Edward Guterman, P.E.
217 Centre Street
New York, NY 10013
212 334 7400

ARCHITECT/ENGINEER AFFIDAVIT

Address(es) 165 - 167 Suffolk Street, New York NY 10002

Borough Manhattan Block 355 Lot(s) 62

Total Number of Buildings 2

In connection with the above pending request for the issuance of a Regulatory Agreement ("Agreement") with the New York City Department of Housing Preservation and Development ("HPD"), I, Edward Guterman, certify, under penalty of perjury, that the following statements are true and correct to the best of my knowledge:

1. I am a *[professional engineer]* licensed to practice and in good standing with the State of New York Department of Education.

2. I am the *[engineer]* for the project described above ("Project").

3. All capitalized terms not defined herein have the respective meanings set forth in the New York City Zoning Resolution ("Zoning Resolution"). All amounts of floor area stated herein are measured in accordance with the definition of "floor area" set forth in Zoning Resolution § 12-10 and Section 41-15 of the Inclusionary Housing Guidelines ("Floor Area") and are based on the building drawings ("Plans") submitted to the New York City Department of Buildings and HPD for the Project.

4. The Project contains 19,076.76 square feet of total residential Floor Area.

5. The Project contains 19,076.76 square feet of Floor Area attributed to dwelling units designated for Affordable Housing to be occupied by Low Income Households. For each separate Affordable Housing dwelling unit to be occupied by Low Income Households:
   - Such measurement includes the square footage within the inside face of the walls enclosing such dwelling unit (i.e., all floor surfaces within the dwelling unit, including closets, and the partitions that separate rooms that are within the same dwelling unit).
   - Such measurement excludes (a) the thickness of exterior walls, (b) the thickness of partitions separating such dwelling unit from any other dwelling units or other spaces, and (c) portions of such dwelling unit that do not qualify as Floor Area.

6. The Project contains 0 (zero) square feet of total Floor Area attributed to dwelling units not designated for Affordable Housing to be occupied by Low Income Households. For each separate dwelling unit not designated for Affordable Housing to be occupied by Low Income Households:

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- Such measurement includes the square footage within the inside face of the walls enclosing such dwelling unit (i.e., all floor surfaces within the dwelling unit, including closets, and the partitions that separate rooms that are within the same dwelling unit).
- Such measurement excludes (a) the thickness of exterior walls, (b) the thickness of partitions separating such dwelling unit from any other dwelling units or other spaces, and (c) portions of such dwelling unit that do not qualify as Floor Area.

7. The Project contains 4,408.65 square feet of total Floor Area attributed to common areas in the building for which a user fee is charged to residents of Affordable Housing Units for their use (including, but not limited to, health clubs, pools, and party rooms).
   - Such measurement includes the square footage within the inside face of the walls enclosing each such separate common area (i.e., all floor surfaces within such common area, including closets, and the partitions that separate rooms that are within the same such common area).
   - Such measurement excludes (a) the thickness of exterior walls, (b) the thickness of partitions separating such common area from dwelling units or other spaces, and (c) portions of such common area that do not qualify as Floor Area.

8. The Project contains 14,668.11 square feet of total Floor Area devoted to Affordable Housing to be occupied by Low Income Households, calculated as follows:

$$LI + \{ \frac{LI}{LI + MR} \times [RFA - (LI + MR) - CA] \} = AHFA$$

$$19076.76 + \{ 19076.76/19076.76+0 \times [19076.76-(19076.76+0) - 4408.65]\} = 14,668.11$$

Where:

"RFA" means the total residential Floor Area of the Project, as set forth in Paragraph 4.
"LI" means the Floor Area attributed to dwelling units designated for Affordable Housing to be occupied by Low Income Households, as set forth in Paragraph 5.
"MR" means the Floor Area attributed to dwelling units not designated for Affordable Housing to be occupied by Low Income Households, as set forth in Paragraph 6.
"CA" means the total Floor Area attributed to common areas in the building for which a fee is charged to Low Income Households for their use, as set forth in Paragraph 7.
"AHFA" means the total Floor Area devoted to Affordable Housing as set forth in this Paragraph 8.

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9. The Affordable Housing Units in the Project are distributed vertically, in accordance with Zoning Resolution § 23-96(b)(1) as indicated on the Unit Height Distribution Chart A attached in Exhibit A. To prepare this table, use the Excel worksheet at: Unit Height Distribution Chart A

10. The Affordable Housing Units in the Project are distributed horizontally, in accordance with Zoning Resolution § 23-96(b)(2) as indicated on the Horizontal Unit Distribution Chart B attached in Exhibit A. To prepare this table, use the Excel worksheet at: Unit Distribution Chart B

11. The Affordable Housing Units in the Project have the following bedroom mix in accordance with Zoning Resolution § *[23-96(c)(1)(i)] [23-96(c)(1)(ii)] [23-96(c)(2)] [23-96(c)(3)]* as indicated on the Unit Bedroom Mix Chart C attached in Exhibit A. To prepare this table, use the Excel worksheet at: Unit Bedroom Mix Chart C

12. The Affordable Housing Units in the Project comply with the size requirements of Zoning Resolution § 23-96(d) as indicated on Unit Size Chart D attached in Exhibit A. To prepare this table, use the Excel worksheet at: Unit Size Chart D

13. If the Project is constructed in accordance with the Plans, the completed building(s) in the Project will be in compliance with the requirements contained in the following laws and regulations:

    (a) Chapter 11 of the New York City Building Code; and

    (b) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 part CFR 8. Units designated for mobility impairments (5% of the total units) and sensory impairments (2% of the total units) must include both Affordable Units and non-Affordable Units. Units designated for mobility impairment may not be designated for sensory impairments. In calculating the number of designated units, decimals must be rounded up to the next whole number.

