



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.nyc.gov/mcb4

Delores Rubin  
Chair

**Jesse Bodine**  
District Manager

September 19, 2017

Louise Carroll  
Associate Commissioner, Housing Incentives  
Department of Housing Development and Preservation  
100 Gold Street  
New York, NY 10038

**Re: 517-525 West 45<sup>th</sup> Street  
Cure for Harassment Applications and Plans**

Dear Commissioner Carroll:

On May 24<sup>th</sup>, 2016, Manhattan Community Board 4's (MCB4) Housing, Health, and Human Services Committee received a presentation from the owners of 517-525 West 45<sup>th</sup> Street, a building for which they had submitted a Cure for Harassment Application. The owners presented plans for the building's renovation, which included changes to existing units as part of the IMD legalization process. During that meeting, the Committee made a series of recommendations and requested clarification from the owner. The owner committed to returning to the Housing, Health, and Human Services Committee to present a revised set of plans based on the Board's requests. The owner never returned to MCB4 to present scope of work approved by HPD Inclusionary Housing, which administers Cure provisions and DOB. There is no clarity as to the exact scope of work and work has proceeded in a poorly-managed way, resulting in a Stop Work Order issued on June 21, 2017.

At its meeting on July 26, 2017, MCB4, by vote of XX in favor, XX opposed, XX abstaining, and XX present but not eligible to vote, voted to request that HPD provide the following:

- A copy of the HPD-approved scope of work and plans for the Cure requirement
- Review of the owner's plans submitted to the Loft Board to ensure consistency with the HPD Scope and plans

Furthermore, the Board requests that HPD review the owner's plans submitted to the Loft Board and DOB to ensure consistency with the HPD approved Scope and plans.

**Background**

517-525 West 45<sup>th</sup> Street is a loft building complex consisting of five adjacent and connected structures of differing heights. All building wings are on a single zoning lot (Block 1074, Lot 18)

between Tenth and Eleventh Avenues<sup>1</sup>. The 517 portion of the building located on West 45<sup>th</sup> Street is four stories tall. Immediately to the west, the 525 portion of the building is five stories tall. Behind 517 and 525, off an interior courtyard, is a two-story portion called 525 Rear, as well as the 523 portion of the building, which is also a five-story structure. The building is located in the Preservation Area of the Special Clinton District (SCD).

The building was first residentially occupied in 1963 under the Artist in Residence (AIR) Law, and became an IMD in 1986 (IMD #10516). The building contains a total of 18 apartments, of which 10 are Interim Multiple Dwelling (IMD) units. The IMD tenants of this building went through a series of tenant harassment tactics from 2004 through 2005, including withdrawal of building services and threatened use of force, aimed at forcing them out of their units.

In 2008, per requirements of Section 96-110 of the Zoning Resolution for the Special Clinton District, former owner Shabbat LLC applied for a Certificate of No Harassment (CONH) prior to beginning construction work on the building. However, after an investigation, the Department of Housing Preservation and Development (HPD) determined that there was reasonable cause to believe that the building's tenants had in fact been harassed. Shabbat LLC requested a hearing and on April 7, 2010, the New York City Office of Administrative Trials and Hearings found that there has been tenant harassment on the site.

Because of the finding of harassment under the Special Clinton District, the owner is required to provide a Cure for Harassment (Cure) when applying for a building alteration through the Department of Buildings (DOB).

The owner would be required to dedicate the greater of the following as affordable housing:

- 28% of the total residential floor area of the existing building; or
- 20% of the total floor area of the newly proposed or enlarged building

517-525 West 45<sup>th</sup> Street is a unique circumstance in which a Cure for Harassment is also undergoing IMD unit legalization.

### **Comments and Requests from May 24, 2016 Meeting**

At the Housing, Health, and Human Services Committee meeting held on May 24, 2016, the Board had the following concerns:

#### ***Minimum Distance between Buildings***

The building is required to keep a minimum of 60 foot distance between windows, per section 23-711 of the Zoning Resolution. The Board requested that the DOB review the plans submitted by the owner to ensure compliance with this and other zoning requirements.

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<sup>1</sup> See Appendix A – Tax Lot Diagram

***False Forms under DOB Application No. 122204462***

The owner had submitted DOB forms that misrepresented the extent of the work in the application. The Board requested that the owner re-submit these forms to correct the record.

***New DOB Tenant Protection Plan Requirement***

The Board noted that the building was subject to the new Tenant Protection Plan requirement, and that the owner would have to submit these plans prior to beginning work. The Board requested that these plans be reviewed By HPD's Building and Land Development Services (BLDS) unit and that the DOB also ensure that the protection plan is adequate.

**Registration with DHCR**

On December 13, 2016, the owner signed a Restrictive Declaration stating that the Cure units were required to be registered with DHCR.

However, on December 15, 2016, under DOB Job No. 122204462, the owner submitted a PW1 form stating that the building did not contain residential units subject to rent stabilization<sup>2</sup>. The owner again submitted a PW1 under DOB Job No. 123090314 on May 11, 2017 that made the same misstatement<sup>3</sup>.

Revised forms should be resubmitted by the owner with the correct information.

**Ensuring Plans Meet Requirements of ZR § 96-110**

The owner repeatedly postponed their presentation to the Board over the course of several months, stating that they were working with HPD and tenants and had not yet come to an agreement. The owner explicitly stated that he would return to the Board prior to finalizing their agreement with HPD.

Nonetheless, on December 13, 2016, the owner executed a Restrictive Declaration with HPD<sup>4</sup>, without any further input from the Board. This agreement embodies the Cure for Harassment requirement and specifies the owner is required to provide 11,365 square feet of floor area in the building as affordable housing.

On February 16, 2017, the Loft Board sent a letter to the owner stating that they had certified the alteration plans and that the plans were in compliance with the requirements of 29 RCNY § 2-01(d)(2)<sup>5</sup>.

Furthermore, on November 24, 2014, the owner submitted an application to DOB under Job No. 122204462 for the renovation of the building. The owner submitted revised building plans under that that application in December 2016. Those plans received DOB approval on February 27, 2017.

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<sup>2</sup> See Attachment B: PW1 dated December 15, 2016

<sup>3</sup> See Attachment C: PW1 dated May 11, 2017

<sup>4</sup> See Attachment D: Restrictive Declaration dated December 13, 2016

<sup>5</sup> See Attachment E: Letter from Helaine Balsam dated February 16, 2017 and Attachment F: 29 RCNY § 2-01(d)(2)

The Loft Board and the DOB have both approved the owner's proposed plans for the building. In the meantime, however, the owner did not present the final plans to the Board and the Board has not been able to confirm that the scope of work in the plans does in fact meet the Cure Requirement and the commitments made to the Board by the owner or is consistent with plans and scope approved by HPD.

