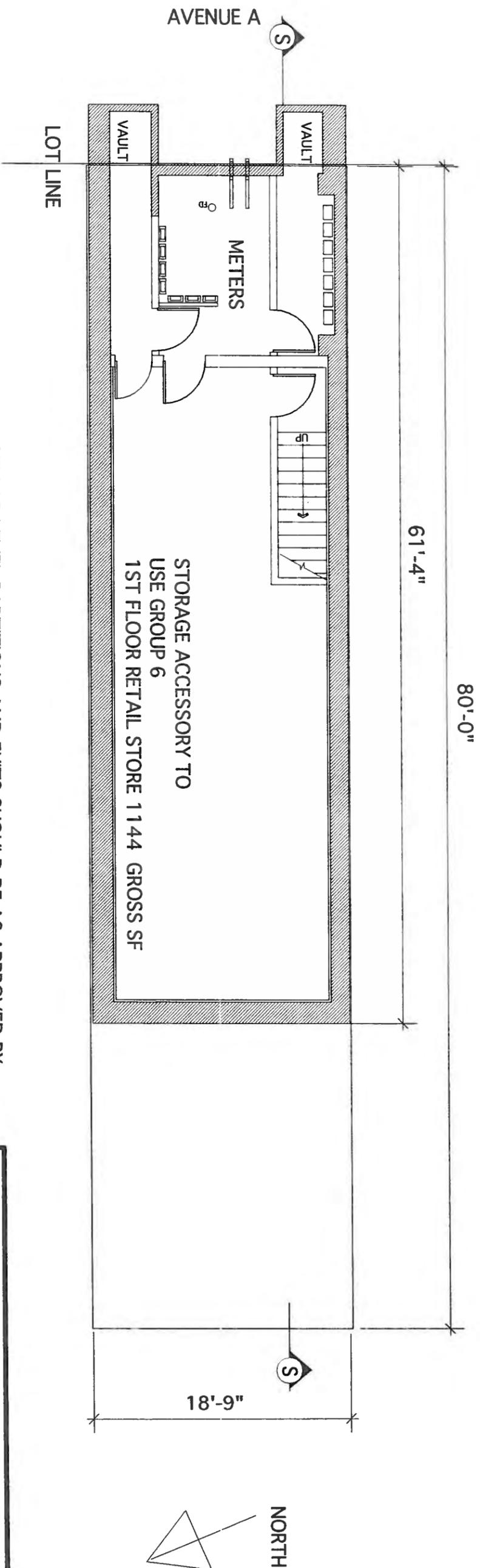
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PROJECT  
**11 AVENUE A, MANHATTAN**

**PROPOSED PLOT PLAN**

PAGE **9** OF 18





NOTE: ALL CELLAR LEVEL PARTITIONS AND EXITS SHOULD BE AS APPROVED BY THE DEPARTMENT OF BUILDINGS

**PROPOSED  
CELLAR FLOOR PLAN**

SCALE 1/8" = 1'-0"



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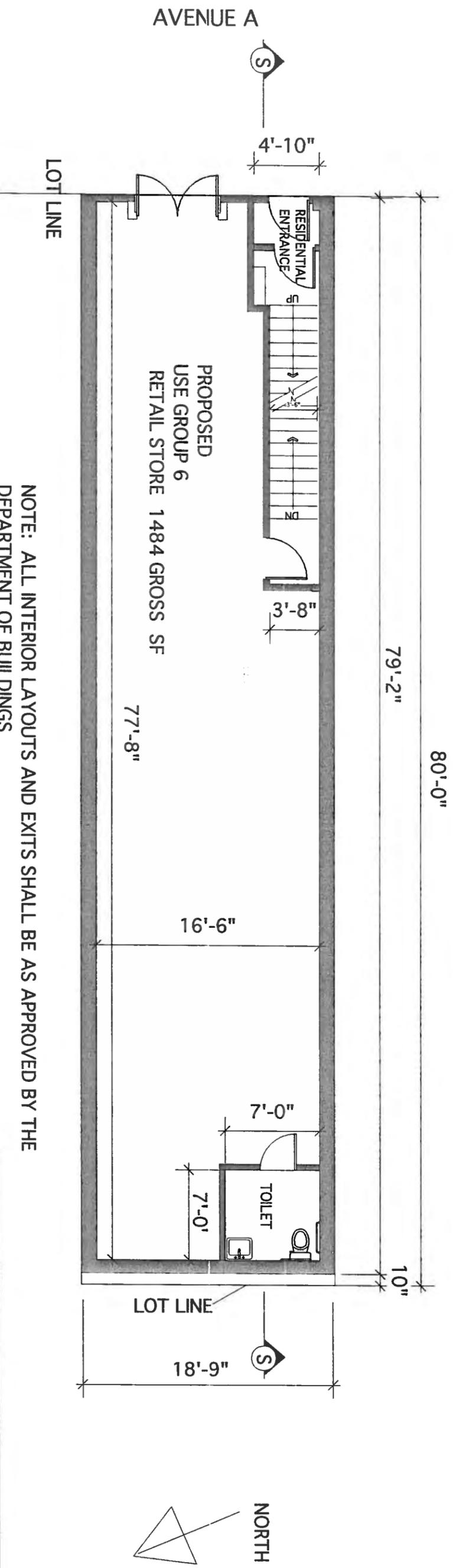
PROJECT  
**11 AVENUE A, MANHATTAN**

PROPOSED  
CELLAR FLOOR PLAN

PAGE  
**10**

OF 18





NOTE: ALL INTERIOR LAYOUTS AND EXITS SHALL BE AS APPROVED BY THE  
DEPARTMENT OF BUILDINGS

**PROPOSED  
FIRST FLOOR PLAN**

SCALE 1/8" = 1'-0"