I make these statements as of this 14 day of July, 2016, in order to induce HPD to enter into the Agreement to permit one or more multiple dwellings to receive Floor Area Compensation pursuant to the New York City Zoning Resolution *[§ 23-951] [§ 23-952] [§ 23-952 as modified by (insert appropriate section reference(s)]* understand that HPD will rely on the veracity of these statements in entering into the Agreement.

I understand that if HPD finds noncompliance with the Zoning Resolution and/or that any of the statements made herein are not accurate, HPD, in its sole discretion, may prevent me from certifying any future projects with HPD. Furthermore, I understand that submission of a false certification may be deemed to be professional misconduct pursuant to Section 6509 of the Education Law.

I also understand that if an HPD review and/or the Department of Building's approval, on completion, of the Project finds that the total Floor Area devoted to Affordable Housing to be

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occupied by Low Income Households, is different from the statements made herein, HPD will modify all relevant documents relating to this Project to reflect the correct total Floor Area.

/Engineer Signature

Edward Guterman, P.E.
Engineer Name

061893
License Number

Edward Guterman, P.E.
Business Name

217 Centre Street New York NY 10013
Business Address

212 334 7400
Phone Number

Seal of
[Professional Engineer:]

STATE OF NEW YORK
EDWARD M. GUTERMAN
061893-1
LICENSED PROFESSIONAL ENGINEER

Sworn to me this 3RD day of August, 2016

Notary Public

DAVID ALLEN THOMPSON
NOTARY PUBLIC-STATE OF NEW YORK
No. 02TH6208118
Qualified in New York County
My Commission Expires June 22, 2017

EXHIBIT A

PROJECT NAME: 165-167 Suffolk Street (IHP Preservation)
ADDRESS: 165-167 Suffolk Street, New York NY 10002
DATE:

Unit Height Distribution Chart A

Instructions: Please list the Inclusionary Housing Units by floor and designation. Please dedicate one column for each line of apartments.

Floor #	Inclusionary Housing Apartment Numbers					Total # of IH Units/Floor
6	A	B	C	D		4
5	A	B	C	D		4
4	A	B	C	D		4
3	A	B	C	D		4
2	A	B	C	D		4
1	A	B	C			3
Basement	A	B	C			3
						26

Total DU

Super's Apartment is BB
Form 07-16-2012

PROJECT NAME: 165-167 Suffolk Street (IHP-Preservation)
ADDRESS: 165-167 Suffolk Street, New York NY 10002
DATE:

Horizontal Unit Distribution Chart B

165-167 Suffolk Street, New York NY 10002

Construction Floor #	Marketing Floor #	Total # of Units Per Floor	IH Units Per Floor	Staff Units Per Floor	Non-IH Units Per Floor	IH %-age
Basement	Basement	3	2	1	1	66.67%
1	1	3	3	0	0	100.00%
2	2	4	4	0	0	100.00%
3	3	4	4	0	0	100.00%
4	4	4	4	0	0	100.00%
5	5	4	4	0	0	100.00%
6	6	4	4	0	0	100.00%
		26	25	1	1	96.15%

Super's apartment is BB.

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PROJECT NAME: 165-167 Suffolk Street (IHP-Preservation)
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DATE:

Unit Bedroom Mix Chart C

Building 1 - please provide a separate worksheet for each additional building.

Unit Type

IH Unit Types	No. of Units	% Breakdown	Non-IH Unit Types *	No. of Units	% Breakdown	Super/Staff Units	TOTAL No. of Units
Studio		0.00%	Studio		#DIV/0!		0
1-bd	5	20.00%	1-bd		#DIV/0!		5
2-bd	18	72.00%	2-bd		#DIV/0!	1	19
3-bd	2	8.00%	3-bd		#DIV/0!		2
Total	**25**	**100.00%**	Total	**0**	**#DIV/0!**	1	**26**

*Excludes Super/Staff Units
Super's Apartment is a 2BR at BB.

Form 07-16-2012

PROJECT NAME:	165-167 Suffolk Street (IHP-Preservation)
ADDRESS:	165-167 Suffolk Street, New York NY 10002
DATE:	July 2016

Unit Size Chart D

To be completed by developer's team

Unit Summary	
# Bdrms	Units
0 Bdrm	0
1 Bdrm	5
2 Bdrm	19
3 Bdrm	2
Total	26

Construction Floor #	Marketing Floor #	Apt #	# Bdrms	Net Sq. Ft.
Basement	Basement	A	3	1112.34
Basement	Basement	B	2	699.32
Basement	Basement	C	2	733.82
First	First	A	3	1112.34
First	First	B	2	699.32
First	First	C	2	733.82
Second	Second	A	1	467.86
Second	Second	B	2	737.19
Second	Second	C	2	820.36
Second	Second	D	2	771.75
Third	Third	A	1	467.86
Third	Third	B	2	737.19
Third	Third	C	2	820.36
Third	Third	D	2	771.75
Fourth	Fourth	A	1	467.86
Fourth	Fourth	B	2	737.19
Fourth	Fourth	C	2	820.36
Fourth	Fourth	D	2	771.75
Fifth	Fifth	A	1	467.86
Fifth	Fifth	B	2	737.19
Fifth	Fifth	C	2	820.36
Fifth	Fifth	D	2	771.75
Sixth	Sixth	A	1	467.86
Sixth	Sixth	B	2	737.19
Sixth	Sixth	C	2	820.36
Sixth	Sixth	D	2	771.75
Total				19076.76

Super / Resident Manager Unit(s)

Construction Floor #	Marketing Floor #	Apt #	# Bdrms	Net Sq. Ft.
Basement	Basement	B	2	699.32

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