MCB4 requests the following:

- That HPD provide it with a copy of the HPD-approved scope of work and plans for the Cure Requirement
- That HPD review the owner's plans submitted to the Loft Board to ensure consistency with the HPD Scope and plans.
- That DOB review the owner's plans submitted to the Loft Board to ensure consistency with the DOB Scope and plans.

### **Conclusion**

***By repeatedly postponing its final presentation of the Board, it is clear that the owner avoided the ongoing public process and then obtained HPD, Loft Board, and DOB approval for its plans and scope of renovation.*** MCB4 requests HPD provide clarity to ensure that the commitments made to MCB4 by the owner for the Cure for Harassment are embodied in the HPD approved plans. Further, the subsequent filings at the Loft Board and DOB must consistent with the HPD approved plans. Specifically, MCB4 seeks to ensure that the Cure units are fully ADA compliant and the apartment finishes are equal in all units throughout the building.

Sincerely,

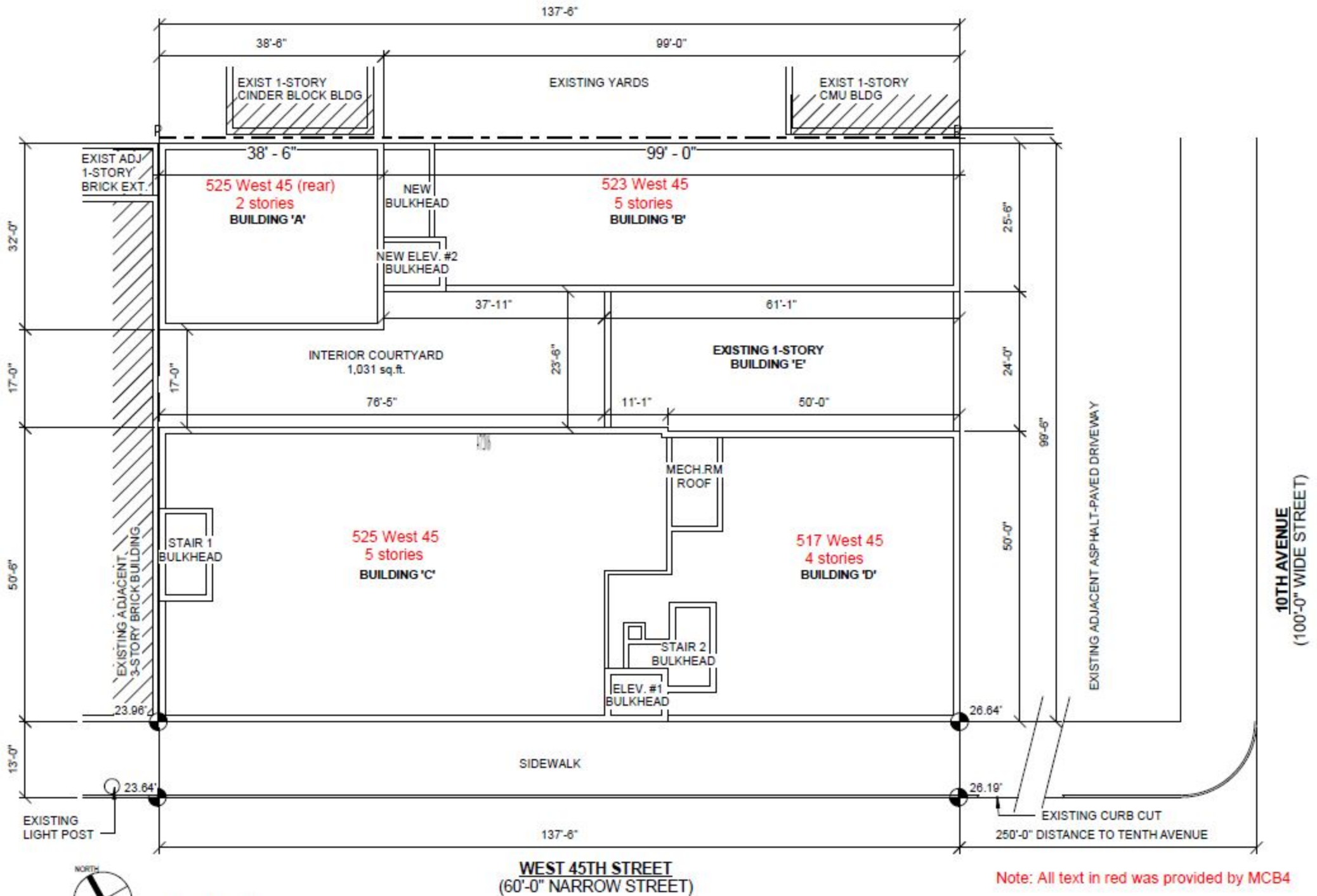


Delores Rubin  
MCB4 Chair

(signed 9/19/17)  
Barbara Davis, Co-Chair  
Housing, Health &  
Human Services Committee

(signed 9/19/17)  
Joe Restuccia, Co-Chair  
Housing, Health &  
Human Services Committee

cc: R. Chandler, DOB  
L. Carroll, HPD  
S. Bernstein, 517-525 West 45<sup>th</sup> Street, LLC



Note: All text in red was provided by MCB4



PLOT PLAN  
1/16" = 1'-0"

WEST 45TH STREET  
(60'-0" NARROW STREET)



**PW1: Plan / Work Application**  
Must be typewritten.

DOC #1



**1 Location Information** Required for all applications.

House No(s) 517	Street Name West 45th Street			
Borough Manhattan	Block 1074	Lot 18	BIN 1,083,791	C.B. No. 104
Work on Floor(s) 001 to 005			Apt. / Condo No(s)	

**2 Applicant Information** Required for all applications. Fax, mobile telephone and e-mail address are optional information.

Last Name Bernstein	First Name Daniel	Middle Initial
Business Name Kutnicki Bernstein Architects		Business Telephone (212) 431-5552
Business Address 434 Broadway, 4th Floor		Business Fax
City New York	State NY	Zip 10,013
E-Mail db@kbanyc.com		License Number 016854
Choose one: <input type="checkbox"/> P.E. <input checked="" type="checkbox"/> R.A. <input type="checkbox"/> Sign Hanger <input type="checkbox"/> R.L.A. <input type="checkbox"/> Other:		

**3 Filing Representative** Complete only if different from applicant specified in section 2. Fax, mobile phone, and e-mail are optional info.