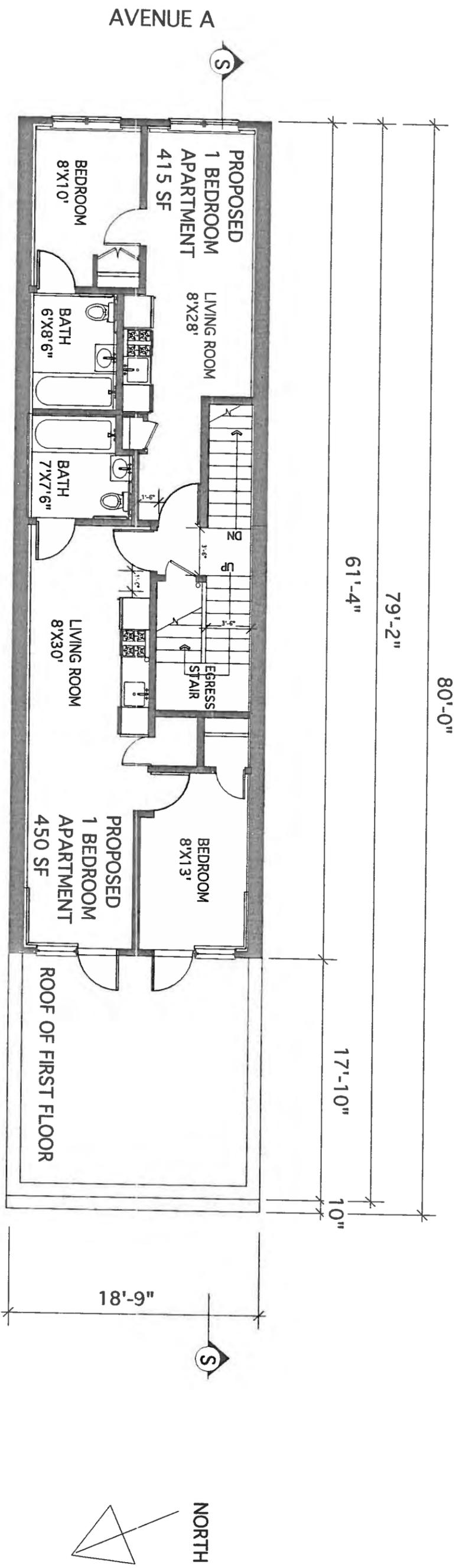


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PROJECT  
**11 AVENUE A, MANHATTAN**

PROPOSED FIRST FLOOR PLAN	PAGE <b>11</b> OF 18
------------------------------	----------------------------





1150 GROSS SF

**PROPOSED  
SECOND FLOOR PLAN**

SCALE 1/8" = 1'-0"



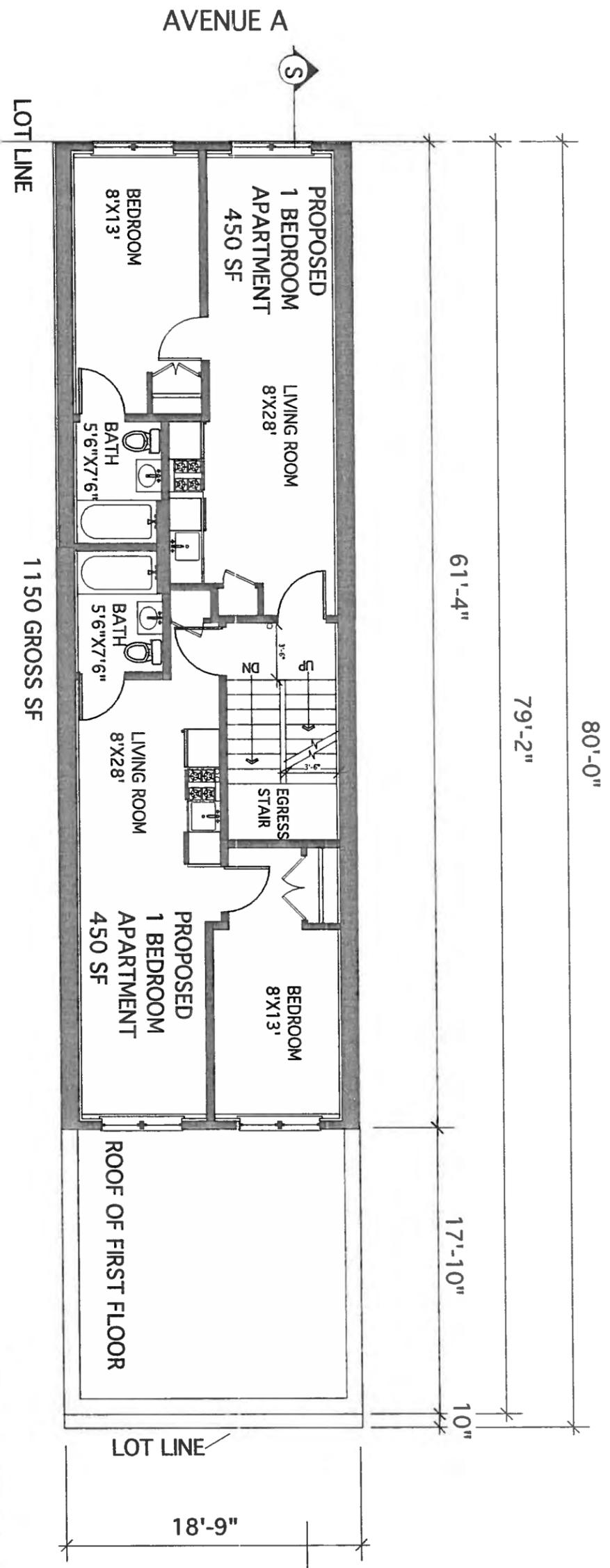
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PROJECT  
**11 AVENUE A, MANHATTAN**

PROPOSED SECOND FLOOR PLAN	PAGE <b>12</b> OF 18
-------------------------------	----------------------------





**PROPOSED  
THIRD FLOOR PLAN**

SCALE 1/8" = 1'-0"



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1150 GROSS SF

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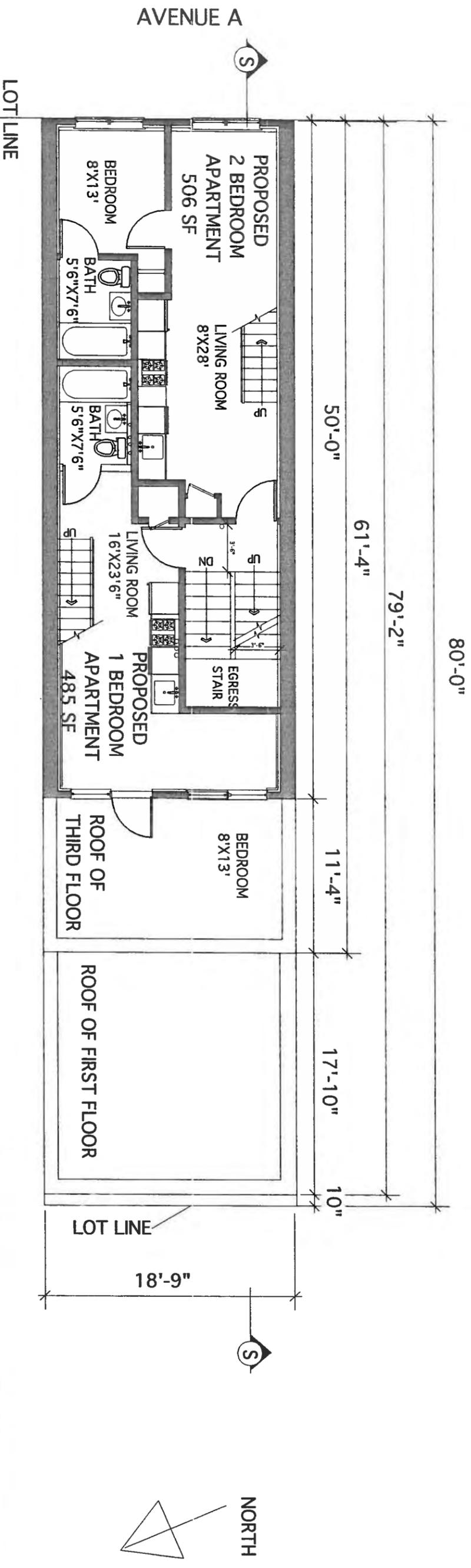
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PROJECT  
**11 AVENUE A, MANHATTAN**