Last Name RODR/BHATIA	First Name NORB/SUNITA	Middle Initial
Business Name William Vitacco Associates, Ltd.		Business Telephone (212) 791-4578
Business Address 299 Broadway, 5th Floor		Business Fax
City New York	State NY	Zip 10,007
E-Mail sbhatia@vitacco.com		Registration Number 1,469

**4 Filing Status** Required for all applications. Choose one and provide specified associated information.

<input type="checkbox"/> Initial Filing 5, 7, 11, 12A, 25-26 Choose only one: <input type="checkbox"/> Standard Plan Examination or Review <input type="checkbox"/> Professional Certification PC1, POC1 <input type="checkbox"/> Professional Certification of Objections A11	<input checked="" type="checkbox"/> Prior to Approval Actions 25-26 <input checked="" type="checkbox"/> Amend Existing Filing 4A <input type="checkbox"/> Subsequent Filing 6-7, 8A (Alt-2 only), 11 <input type="checkbox"/> Post Approval Amendment (PAA) 4A, 6, 24-25 Will PAA affect filing fees? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> New (Superseding) Applicant 4A, 25-26	<input type="checkbox"/> Reinstatement 24-26 <input type="checkbox"/> Withdrawal 26 <input type="checkbox"/> Specified in 4A and 6 <input type="checkbox"/> Entire Job 4A Indicate existing document number affected by filing:1
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**5 Job/Project Types** Choose one and provide specified associated information.

<input checked="" type="checkbox"/> Alteration Type 1 or Alteration Type 1 required to meet New Building requirements (28-101.4.5) 6A-E, 8B-C, 9-10, 12, 13C-F, 14, 18-20, 22 & PW1A, PD1	<input type="checkbox"/> Alteration Type 2 5A, 6A-D, 8A-B, 9-10, 13C-E, & 14, 20, 22	<input type="checkbox"/> Full Demolition 6B, 8D, 9A & 9C-D, 9K, 13D-E, 14, 21A, 22
<input type="checkbox"/> Alteration Type 1, OT: "No Work" 8C, 9-10 & 12, 13C-F, 14, 18-19, 22, PW1A, PD1	<input type="checkbox"/> Alteration Type 3 5A, 6B-F, 8C, 9-10, 13C-E, 20, 22	<input type="checkbox"/> Subdivision 9A, 9D, 12A-B
	<input type="checkbox"/> New Building 6A-E, 8F-G, 9A, 9C-K, 10, 12 & 13A-E, 14, 18-20, PW1A, PD1	<input type="checkbox"/> Condominium <input type="checkbox"/> Improved 17
	<input type="checkbox"/> Sign 5A, 6B-D, 9A, 9D, 22-23	5A Directive 14 acceptance requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**6 Work Types** Select all that apply but no more than allowed by job and filing type. "OT" required on all NB and Alteration 1 initial applications.

6A <input type="checkbox"/> BL - Boiler PW1C <input type="checkbox"/> FA - Fire Alarm <input type="checkbox"/> FB - Fuel Burning PW1C	<input type="checkbox"/> FS - Fuel Storage PW1C <input type="checkbox"/> FP - Fire Suppression <input type="checkbox"/> MH - Mechanical	<input type="checkbox"/> PL - Plumbing PW1B <input type="checkbox"/> SD - Standpipe PW1B <input type="checkbox"/> SP - Sprinkler PW1B	6E <input type="checkbox"/> CC - Curb Cut 16 <input type="checkbox"/> OT/LAN - Landscape
6B <input type="checkbox"/> EQ - Construction Equipment 15	6C <input checked="" type="checkbox"/> OT/GC - General Construction	6D <input type="checkbox"/> OT - Other, describe:	6F <input type="checkbox"/> OT/ANT - Antenna <input type="checkbox"/> OT/BPP - Builders Pavement Plan 8D <input type="checkbox"/> OT/FPP - Fire Protection Plan <input type="checkbox"/> OT/MAR - Marquee 8E, 26B

7 Plans/Construction Documents Submitted Plans are required for most applications.

Are plans being submitted with this PW1? [X] Yes [ ] No If yes, do the plans include: [ ] FO -- Foundation [X] EN -- Energy Analysis

8 Additional Information

8A WT Cost WT Cost WT Cost 8B Is a building enlargement proposed? [X] No enlargement is proposed [ ] Yes 12, PD1 [ ] Horizontal [ ] Vertical Additional Construction Floor Area: sq. ft. 8C Estimated Job Cost \$ 1,505,000 8D Street Frontage: linear ft. 8E Height: ft. Width: ft. 8F Total Construction Floor Area: sq. ft.

9 Additional Considerations, Limitations or Restrictions

9A Review is requested under which building code? [ ] 2014 [ ] 2008 [X] 1968 [ ] Prior to 1968
9B [ ] [X] Alteration required to meet New Building requirements (28-101.4.5) If yes, 13A-B
9C [ ] [X] Façade Alteration [ ] [X] Adult Establishment If yes, plot diagram (except DM)
9D [ ] [X] Landmark [ ] [X] Little "E" or RD Site [ ] [X] Unmapped/CCO Street
9E [ ] [X] BSA Calendar Numbers (max. 5):
9F [ ] [X] CPC Calendar Numbers (max. 5):
9G [X] [ ] Work includes lighting fixture and/or controls, installation or replacement. [ECC §404 and §505]
9H [ ] [X] Work includes modular construction under New York State jurisdiction
9I High Rise Team tracking #:
9J [ ] [X] Structural peer review required per BC 16. If yes, provide NYS P.E. license number:
9K [ ] [X] Work includes permanent removal of standpipe, sprinkler or fire suppression related systems
9L [ ] [X] Work includes partial demolition as defined in AC §28-101.5, or the raising/moving of a building If yes, 21B
[ ] [X] Structural stability affected by proposed work

10 NYCECC Compliance New York City Energy Conservation Code

[X] To the best of my knowledge, belief and professional judgment, all work under this application is in compliance with the NYCECC\*
Code Compliance Path (choose one): [X] NYCECC [ ] ASHRAE
Energy Analysis (choose one): [X] Tabular Analysis [ ] REScheck [ ] COMcheck [ ] Energy Modeling (EN1)
[ ] To the best of my knowledge, belief and professional judgment, all work under this application is exempt from the NYCECC\* in accordance with one of the following (choose one):
[ ] The work is an alteration of a State or National historic building.
[ ] The scope of the work is entirely in a "low-energy building" and is limited to the building envelope.
[ ] The entire scope of work involves a temporary structure and/or one or more of the following work types: FA, FP, SD, SP, FS, EQ, CC, OT/BPP, OT/FPP. Other work types are not exempt.
[ ] This is a post-approval amendment and exempt under a prior edition of the energy code. See statement of exemption on attached drawings.



19 Open Spaces					
	Existing		Proposed		
	sq. ft.	sq. ft.	sq. ft.	sq. ft.	
Plaza Area					Arcade Area
Parking Area					Parking Spaces
Loading Berths					Loading Berths

20 Site Characteristics			20A Flood Hazard Area Information		
Yes	No		Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tidal Wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Freshwater Wetlands
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Coastal Erosion Hazard Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Urban Renewal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fire District	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Flood Hazard Area <i>If yes, 20A</i>
					Substantial improvement?
					Substantially damaged?
					Floodshields part of proposed work?

**21 Demolition Details** *\*Mechanical equipment other than handheld devices to be used for demolition or removal of debris (BC §3306.4).*

Yes No

21A   Demo. filing is for a secondary structure? *If yes, specify structure being demolished:*

Mechanical means\* from out of building? *If yes, mechanical means will demolish:  entire structure or  part of structure*

Mechanical means\* from within building? *If yes, describe equipment proposed:*

21B   Demolition work affects the exterior building envelope

The scope of work involves raising/moving of a building

**22 Asbestos Abatement Compliance** *Choose one.*

The scope of work requires related asbestos abatement as defined in the regulations of the NYC Department of Environmental Protection (DEP).

The scope of the work is not an asbestos project as defined in the regulations of the NYC DEP. *DEP Control # is required.*

DEP ACP-5 Control No. \_\_\_\_\_

The scope of work is exempt from the asbestos requirement as defined in the regulations promulgated by the NYC DEP (15 RCNY 1-23(b)) or is an alteration to a building constructed pursuant to plans submitted for approval on or after April 1, 1987, in accordance with § 28-106.1.

**23 Sign**

Purpose:	Type:	Estimated Cost: \$ _____	23A Illuminated type: <input type="checkbox"/> Direct <input type="checkbox"/> Flashing <input type="checkbox"/> Indirect
<input type="checkbox"/> Advertising	<input type="checkbox"/> Illuminated 23A	Total Square Feet: _____	Yes No
<input type="checkbox"/> Non-Advertising	<input type="checkbox"/> Non-Illuminated	Height above Curb: <input type="text"/> ft. <input type="text"/> in.	<input type="checkbox"/> <input type="checkbox"/> If sign projects beyond building line, is owner billed for annual permit? <i>If no, specify in 26B</i>
Location: <input type="checkbox"/> Ground <input type="checkbox"/> Roof 23B <input type="checkbox"/> Wall	Height above Roof: <input type="text"/> ft. <input type="text"/> in.		23B <input type="checkbox"/> <input type="checkbox"/> Is roof sign tight, closed or solid?
Yes No			23C Sign wording. <i>If extensive, provide only key wording.</i>
<input type="checkbox"/> <input type="checkbox"/> Is sign inside building line? <i>If no, sign projects by: <input type="text"/> ft. <input type="text"/> in.</i>			23D Distance from Arterial Highway: _____ ft.
<input type="checkbox"/> <input type="checkbox"/> Designed for changeable copy? <i>If no, 23C</i>			23E Distance from Park 1/2 acre or more: _____ ft.
<input type="checkbox"/> <input type="checkbox"/> Does an OAC have an interest in this sign or location? <i>If yes, 23G</i>			23F OAC Sign Number: _____
<input type="checkbox"/> <input type="checkbox"/> Within 900' and within view of an arterial highway? <i>If yes, 23D</i>			23G OAC Registration Number: _____
<input type="checkbox"/> <input type="checkbox"/> Within 200' and within view of a park 1/2 acre or more? <i>If yes, 23E</i>			

.....▶ *If answer is "yes" to either of the above two questions and this is an advertising sign, OAC sign number is required in section 23F*

**24 Comments** *Place additional comments on an AI-1 form. See Guide for proper incorporation of professional certification statements.*

PLEASE FORWARD ANY COMMENTS TO TDIMATTEI@VITACCO.COM

**25 Applicant's Statements and Signatures** Required for all applications.

Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both. I understand that if I am found after hearing to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this code or of a rule of any agency, I may be barred from filing further applications or documents with the Department. I prepared or supervised the preparation of the construction documents and specifications herewith submitted and to the best of my knowledge and belief, the construction documents and work shown thereon comply with the provisions of the NYC Administrative Code and other applicable laws and rules,  (—check here if) except as set forth in the accompanying documents. I acknowledge that I have read and complied with all instructions pertaining to this application and supplementary schedules submitted Cluster Development Statement (if applicable); I hereby state that all specifications relating to my job are identical to those previously filed under the group lead job number, except as specified herein

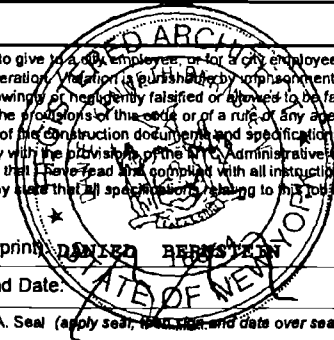
For Initial New Building and Alteration 1 applications filed under the 2008 or 2014 NYC Building Code only: does this building qualify for high-rise designation?  Yes  No

Directive 14 Initial applications only: I certify that the construction documents submitted and all construction documents related to this application do not require a new or amended Certificate of Occupancy as there is no change in use, exits, or occupancy.  Yes  No

Name (print): DANIEL BERNSTEIN

Sign and Date: \_\_\_\_\_

P.E. / R.A. Seal (apply seal, title, and date over seal)



**26 Property Owner's Statements and Signatures**

Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both. I understand that if I am found after hearing to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this code or of a rule of any agency, I may be barred from filing further applications or documents with the Department. Furthermore, I understand that I am responsible for insuring that a final inspection be performed when the permitted work is complete, and that a satisfactory report of final inspection be submitted, along with all required submittal documents, so that the NYC Department of Buildings may issue a letter of completion or certificate of occupancy within the time prescribed by law.

I have authorized the applicant to file this application for the work specified herein and all future amendments. I will not knowingly authorize any work that is not in compliance with all applicable laws, rules, and regulations

Yes No

Fee Exemption Request (Non-Profit Owned and Operated) In accordance with Administrative Code §28-112.1, Exception 1, I certify that the deed holder is a corporation or association organized and operated exclusively for the purposes indicated in such section, and that the property is used exclusively by such entity for such purpose. ★

Fee Exemption Request (NYCHA/HHC, NYC Agency, or Other Government Owned and Operated) The building or any part thereof to be constructed, renovated, altered or demolished is owned and operated exclusively for the purposes of the NYC Agency, NYC Authority, NY State Agency, Federal Government or any other government entity. ★

Owner's Certifications Regarding Occupied Housing The site of the building to be altered or demolished, or the site of the new building to be constructed, contains one or more occupied dwelling units that will remain occupied during construction. These occupied dwelling units have been clearly identified on the submitted construction documents.

The site of the building to be altered or demolished, or the site of the new building to be constructed, contains occupied housing accommodations subject to rent control or rent stabilization under Chapters 3 and 4 of Title 26 of the New York City Administrative Code. If yes, select one of the following:

The owner is not required to notify the New York State Homes and Community Renewal (NYSHCR) of the owner's intention to file because the nature and scope of the work proposed, pursuant to NYSHCR regulations, does not require notification.

The owner has notified the New York State Homes and Community Renewal (NYSHCR) of its intention to file such construction documents/apply for such permit and has complied with all requirements imposed by the regulations of such agency as preconditions for such [filing/application].