PROPOSED  
THIRD FLOOR PLAN

PAGE  
**13**  
OF 18





**PROPOSED  
FOURTH FLOOR PLAN**

SCALE 1/8" = 1'-0"



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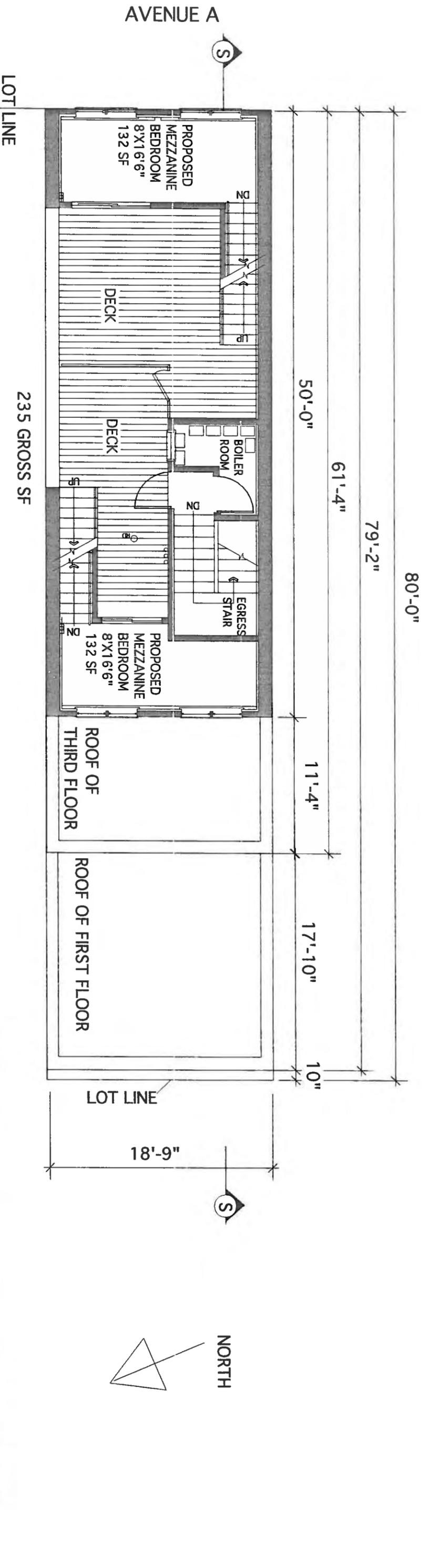
PROJECT  
**11 AVENUE A, MANHATTAN**

PROPOSED  
FOURTH FLOOR PLAN

PAGE  
**14**

OF 18





**PROPOSED  
MEZZANINE PLAN**

SCALE 1/8" = 1'-0"



NOTE: ALL INTERIOR LAYOUTS AND EXITS SHALL BE AS APPROVED BY THE  
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235 GROSS SF

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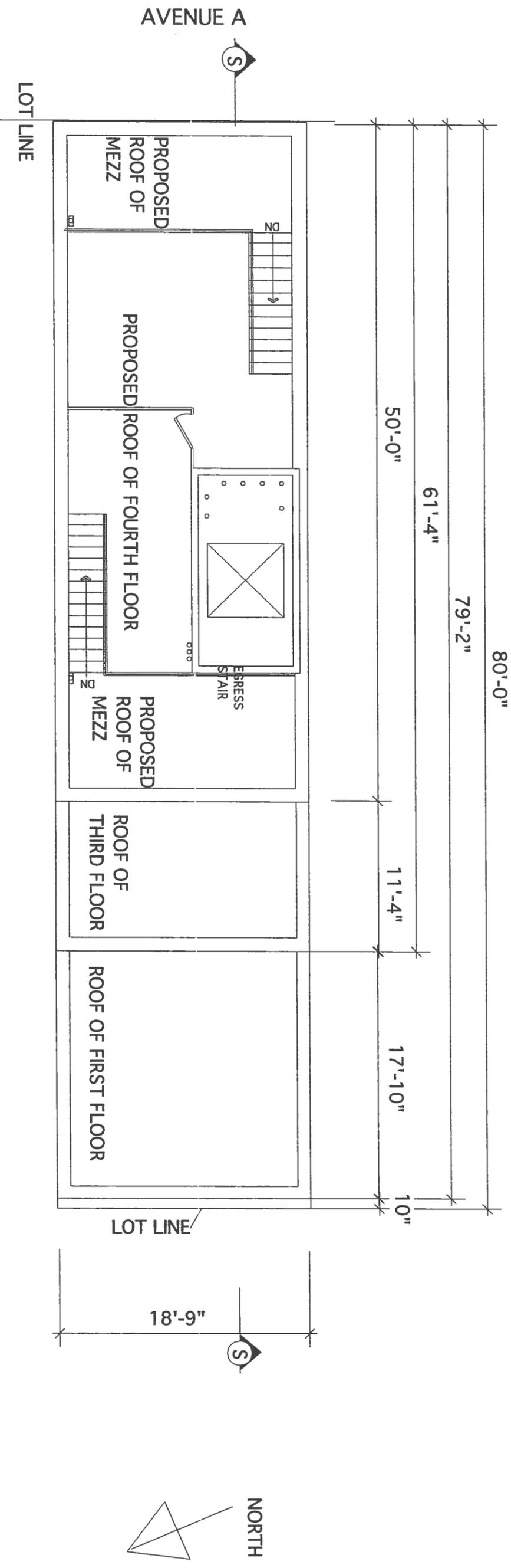
PROJECT  
**11 AVENUE A, MANHATTAN**

PROPOSED  
MEZZANINE PLAN

PAGE  
**15**

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**18**





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**PROPOSED ROOF PLAN**

SCALE 1/8" = 1'-0"