Provide date NYSHCR notified: \_\_\_\_\_

Owner's Certification for Directive 14 Applications (if applicable) I have read and am fully aware of the applicant's statement that the construction documents submitted and all construction documents related to this application will not require a new or amended Certificate of Occupancy as there is no change in use, exits, or occupancy and the work is not inconsistent with the current certificate of occupancy. Furthermore, I understand that I am responsible for retaining a qualified design professional to perform a final inspection when the permitted work is complete and this professional must submit a satisfactory final inspection report to the NYC Department of Buildings within the time following inspection prescribed by Department rule.

Notes for Section 26A: Section required if unit owner signed Section 26. Signature required for authorized representative of Condo or Co-Op board

★ For fee waivers, please see the PW1 User Guide

Owner  Individual  Partnership  NYCHA / HHC  
Type:  Corporation  Other Government  NYC Agency  
 Condo Unit Owner or Co-Op Tenant-shareholder 26A  
Is the deed holder a non-profit organization?  Yes  No

Name (please print): SHAI BERNSTEIN

Relationship to Owner: OWNER

Business Name/Agency: 517-525 WEST 45TH STREET, LLC

Street Address: 190 BEDFORD AVENUE

City: BROOKLYN State: NY Zip: 11249

Telephone Number: (917) 310-1865 Fax: \_\_\_\_\_

E-Mail Address: SHAI@NYC@GMAIL.COM

Signature and Date [Signature]

**26A Condo/Co-Op Board** See note in bottom left corner of page.

Name (please print): \_\_\_\_\_

Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Signature and Date [Signature]

**26B Lessee Responsible for Annual Sign or Marquee Permit**

Name (please print): \_\_\_\_\_

Relationship to Owner: \_\_\_\_\_

Business Name/Agency: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Owner



**PW1: Plan / Work Application**  
*Must be typewritten.*

DEPT BLDGS Job No. 123090314  
  
 Scan Code ESHS4419035

**1 Location Information** *Required for all applications.*

House No(s) 517	Street Name West 45th Street			
Borough Manhattan	Block 01074	Lot 00018	BIN 1083791	C.B. No. 104
Work on Floor(s) 001, 002			Apt. / Condo No(s)	

**2 Applicant Information** *Required for all applications. Fax, mobile telephone and e-mail address are optional information.*

Last Name Bernstein	First Name Daniel	Middle Initial
Business Name Kutnicki Bernstein Architects		Business Telephone (212) 431-5552
Business Address 277 Broadway, 17th Floor		Business Fax
City New York	State NY	Zip 10007
E-Mail ricardo.hatton@kbanyc.com		License Number 016854
Choose one: <input type="checkbox"/> P.E. <input checked="" type="checkbox"/> R.A. <input type="checkbox"/> Sign Hanger <input type="checkbox"/> R.L.A. <input type="checkbox"/> Other:		

**3 Filing Representative** *Complete only if different from applicant specified in section 2. Fax, mobile phone, and e-mail are optional info.*

Last Name Waxman/Moreno	First Name Andrea/Lorena	Middle Initial
Business Name William Vitacco Associates, Ltd.		Business Telephone (212) 791-4578
Business Address 299 Broadway, 5th Floor		Business Fax
City New York	State NY	Zip 10007
E-Mail cfischer@vitacco.com		Registration Number 006113

**4 Filing Status** *Required for all applications. Choose one and provide specified associated information.*

<input type="checkbox"/> <b>Initial Filing</b> 5, 7, 11, 12A, 25-26 Choose only one: <input type="checkbox"/> Standard Plan Examination or Review <input type="checkbox"/> Professional Certification PC1, POC1 <input type="checkbox"/> Professional Certification of Objections A/1	<input checked="" type="checkbox"/> <b>Prior to Approval Actions</b> 25-26 <input checked="" type="checkbox"/> Amend Existing Filing 4A <input type="checkbox"/> Subsequent Filing 6-7, 8A (Alt-2 only), 11 <input type="checkbox"/> <b>Post Approval Amendment (PAA)</b> 4A, 6, 24-25 Will PAA affect filing fees? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> <b>New (Superseding) Applicant</b> 4A, 25-26	<input type="checkbox"/> <b>Reinstatement</b> 24-26 <input type="checkbox"/> <b>Withdrawal</b> 26 <input type="checkbox"/> Specified in 4A and 6 <input type="checkbox"/> Entire Job 4A Indicate existing document number affected by filing: 1
---	---	---

**5 Job/Project Types** *Choose one and provide specified associated information.*

<input type="checkbox"/> <b>Alteration Type 1 or Alteration Type 1 required to meet New Building requirements (28-101.4.5)</b> 6A-E, 8B-C, 9-10, 12, 13C-F, 14, 18-20, 22 & PW1A, PD1	<input checked="" type="checkbox"/> <b>Alteration Type 2</b> 5A, 6A-D, 8A-B, 9-10, 13C-E, & 14, 20, 22	<input type="checkbox"/> <b>Full Demolition</b> 6B, 8D, 9A & 9C-D, 9K, 13D-E, 14, 21A, 22
<input type="checkbox"/> <b>Alteration Type 1, OT: "No Work"</b> 8C, 9-10 & 12, 13C-F, 14, 18-19, 22, PW1A, PD1	<input type="checkbox"/> <b>Alteration Type 3</b> 5A, 6B-F, 8C, 9-10, 13C-E, 20, 22	<input type="checkbox"/> <b>Subdivision</b> 9A, 9D, 12A-B
	<input type="checkbox"/> <b>New Building</b> 6A-E, 8F-G, 9A, 9C-K, 10, 12 & 13A-E, 14, 18-20, PW1A, PD1	<input type="checkbox"/> <input type="checkbox"/> Condominium <input type="checkbox"/> Improved 17 5A Directive 14 acceptance requested? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> <b>Sign</b> 5A, 6B-D, 9A, 9D, 22-23	

**6 Work Types** *Select all that apply but no more than allowed by job and filing type. "OT" required on all NB and Alteration 1 initial applications.*

6A <input type="checkbox"/> BL - Boiler PW1C <input type="checkbox"/> FA - Fire Alarm <input type="checkbox"/> FB - Fuel Burning PW1C	<input type="checkbox"/> FS - Fuel Storage PW1C <input type="checkbox"/> FP - Fire Suppression <input type="checkbox"/> MH - Mechanical	<input type="checkbox"/> PL - Plumbing PW1B <input type="checkbox"/> SD - Standpipe PW1B <input type="checkbox"/> SP - Sprinkler PW1B	6E <input type="checkbox"/> CC - Curb Cut 16 <input type="checkbox"/> OT/LAN - Landscape
6B <input type="checkbox"/> EQ - Construction Equipment 15	6C <input checked="" type="checkbox"/> OT/GC - General Construction	6D <input type="checkbox"/> OT - Other, describe:	6F <input type="checkbox"/> OT/ANT - Antenna <input type="checkbox"/> OT/BPP - Builders Pavement Plan 8D <input type="checkbox"/> OT/FPP - Fire Protection Plan <input type="checkbox"/> OT/MAR - Marquee 8E, 26B

**7 Plans/Construction Documents Submitted** *Plans are required for most applications.*

Are plans being submitted with this PW1?  Yes  No *If yes, do the plans include:*  FO — Foundation  EN — Energy Analysis

**8 Additional Information**

8A	WT	Cost	WT	Cost	WT	Cost	8B Is a building enlargement proposed? <input checked="" type="checkbox"/> No enlargement is proposed <input type="checkbox"/> Yes 12, PD1 <input type="checkbox"/> Horizontal <input type="checkbox"/> Vertical Additional Construction Floor Area: _____ sq. ft.	8C Estimated Job Cost \$ 1000
	ot	1000						8D Street Frontage: _____ linear ft.
								8E Height: _____ ft. Width: _____ ft.
								8F Total Construction Floor Area: _____ sq. ft.