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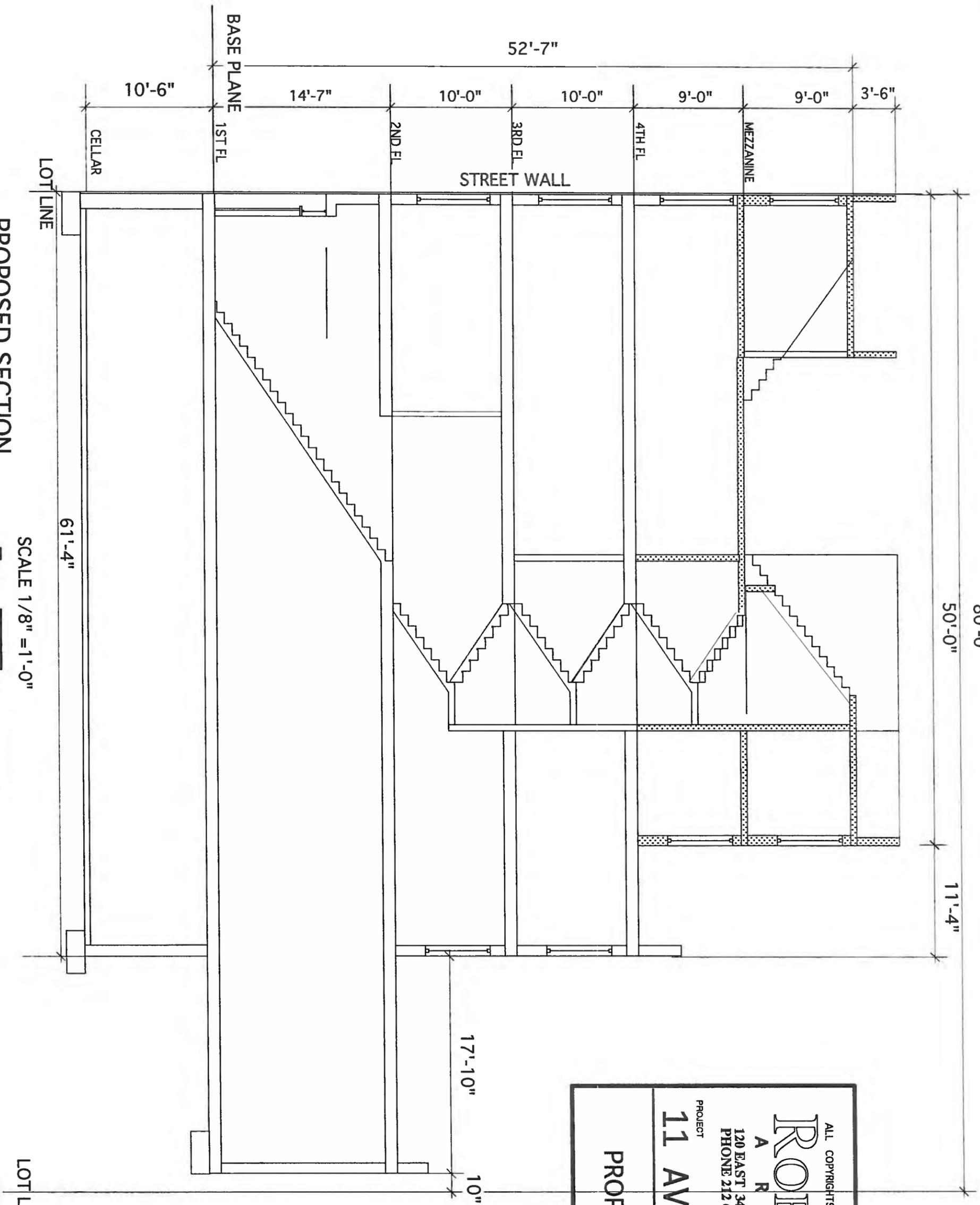
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PROJECT  
**11 AVENUE A, MANHATTAN**

PROPOSED ROOF PLAN

PAGE 16 OF 18





PROPOSED SECTION

SCALE 1/8" = 1'-0"



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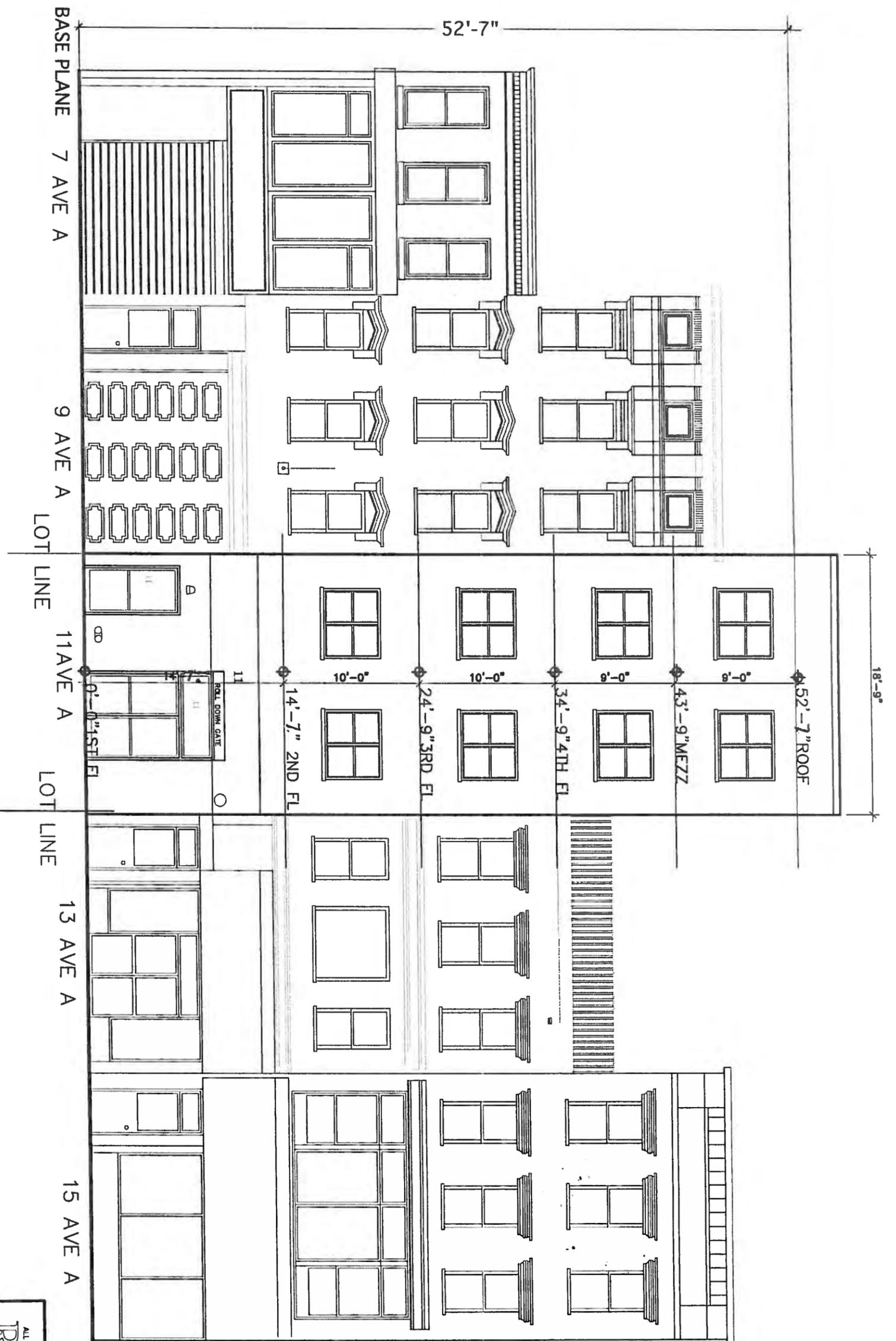
PROJECT  
**11 AVENUE A, MANHATTAN**

PROPOSED SECTION

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**17**

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PROPOSED AVENUE A  
STREET ELEVATION