**9 Additional Considerations, Limitations or Restrictions**

9A Review is requested under which building code?  2014  2008  1968  Prior to 1968

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	---

9B   Alteration required to meet New Building requirements (28-101.4.5) *If yes, 13A-B*  
  Alteration is a major change to exits

9C   Façade Alteration  
  Adult Establishment *If yes, plot diagram (except DM)*  
  Compensated Development (Inclusionary Housing)  
  Low Income Housing (Inclusionary Housing)  
  Single Room Occupancy (SRO) Multiple Dwelling  
  Filing includes Lot Merger / Reapportionment *If yes, 17*

9D   Landmark  
  Little "E" or RD Site  
  Unmapped/CCO Street  
  Requesting legalization of work where no work without a permit violations have been issued  
  Other (please specify on line provided below): \_\_\_\_\_  
  CRFN(s) Restrictive Declaration / Easement (max. 4).  
  CRFN(s) Zoning Exhibit (I, II, III, etc. - max. 4): \_\_\_\_\_

9E   BSA Calendar Numbers (max. 5): \_\_\_\_\_

9F   CPC Calendar Numbers (max. 5): \_\_\_\_\_

9G   Work includes lighting fixture and/or controls, installation or replacement. [ECC §404 and §505]

9H   Work includes modular construction under New York State jurisdiction  
  Work includes modular construction under New York City jurisdiction

9I High Rise Team tracking #: \_\_\_\_\_

9J   Structural peer review required per BC 16 *If yes, provide NYS P.E. license number:* \_\_\_\_\_

9K   Work includes permanent removal of standpipe, sprinkler or fire suppression related systems

9L   Work includes partial demolition as defined in AC §28-101.5, or the raising/moving of a building *If yes, 21B*  
  Structural stability affected by proposed work

**10 NYCECC Compliance** *New York City Energy Conservation Code*

To the best of my knowledge, belief and professional judgment, all work under this application is in compliance with the NYCECC\*  
 Code Compliance Path (choose one):  NYCECC  ASHRAE  
 Energy Analysis (choose one):  Tabular Analysis  REScheck  COMcheck  Energy Modeling (EN1)

To the best of my knowledge, belief and professional judgment, all work under this application is exempt from the NYCECC\* in accordance with one of the following (choose one):

- The work is an alteration of a State or National historic building.
- The scope of the work is entirely in a "low-energy building" and is limited to the building envelope.
- The entire scope of work involves a temporary structure and/or one or more of the following work types: FA, FP, SD, SP, FS, EQ, CC, OT/BPP, OT/FPP. Other work types are not exempt.
- This is a post-approval amendment and exempt under a prior edition of the energy code. See statement of exemption on attached drawings.

<b>11 Job Description</b>	<b>11A Related DOB Job Numbers</b>
---------------------------	------------------------------------

Application filed to provide energy analysis for structural work.

11B Primary application job no.

**12 Zoning Characteristics**

12A District(s) R8 Overlay(s) Special Dist.(s) CL Map Number 8C	12B Street legal width. _____ ft. Street Status: <input type="checkbox"/> Public <input type="checkbox"/> Private <i>If the zoning lot includes multiple tax lots, list all tax lots here ►</i>
--	---

12C Proposed: Use*	Zoning	Floor Area	District	FAR	Proposed Lot Details:	Proposed Yard Details:
		sq. ft.			Lot Type: <input type="checkbox"/> Corner <input type="checkbox"/> Interior <input type="checkbox"/> Through	Check here if no yards: <input type="checkbox"/> or
		sq. ft.			Lot Coverage _____ %	Front Yard _____ ft.
		sq. ft.			Lot Area _____ sq. ft.	Rear Yard _____ ft.
		sq. ft.			Lot Width _____ ft.	Rear Yard Equivalent _____ ft.
		sq. ft.			Proposed Other Details:	Side Yard 1 _____ ft.
		sq. ft.			Enclosed Parking? <input type="checkbox"/> Yes <input type="checkbox"/> No	Side Yard 2 _____ ft.
<b>Proposed Totals</b>		sq. ft.			If yes, no. of parking spaces: _____	
<b>Existing Total</b>		sq. ft.			Perimeter Wall Height _____ ft.	

\*Use can be one of the following: residential, commercial, manufacturing, or community facility. List only one use per line.

**13 Building Characteristics** \*Main use/dominant occupancy per AC §28-101.5. \*\*Use 2014 Code equivalents only. †Residential w/other use.

13A Primary structural system, choose one: <input type="checkbox"/> Masonry <input type="checkbox"/> Concrete (CIP) <input type="checkbox"/> Concrete (Precast) <input type="checkbox"/> Wood <input type="checkbox"/> Steel (Structural) <input type="checkbox"/> Steel (Cold-Formed) <input type="checkbox"/> Steel (Encased in Concrete)					
13B	Structural Occupancy/Risk Cat.	Existing	Proposed	13D Building Type	<input type="checkbox"/> 1, 2, or 3 Family <input checked="" type="checkbox"/> Other
	Seismic Design Cat.			Mixed use building?†	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
13C	Occupancy Classification*	R-2	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	13E	Existing
	Construction Classification	2-A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Building Height	ft.
	Multiple Dwelling Classification	CAA		Building Stories	
				Dwelling Units	
13F Building was originally erected pursuant to which Building Code: <input type="checkbox"/> 2014 <input type="checkbox"/> 2008 <input type="checkbox"/> 1968 <input type="checkbox"/> Prior to 1968					
The earliest Code with which this building or any part of it is required to comply: <input type="checkbox"/> 2014 <input type="checkbox"/> 2008 <input type="checkbox"/> 1968 <input type="checkbox"/> Prior to 1968					

**14 Fill** Choose one.

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

**15 Construction Equipment**

Chute     Sidewalk Shed    Construction Material: \_\_\_\_\_  
 Fence    Size: \_\_\_\_\_ linear ft.    BSA/MEA Approval No. \_\_\_\_\_  
 Supported Scaffold     Other: \_\_\_\_\_

**16 Curb Cut Description**

Size of cut (with splays): \_\_\_\_\_ ft.  
 Distance to nearest corner \_\_\_\_\_ ft.  
 to street: \_\_\_\_\_

**17 Tax Lot Characteristics**

Original tax lots being merged or reapportioned (if applicable):  
 \_\_\_\_\_  
 Tentative tax lot numbers (new tax lots only):  
 \_\_\_\_\_

**18 Fire Protection Equipment**

	Existing		Proposed	
	Yes	No	Yes	No
Fire Alarm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Suppression	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sprinkler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Standpipe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**19 Open Spaces**

	Existing	Proposed		Existing	Proposed
Plaza Area	sq. ft.	sq. ft.	Arcade Area	sq. ft.	sq. ft.
Parking Area	sq. ft.	sq. ft.	Parking Spaces		
Loading Berths	sq. ft.	sq. ft.	Loading Berths		

**20 Site Characteristics**

- |  |   |
|--|---|
| Yes No   | Yes No  |
| <input type="checkbox"/> <input checked="" type="checkbox"/> Tidal Wetlands              | <input type="checkbox"/> <input checked="" type="checkbox"/> Freshwater Wetlands                  |
| <input type="checkbox"/> <input checked="" type="checkbox"/> Coastal Erosion Hazard Area | <input type="checkbox"/> <input checked="" type="checkbox"/> Urban Renewal                        |
| <input checked="" type="checkbox"/> <input type="checkbox"/> Fire District               | <input type="checkbox"/> <input checked="" type="checkbox"/> Flood Hazard Area <i>If yes, 20A</i> |

**20A Flood Hazard Area Information**

- |   |
|---|
| Yes No  |
| <input type="checkbox"/> <input type="checkbox"/> Substantial improvement?            |
| <input type="checkbox"/> <input type="checkbox"/> Substantially damaged?              |
| <input type="checkbox"/> <input type="checkbox"/> Floodshields part of proposed work? |

**21 Demolition Details** \*Mechanical equipment other than handheld devices to be used for demolition or removal of debris (BC §3306.4).

- Yes No
- 21A   Demo. filing is for a secondary structure? *If yes, specify structure being demolished:*
- Mechanical means\* from out of building? *If yes, mechanical means will demolish:*  entire structure or  part of structure
- Mechanical means\* from within building? *If yes, describe equipment proposed:*
- 21B   Demolition work affects the exterior building envelope
- The scope of work involves raising/moving of a building

**22 Asbestos Abatement Compliance** Choose one.

- The scope of work requires related asbestos abatement as defined in the regulations of the NYC Department of Environmental Protection (DEP).
- The scope of the work is **not** an asbestos project as defined in the regulations of the NYC DEP. *DEP Control # is required.*
- DEP ACP-5 Control No. 1296218
- The scope of work is exempt from the asbestos requirement as defined in the regulations promulgated by the NYC DEP (15 RCNY 1-23(b)) or is an alteration to a building constructed pursuant to plans submitted for approval on or after April 1, 1987, in accordance with § 28-106.1.

**23 Sign**

Purpose:	Type:	Estimated Cost: \$	23A Illuminated type: <input type="checkbox"/> Direct <input type="checkbox"/> Flashing <input type="checkbox"/> Indirect
<input type="checkbox"/> Advertising	<input type="checkbox"/> Illuminated 23A	Total Square Feet: _____	Yes No
<input type="checkbox"/> Non-Advertising	<input type="checkbox"/> Non-Illuminated	Height above Curb: _____ ft. in.	<input type="checkbox"/> <input type="checkbox"/> If sign projects beyond building line, is owner billed for annual permit? <i>If no, specify in 26B</i>
Location: <input type="checkbox"/> Ground <input type="checkbox"/> Roof 23B <input type="checkbox"/> Wall	Height above Roof: _____ ft. in.		23B <input type="checkbox"/> <input type="checkbox"/> Is roof sign tight, closed or solid?
Yes No			23C Sign wording. <i>If extensive, provide only key wording.</i>
<input type="checkbox"/> <input type="checkbox"/> Is sign inside building line? <i>If no, sign projects by:</i> _____ ft. in.			23D Distance from Arterial Highway: _____ ft.
<input type="checkbox"/> <input type="checkbox"/> Designed for changeable copy? <i>If no, 23C</i>			23E Distance from Park 1/2 acre or more: _____ ft.
<input type="checkbox"/> <input type="checkbox"/> Does an OAC have an interest in this sign or location? <i>If yes, 23G</i>			23F OAC Sign Number: _____
<input type="checkbox"/> <input type="checkbox"/> Within 900' and within view of an arterial highway? <i>If yes, 23D</i>			23G OAC Registration Number: _____
<input type="checkbox"/> <input type="checkbox"/> Within 200' and within view of a park 1/2 acre or more? <i>If yes, 23E</i>			

.....▶ *If answer is "yes" to either of the above two questions and this is an advertising sign, OAC sign number is required in section 23F*

**24 Comments** Place additional comments on an AI-1 form. See Guide for proper incorporation of professional certification statements.

WVA# 29239/14. Please send all objections to cfischer@vitacco.com

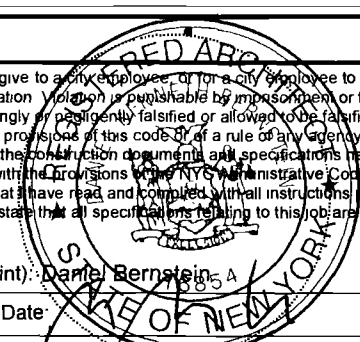
**25 Applicant's Statements and Signatures** Required for all applications.

Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both. I understand that if I am found after hearing to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of a violation required under the provisions of this code or of a rule of any agency, I may be barred from filing further applications or documents with the Department. I prepared or supervised the preparation of the construction documents and specifications herewith submitted and to the best of my knowledge and belief, the construction documents and work shown thereon comply with the provisions of the NYC Administrative Code and other applicable laws and rules.  (←check here if) except as set forth in the accompanying documents. I acknowledge that I have read and complied with all instructions pertaining to this application and supplementary schedules submitted. Cluster Development Statement (if applicable) I hereby state that all specifications relating to this job are identical to those previously filed under the group lead job number, except as specified herein.

For initial New Building and Alteration 1 applications filed under the 2008 or 2014 NYC Building Code only: does this building qualify for high-rise designation?  Yes  No

Directive 14 initial applications only: I certify that the construction documents submitted and all construction documents related to this application do not require a new or amended Certificate of Occupancy as there is no change in use, exits, or occupancy  Yes  No

Name (print): Daniel Bernstein  
Sign and Date: \_\_\_\_\_  
P E / R A Seal (apply seal, then sign and date over seal)



**26 Property Owner's Statements and Signatures**

Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both. I understand that if I am found after hearing to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this code or of a rule of any agency, I may be barred from filing further applications or documents with the Department. Furthermore, I understand that I am responsible for insuring that a final inspection be performed when the permitted work is complete, and that a satisfactory report of final inspection be submitted, along with all required submittal documents, so that the NYC Department of Buildings may issue a letter of completion or certificate of occupancy within the time prescribed by law.