SCALE 1/8" = 1'-0"



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PROJECT  
**11 AVENUE A, MANHATTAN**

EXISTING AVENUE A STREET ELEVATION

PAGE  
**18**  
 OF 18

**11 Avenue A, Manhattan**

**Block 355**

**Block 355, Lot 1**

NYC DEPARTMENT OF EDUCATION  
52 CHAMBERS ST.  
LBBY 1  
NEW YORK, NY 10007-1243

**Block 355, Lot 10**

PARKS AND RECREATION (GENERAL)  
ARSENAL WEST  
16 W. 61ST ST.  
NEW YORK, NY 10023-7604

**Block 355, Lot 49**

245 EAST HOUSTON STREET COMPANY, L.L.C  
151 E. 58TH ST. APT. 36D  
NEW YORK, NY 10022-1348

**Block 397**

**Block 397, Lot 7502**

HOUSTON PLACE CONDOMINIUM  
240 E. HOUSTON ST.  
NEW YORK, NY 10002-1000

**Block 397, Lot 6**

14 AVENUE A. LLC  
C/O COOPER SQUARE RLTY INC.  
6 E. 43RD ST.  
NEW YORK, NY 10017-4609

**Block 397, Lot 7**

20 AVE. A. ASSOCIATES  
16 AVENUE A.  
NEW YORK, NY 10009

**Block 397, Lot 11**

CORDERO ANGIE  
SILVER RAIL PROPERTY MGMT LLC  
P.O. BOX 381  
WASHINGTON, DC 20044-0381

**Block 397, Lot 12**

157 EAST 2ND ST. HDFC  
P.O. BOX 20907  
NEW YORK, NY 10009-8968

**Block 397, Lot 15**

ARMI HOUSING CORPORATION  
C/O ACMH  
254 W. 31ST ST. FL. 9  
NEW YORK, NY 10001-2813

**Block 397, Lot 18**

OGRIN FAMILY LLC  
OGRIN ASSOCIATES LLC  
427 BEDFORD RD. STE 240  
PLEASANTVILLE, NY 10570-3059

**Block 397, Lot 63**

PARK SQUARE ASOCIATES  
292 MADISON AVE. FL. 14  
NEW YORK, NY 10017-6348

**Block 397, Lot 65**

244 HOUSTON CORP.  
3975 BEDFORD AVE.  
BROOKLYN, NY 11229-2435

**Block 398**

**Block 398, Lot 1**

MAM REALTY HOLDINGS, LLC  
6394 ROYAL MANOR CIR.  
DELRAY BEACH, FL 33484-2405

**Block 398, Lot 2**

28-30 AVENUE A, LLC  
C/O SINGH EQUITIES, LLC  
22 W. 27TH ST. # 24  
NEW YORK, NY 10001-6905

**Block 398, Lot 4**

STRIPE REALTY CO. LP.  
32 AVENUE A.  
NEW YORK, NY 10009-7654

**Block 398, Lot 5**

LAMNG CORP.  
34 AVENUE A.  
NEW YORK, NY 10009-7652

Block 398, Lot 6

150 EAST THIRD STREET  
SASSOUNI MANAGEMENT, INC.  
9 PARK PL. FL. 1E  
GREAT NECK, NY 11021-5030

Block 398, Lot 8

156-168 EAST 3RD STREET OWNERS INC.  
IN CARE OF/BIG CITY MANAGEMENT  
332 BLEECKER STREET #D5  
NEW YORK, NY 10014

Block 398, Lot 55

LESPMHA HOUSING DEVELOPMENT FUND  
CORPORATION  
228 E. 3RD ST.  
NEW YORK, NY 10009-7584

Block 398, Lot 58

160-162-164 EAST 2ND STREET HDFC  
LESPMHA, INC.  
228 E. 3RD ST.  
LBBY 1  
NEW YORK, NY 10009-7585

Block 398, Lot 61

156 EAST 2ND STREET  
138 ATLANTIC AVE.  
BROOKLYN, NY 11201-5597

Block 398, Lot 66

148-150 E. 2 ST. LLC  
P.O. BOX 20569  
NEW YORK, NY 10009-8961

**Block 412**

Block 412, Lot 14

HOUSTON REALTY NO2  
CORPORATE OFFICES, INC.  
133 RANDOLPH ST.  
BROOKLYN, NY 11237-1306

Block 412, Lot 16

HOUSTON REALTY NO2  
CORPORATE OFFICES, INC.  
133 RANDOLPH ST.  
BROOKLYN, NY 11237-1306

Block 412, Lot 21

201 EAST HOUSTON STREET CO.  
205 E. HOUSTON ST.  
NEW YORK, NY 10002-1017

Block 412, Lot 48

180 LUDLOW DEVELOPMENT LLC  
60 E. 54TH ST.  
NEW YORK, NY 10022-4612

Block 412, Lot 53

HOUSTON STREET PROPERTIES LLC  
100 WASHINGTON ST.  
NEWARK, NJ 07102-3024

Block 412, Lot 58

TDJ HOLDINGS, LLC  
A.J. CLARKE REAL ESTATE CORP.  
1881 BROADWAY FL. 4  
NEW YORK, NY 10023-7035

Block 412, Lot 61

HOUSTON ESSEX RE CORP.  
31 HOWARD ST. FL. 5  
NEW YORK, NY 10013-3160

Block 412, Lot 62

179-181 ESSEX LLC  
179 ESSEX ST.  
NEW YORK, NY 10002-1547

**Block 428**

Block 428, Lot 1

PARKS AND RECREATION (GENERAL)  
ARSENAL WEST  
16 W. 61ST ST.  
NEW YORK, NY 10023-7604

**Block 429**

Block 429, Lot 16

GRAND CONCOURSE/DAVIDSON ASSOCIATES,  
L.P.  
C/O PROVIDENT MANAGEMENT CORP.  
240 W. 35TH ST. STE 504  
NEW YORK, NY 10001-2506

Block 429, Lot 17

EAST SECOND REALTY  
109 E. 2ND ST.  
NEW YORK, NY 10009-7938

Block 429, Lot 18

JOHN VON HARTZ  
111 E. 2ND ST.  
NEW YORK, NY 10009-7940

Block 429, Lot 19

HELLO NEWMAN, INC.  
113 E. 2ND ST.  
NEW YORK, NY 10009-7941

Block 429, Lot 20

SANDERS KARIN G.  
135 E. 2ND ST.  
NEW YORK, NY 10009-7943

Block 429, Lot 21

NEW YORK CITY HOUSING AUTH  
250 BROADWAY  
NEW YORK, NY 10007-2516

Block 429, Lot 28

GREENFIELD-SANDERS, TIMOTHY  
135 E. 2ND ST.  
NEW YORK, NY 10009-7943

Block 429, Lot 29

THE CATHOLIC CHARITIES OF ARCHDIOCESE  
CATHOLIC CHARITIES, FACILITIES  
1011 1ST AVE. FL. 6  
NEW YORK, NY 10022-4112

Block 429, Lot 33

SANDERS, JOHN  
25 AVENUE A.  
NEW YORK, NY 10009-7944

Block 429, Lot 34

EV AVENUE A. PROPERTY OWNER, L.P.  
THE KUSHNER COMPANIES APT. 666 FIFTH  
AVENUE, 15  
NEW YORK, NY 10103

Block 429, Lot 35

17 AVE. A. RLTY CORP.  
17 AVENUE A.  
NEW YORK, NY 10009-7944

Block 429, Lot 37

15 AVENUE A. PROPERTIES INC.  
2688 MAGNOLIA WOODS DR.  
MOUNT PLEASANT, SC 29464-7408

Block 429, Lot 38

CAROT COMPANY  
TRI-STAR EQUITIES  
155 E. 26TH ST.  
NEW YORK, NY 10010-1824

Block 429, Lot 39

11 AVENUE A. REALTY LLC  
11 AVENUE A.  
NEW YORK, NY 10009-7944

Block 429, Lot 40

RENTAL APARTMENTS  
NEW YORK REALTY MANAGEMENT  
335 E. 10TH ST.  
NEW YORK, NY 10009-5032

Block 429, Lot 41

TRI STAR EQUITIES  
155 E. 26TH ST. APT. FRNT 1  
NEW YORK, NY 10010-1867

Block 429, Lot 42

AVE. A. RLTY CORP.  
39 BOWERY PMB 338  
NEW YORK, NY 10002

Block 429, Lot 43

118 EAST 1ST STREET,  
109 THORNWOOD RD.  
MASSAPEQUA PARK, NY 11762-4024

Block 429, Lot 45

114-16 EAST 1ST LLC  
98 CUTTERMILL RD. STE 263  
GREAT NECK, NY 11021-3036

Block 429, Lot 47

EISBRO REALTY COMPANY LLC  
105 1ST AVE.  
NEW YORK, NY 10003-2966

Block 429, Lot 49

ORLIN, AVIGDOR  
108 E. 1ST ST.  
NEW YORK, NY 10009-7911

Block 430

Block 430, Lot 1

VILLAGE VIEW HOUSING CORP.  
VILLAGE VIEW C/O METRO MANAGEM  
4225 21ST ST.  
LONG ISLAND CITY, NY 11101-4906

Block 430, Lot 10

NEW YORK CITY HOUSING AUTH  
250 BROADWAY  
NEW YORK, NY 10007-2516

**11 Avenue A, Manhattan**

**Community Board**

Manhattan Community Board 3  
59 East 4th Street  
New York, NY 10003

**City Councilperson**

Rosie Mendez  
237 First Ave, Suite 504  
New York, NY 10003

**Borough President**

Office of Manhattan Borough President  
Gale Brewer  
1 Centre Street, 19th Floor  
New York, NY 10007

**Department of City Planning (Manhattan Office)**

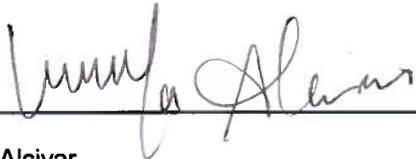
Ms. Edith Hsu-Chen  
Director, Manhattan Office  
Department of City Planning  
22 Reade Street, 6W  
New York, NY 10007-1216

**Department of City Planning (Central Office)**

Christopher Holme  
22 Reade Street  
New York, NY 10007-1216

State of New York )  
County of Queens )

Miya Alcivar, being duly sworn, deposes and says: That the foregoing names and addresses were obtained from the City Collector's office on the 4<sup>th</sup> day of June, 2014.

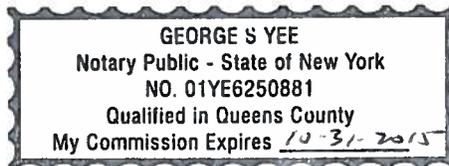
  
\_\_\_\_\_

Miya Alcivar

Sworn before me on

this 4<sup>th</sup> day of June, 2014.





[Notary Public Stamp]



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT SHORT FORM • FOR UNLISTED ACTIONS ONLY

Please fill out, print and submit to the appropriate agency (see instructions)

PART I: GENERAL INFORMATION

1. Does Action Exceed Any Type I Threshold In 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?

Yes No

If yes, STOP, and complete the FULL EAS

2. Project Name 11 Avenue A Variance

3. Reference Numbers

Table with 4 columns: CEQR REFERENCE NUMBER, BSA REFERENCE NUMBER, ULURP REFERENCE NUMBER, OTHER REFERENCE NUMBER(S), 4a. Lead Agency Information, 4b. Applicant Information, NAME OF LEAD AGENCY, NAME OF APPLICANT, NAME OF LEAD AGENCY CONTACT PERSON, NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON, ADDRESS, CITY, STATE, ZIP, TELEPHONE, FAX, EMAIL ADDRESS.

5. Project Description:

This application is filed pursuant to Section 72-21 of the Zoning Resolution of the City of New York, as amended, to waive the minimum lot size requirement under ZR Section 23-32 for multi-family residential use at the Premises on an undersized lot in the subject R8A/C2-5 zoning district.

6a. Project Location: Single Site (for a project at a single site, complete all the information below)

Table with 4 columns: ADDRESS, NEIGHBORHOOD NAME, TAX BLOCK AND LOT, BOROUGH, COMMUNITY DISTRICT, DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS, EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY, ZONING SECTIONAL MAP NO.

6b. Project Location: Multiple Sites (Provide a description of the size of the project area in both City Blocks and Lots. If the project would apply to the entire city or to areas that are so extensive that a site-specific description is not appropriate or practicable, describe the area of the project, including bounding streets, etc.)

7. REQUIRED ACTIONS OR APPROVALS (check all that apply)

- City Planning Commission: YES NO
CITY MAP AMENDMENT
ZONING MAP AMENDMENT
ZONING TEXT AMENDMENT
UNIFORM LAND USE REVIEW PROCEDURE (ULURP)
CONCESSION
UDAAP
REVOCABLE CONSENT
ZONING SPECIAL PERMIT, SPECIFY TYPE:
MODIFICATION OF
RENEWAL OF
OTHER

- Board of Standards and Appeals: YES NO
SPECIAL PERMIT
EXPIRATION DATE MONTH DAY YEAR
VARIANCE (USE)
VARIANCE (BULK)
SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION

**Department of Environmental Protection:** YES  NO  IF YES, IDENTIFY:

**Other City Approvals:** YES  NO

- |   |  |
|---|--|
| <input type="checkbox"/> LEGISLATION  | <input type="checkbox"/> RULEMAKING                        |
| <input type="checkbox"/> FUNDING OF CONSTRUCTION; SPECIFY:  | <input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES |
| <input type="checkbox"/> POLICY OR PLAN; SPECIFY:   | <input type="checkbox"/> FUNDING OF PROGRAMS; SPECIFY:     |
| <input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL (not subject to CEQR)                                   | <input type="checkbox"/> PERMITS; SPECIFY:                 |
| <input type="checkbox"/> 384(b)(4) APPROVAL   | <input type="checkbox"/> OTHER; EXPLAIN                    |
| <input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) (not subject to CEQR) |  |

**State or Federal Actions/Approvals/Funding:** YES  NO  IF "YES," IDENTIFY:

**8. Site Description:** Except where otherwise indicated, provide the following information with regard to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory controls.

**GRAPHICS** The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11x17 inches in size and must be folded to 8.5 x 11 inches for submission

- Site location map       Zoning map       Photographs of the project site taken within 6 months of EAS submission and keyed to the site location map
- Sanborn or other land use map       Tax map       For large areas or multiple sites, a GIS shape file that defines the project sites

**PHYSICAL SETTING** (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 1,500 SF	Type of Waterbody and surface area (sq. ft.):	Roads, building and other paved surfaces (sq. ft.):
---	---	---

Other, describe (sq. ft.):

**9. Physical Dimensions and Scale of Project** (if the project affects multiple sites, provide the total development below facilitated by the action)

Size of project to be developed: 4,958 (gross sq. ft.)

Does the proposed project involve changes in zoning on one or more sites? YES  NO

If 'Yes,' identify the total square feet owned or controlled by the applicant: \_\_\_\_\_ Total square feet of non-applicant owned development: \_\_\_\_\_

Does the proposed project involve in-ground excavation or subsurface disturbance, including but not limited to foundation work, pilings, utility lines, or grading? YES  NO

If 'Yes,' indicate the estimated area and volume dimensions of subsurface disturbance (if known):

Area: \_\_\_\_\_ sq. ft. (width x length)      Volume: \_\_\_\_\_ cubic feet (width x length x depth)

**DESCRIPTION OF PROPOSED USES** (please complete the following information as appropriate)

	Residential	Commercial	Community Facility	Industrial/Manufacturing
<b>Size</b> (in gross sq. ft.)	3,474	1,484 sf		
<b>Type</b> (e.g. retail, office, school)	6 units	UG6		

Does the proposed project increase the population of residents and/or on-site workers? YES  NO  Number of additional residents? 7      Number of additional workers?

Provide a brief explanation of how these numbers were determined: Estimated one person per new bedroom; retail space unchanged (est. 4 workers)

Does the project create new open space? YES  NO  if Yes \_\_\_\_\_ (sq. ft)

Using Table 14-1, estimate the project's projected operational solid waste generation, if applicable: 435 (pounds per week)

Using energy modeling or Table 15-1, estimate the project's projected energy use: Unknown at this time; mixed-use building not in table. (annual BTUs)

Has a No-Action scenario been defined for this project that differs from the existing condition? YES  NO  If 'Yes,' see Chapter 2, "Establishing the Analysis Framework" and describe briefly:

**10. Analysis Year** *CEQR Technical Manual Chapter 2*

ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL): 2014-2015      ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS:

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES  NO       IF MULTIPLE PHASES, HOW MANY PHASES:

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: First floor converted to UG 6 space through internal construction and change to rear facade.

**11. What is the Predominant Land Use in Vicinity of Project?** (Check all that apply)

RESIDENTIAL       MANUFACTURING       COMMERCIAL       PARK/FOREST/OPEN SPACE       OTHER, Describe:

**PART II: TECHNICAL ANALYSES**

**INSTRUCTIONS:** The questions in the following table refer to the thresholds for each analysis area in the respective chapter of the CEQR Technical Manual.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the 'NO' box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the 'YES' box.
- Often, a 'Yes' answer will result in a preliminary analysis to determine whether further analysis is needed. For each 'Yes' response, consult the relevant chapter of the CEQR Technical Manual for guidance on providing additional analyses (and attach supporting information, if needed) to determine whether detailed analysis is needed. Please note that a 'Yes' answer does not mean that an EIS must be prepared—it often only means that more information is required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant either to provide additional information to support this Short EAS Form or complete a Full EAS Form. For example, if a question is answered 'No,' an agency may request a short explanation for this response. In addition, if a large number of the questions are marked 'Yes,' the lead agency may determine that it is appropriate to require completion of the Full EAS Form.

	YES	NO
<b>1. LAND USE, ZONING AND PUBLIC POLICY: CEQR Technical Manual Chapter 4</b>		
(a) Would the proposed project result in a change in land use or zoning that is different from surrounding land uses and/or zoning? Is there the potential to affect an applicable public policy? If "Yes", complete a preliminary assessment and attach.		✓
(b) Is the project a large, publicly sponsored project? If "Yes", complete a PlaNYC assessment and attach.		✓
(c) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? If "Yes", complete the Consistency Assessment Form.		✓
<b>2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5</b>		
(a) Would the proposed project:		
• Generate a net increase of 200 or more residential units?		✓
• Generate a net increase of 200,000 or more square feet of commercial space?		✓
• Directly displace more than 500 residents?		✓
• Directly displace more than 100 employees?		✓
• Affect conditions in a specific industry?		✓
<b>3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6</b>		
(a) Does the proposed project exceed any of the thresholds outlined in Table 6-1 of Chapter 6?		✓
<b>4. OPEN SPACE: CEQR Technical Manual Chapter 7</b>		
(a) Would the proposed project change or eliminate existing open space?		✓
(b) Is the proposed project within an underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 50 or more additional residents?		✓
If "Yes," would the proposed project generate 125 or more additional employees?		✓
(c) Is the proposed project in a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 300 or more additional residents?		✓
If "Yes," would the proposed project generate 750 or more additional employees?		✓
(d) If the proposed project is not located in an underserved or well-served area, would the proposed project generate: 200 or more additional residents?		✓
500 additional employees?		✓

	YES	NO
<b>5. SHADOWS: CEQR Technical Manual Chapter 8</b>		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?		✓
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?		✓
<b>6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9</b>		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for, or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; is listed or eligible for listing on the New York State or National Register of Historic Places; or is within a designated or eligible New York City, New York State, or National Register Historic District?		✓
If "Yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
<b>7. URBAN DESIGN: CEQR Technical Manual Chapter 10</b>		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?		✓
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources that is not currently allowed by existing zoning?		✓
<b>8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11</b>		
(a) Is any part of the directly affected area within the Jamaica Bay Watershed? If "Yes," complete the Jamaica Bay Watershed Form.		✓
(b) Does the proposed project site or a site adjacent to the project contain natural resources as defined in section 100 of Chapter 11? If "Yes," list the resources and attach supporting information on whether the project would affect any of these resources.		✓
<b>9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12</b>		
(a) Would the project allow commercial or residential use in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?		✓
(b) Does the project site have existing institutional controls (e.g. (E) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?		✓
(c) Would the project require soil disturbance in a manufacturing zone or any development on or near a manufacturing zone or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?		✓
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?		✓
(e) Would the project result in development where underground and/or aboveground storage tanks (e.g. gas stations) are or were on or near the site?		✓
(f) Would the project result in renovation of interior existing space on a site with potential compromised air quality, vapor intrusion from on-site or off-site sources, asbestos, PCBs or lead-based paint?		✓
(g) Would the project result in development on or near a government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, municipal incinerators, coal gasification or gas storage sites, or railroad tracks and rights-of-way?		✓
(h) Has a Phase I Environmental Site Assessment been performed for the site? If "Yes," were RECs identified? Briefly identify:		✓
<b>10. INFRASTRUCTURE: CEQR Technical Manual Chapter 13</b>		
(a) Would the proposed project result in water demand of more than one million gallons per day?		✓
(b) Is the proposed project located in a combined sewer area and result in at least 1,000 residential units or 250,000 SF or more of commercial space in Manhattan or at least 400 residential units or 150,000 SF or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens?		✓
(c) Is the proposed project located in a <u>separately sewered area</u> and result in the same or greater development than that listed in <u>Table 13-1 of Chapter 13</u> ?		✓
(d) Would the project involve development on a site five acres or larger where the amount of impervious surface would increase?		✓
(e) Would the project involve development on a site one acre or larger where the amount of impervious surface would increase and is located within the <u>Jamaica Bay Watershed</u> or in certain <u>specific drainage areas</u> including: Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek?		✓
(f) Is the project located in an area that is partially sewered or currently unsewered?		✓
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a WWTP and/or generate contaminated stormwater in a separate storm sewer system?		✓
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?		✓
<b>11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14</b>		
(a) Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?		✓
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?		✓

	YES	NO
<b>12. ENERGY: CEQR Technical Manual Chapter 15</b>		
(a) Would the proposed project affect the transmission or generation of energy?		✓
<b>13. TRANSPORTATION: CEQR Technical Manual Chapter 16</b>		
(a) Would the proposed project exceed any threshold identified in Table 16-1 of Chapter 16?		✓
(b) If "Yes," conduct the screening analyses, attach appropriate back up data as needed for each stage, and answer the following questions:		
(1) Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour? If "Yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection?  <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16, "Transportation," for information.</i>		
(2) Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour? If "Yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?		
(3) Would the proposed project result in more than 200 pedestrian trips per project peak hour? If "Yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?		
<b>14. AIR QUALITY: CEQR Technical Manual Chapter 17</b>		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 of Chapter 17?		✓
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 of Chapter 17? If "Yes," would the proposed project exceed the thresholds in the Figure 17-3, <u>Stationary Source Screen Graph</u> ? (attach graph as needed)		✓
(c) Does the proposed project involve multiple buildings on the project site?		✓
(d) Does the proposed project require Federal approvals, support, licensing, or permits subject to conformity requirements?		✓
(e) Does the proposed project site have existing institutional controls (e.g. E-designations or a Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?		✓
<b>15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18</b>		
(a) Is the proposed project a city capital project, a power plant, or would fundamentally change the City's solid waste management system?		✓
(b) If "Yes," would the proposed project require a GHG emissions assessment based on the guidance in Chapter 18?		
<b>16. NOISE: CEQR Technical Manual Chapter 19</b>		
(a) Would the proposed project generate or reroute vehicular traffic?		✓
(b) Would the proposed project introduce new or additional receptors (see Section 124 of Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?		✓
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?		✓
(d) Does the proposed project site have existing institutional controls (e.g. E-designations or a Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	✓	
<b>17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20</b>		
(a) Would the proposed project warrant a public health assessment based upon the guidance in Chapter 20?		✓
<b>18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21</b>		
(a) Based upon the analyses conducted for the following technical areas, check yes if any of the following technical areas required a detailed analysis: Land Use, Zoning, and Public Policy, Socioeconomic Conditions, Open Space, Historic and Cultural Resources, Urban Design and Visual Resources, Shadows, Transportation, Noise  If "Yes," explain here why or why not an assessment of neighborhood character is warranted based on the guidance of in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		✓

		YES	NO
<b>19. CONSTRUCTION IMPACTS:</b> <i>CEQR Technical Manual Chapter 22</i>	Would the project's construction activities involve (check all that apply):		
	• Construction activities lasting longer than two years;		✓
	• Construction activities within a Central Business District or along an arterial or major thoroughfare;		✓
	• Require closing, narrowing, or otherwise impeding traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc);		✓
	• Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out;		✓
	• The operation of several pieces of diesel equipment in a single location at peak construction;		✓
	• Closure of community facilities or disruption in its service;		✓
	• Activities within 400 feet of a historic or cultural resource; or		✓
	• Disturbance of a site containing natural resources.		✓

If any boxes are checked, explain why or why not a preliminary construction assessment is warranted based on the guidance of in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.

**20. APPLICANT'S CERTIFICATION**

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the  
 Representative of 11 Avenue A Realty LLC

APPLICANT/SPONSOR

NAME THE ENTITY OR OWNER

the entity which seeks the permits, approvals, funding or other governmental action described in this EAS.

Check if prepared by:  APPLICANT/REPRESENTATIVE OR  LEAD AGENCY REPRESENTATIVE (FOR CITY-SPONSORED PROJECTS)

Richard Lobel

APPLICANT/SPONSOR NAME

LEAD AGENCY REPRESENTATIVE NAME:

SIGNATURE:

DATE:

June 23, 2014

**PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.**

**PART III: DETERMINATION OF SIGNIFICANCE (To Be Completed By Lead Agency)**

**INSTRUCTIONS:**

In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY §6-06 (Executive Order 91 of 1977, as amended) which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant effect on the environment. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

**Potential  
Significant  
Adverse Impact**

IMPACT CATEGORY	YES	NO
Land Use, Zoning, and Public Policy		
Socioeconomic Conditions		
Community Facilities and Services		
Open Space		
Shadows		
Historic and Cultural Resources		
Urban Design/Visual Resources		
Natural Resources		
Hazardous Materials		
Water and Sewer Infrastructure		
Solid Waste and Sanitation Services		
Energy		
Transportation		
Air Quality		
Greenhouse Gas Emissions		
Noise		
Public Health		
Neighborhood Character		
Construction Impacts		

2. Are there any aspects of the project relevant to the determination whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the project may have a significant impact on the environment.

**3. LEAD AGENCY CERTIFICATION**

\_\_\_\_\_ TITLE

\_\_\_\_\_ LEAD AGENCY

\_\_\_\_\_ NAME

\_\_\_\_\_ SIGNATURE

Check this box if the lead agency has identified one or more potentially significant adverse impacts that MAY occur.

Issue **Conditional Negative Declaration**

A **Conditional Negative Declaration (CND)** may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements in 6 NYCRR 617.

Issue **Positive Declaration** and proceed to a draft scope of work for the Environmental Impact Statement.

If the lead agency has determined that the project may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency issues a **Positive Declaration**.

**NEGATIVE DECLARATION (To Be Completed By Lead Agency)**

**Statement of No Significant Effect**

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6NYCRR, Part 617, State Environmental Quality Review, the [ ] assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the [ ] has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS that finds, because the proposed project:

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
LEAD AGENCY

\_\_\_\_\_  
NAME

\_\_\_\_\_  
SIGNATURE