I have authorized the applicant to file this application for the work specified herein and all future amendments. I will not knowingly authorize any work that is not in compliance with all applicable laws, rules, and regulations.

Yes No

**Fee Exemption Request (Non-Profit Owned and Operated)**  
In accordance with Administrative Code §28-112 1, Exception 1, I certify that the deed holder is a corporation or association organized and operated exclusively for the purposes indicated in such section, and that the property is used exclusively by such entity for such purpose. ★

**Fee Exemption Request (NYCHA/HHC, NYC Agency, or Other Government Owned and Operated)** The building or any part thereof to be constructed, renovated, altered or demolished is owned and operated exclusively for the purposes of the NYC Agency, NYC Authority, NYS Agency, Federal Government or any other government entity ★

**Owner's Certifications Regarding Occupied Housing**  
The site of the building to be altered or demolished, or the site of the new building to be constructed, contains one or more occupied dwelling units that will remain occupied during construction. These occupied dwelling units have been clearly identified on the submitted construction documents.

The site of the building to be altered or demolished, or the site of the new building to be constructed, contains occupied housing accommodations subject to rent control or rent stabilization under Chapters 3 and 4 of Title 26 of the New York City Administrative Code. If yes, select one of the following:

The owner is not required to notify the New York State Homes and Community Renewal (NYSHCR) of the owner's intention to file because the nature and scope of the work proposed, pursuant to NYSHCR regulations, does not require notification.

The owner has notified the New York State Homes and Community Renewal (NYSHCR) of its intention to file such construction documents/apply for such permit and has complied with all requirements imposed by the regulations of such agency as preconditions for such [filing/application].

Provide date NYSHCR notified: \_\_\_\_\_

**Owner's Certification for Directive 14 Applications (if applicable)**  
I have read and am fully aware of the applicant's statement that the construction documents submitted and all construction documents related to this application will not require a new or amended Certificate of Occupancy as there is no change in use, exits, or occupancy and the work is not inconsistent with the current certificate of occupancy. Furthermore, I understand that I am responsible for retaining a qualified design professional to perform a final inspection when the permitted work is complete and this professional must submit a satisfactory final inspection report to the NYC Department of Buildings within the time following inspection prescribed by Department rule.

Notes for Section 26A: Section required if unit owner signed Section 26 Signature required for authorized representative of Condo or Co-Op board

★ For fee waivers, please see the PW1 User Guide

Owner  Individual  Partnership  NYCHA / HHC  
Type:  Corporation  Other Government  NYC Agency  
 Condo Unit Owner or Co-Op Tenant-shareholder 26A  
Is the deed holder a non-profit organization?  Yes  No

Name (please print): Shai Bernstein

Relationship to Owner: Owner

Business Name/Agency: 517-525 West 45th Street, LLC

Street Address: 223 Bedford Avenue, #90

City: Brooklyn State: NY Zip: 11211

Telephone Number: (917) 310-1865 Fax: \_\_\_\_\_

E-Mail Address: shaibynyc@gmail.com

Signature and Date: [Signature] 5/11/2017

**26A Condo/Co-Op Board** See note in bottom left corner of page

Name (please print): \_\_\_\_\_

Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Signature and Date: \_\_\_\_\_

**26B Lessee Responsible for Annual Sign or Marquee Permit**

Name (please print): \_\_\_\_\_

Relationship to Owner: \_\_\_\_\_

Business Name/Agency: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein and other good consideration, the receipt and sufficiency whereof is hereby acknowledged, and in compliance with the Clinton Cure, the parties hereto hereby covenant and agree as follows:

1. Definitions. All capitalized terms used in this Agreement and not expressly defined herein shall have the meanings ascribed to such terms in the Zoning Resolution. As used herein:

"Administering Agent" shall mean Housing Partnership Development Corporation, a New York not-for-profit corporation, having an office at 242 West 36th Street, 3rd Floor, New York, New York 10018.

"Administering Agent Agreement" shall have the meaning set forth in Section 13.

"Agreement" shall have the meaning first set forth above.

"Annual Income" shall mean, in accordance with C.F.R. 5.609 or any successor regulations, the anticipated total income from all sources to be received by the household head and spouse and by each additional member of the household, including all net income derived from assets, for the twelve (12) month period following the initial determination of income. The Administering Agent also shall retain all records and documents relating to income determination for a minimum of three (3) years after the date a tenant commences occupancy in a Low Income Unit.

"Building" shall mean a building containing Low Income Units that will be altered or constructed, as applicable, on the Zoning Lot.

"Certification Of No Harassment" shall have the meaning set forth in Zoning Resolution §96-01.

"City" shall have the meaning first set forth above.

"Clinton Cure" shall have the meaning first set forth above.

"Cure Compliance Lot" shall have the meaning set forth in Zoning Resolution §96-110(a)(2).

"Cure Requirement" shall have the meaning set forth in Zoning Resolution §96-110(a)(3). For the purpose of such definition, the total Residential Floor Area of the Multiple Dwelling(s) to be altered or demolished in which Harassment has occurred shall be deemed to be 10,944 square feet.

"Cure Requirement Lot" shall have the meaning set forth in Zoning Resolution §96-110(a)(4).

"DHCR" shall mean the Division of Housing and Community Renewal of the State of New York, or any successor agency.

"DOB" shall mean the Department of Buildings of the City of New York, or any successor agency.

"Floor Area" shall have the meaning set forth in the Zoning Resolution.

"Floor Area Ratio" shall have the meaning set forth in the Zoning Resolution.

"Guidelines" shall have the meaning first set forth above.

"Harassment" shall have the meaning set forth in Zoning Resolution §96-01.

"HPD" shall have the meaning first set forth above.

"Initial Occupancy" shall have the meaning set forth in the Zoning Resolution.

"New York City Loft Board" shall mean that certain agency charged with the responsibility to oversee the legalization process of interim multiple dwellings under Article 7-C of the Multiple Dwelling Law ("Loft Law").

"Low Income Floor Area" shall have the meaning set forth in the Zoning Resolution.

"Low Income Housing" shall have the meaning set forth in Zoning Resolution §96-110(a)(9).

"Low Income Units" shall mean dwelling units in the Building to be used as Low Income Housing, which are designated as apartments 2A, 5B, 2C, and 2D in the plans for such Building.

"Monthly Rent" shall have the meaning set forth in the Zoning Resolution.

"Multiple Dwelling" shall have the meaning set forth in Zoning Resolution §96-01.

"Non-Relocating Units" shall mean the twenty five (25) Units in the existing building in the Project identified as 1-1A; 1-2A; 2-1B; 2-2B; 2-3B; 3B; 4-1B; 4-2B; 4-3B; 1C; 3C; 4-1C; 4-2C; 4-3C; 4-4C; 4-5C; 4-6C; 4-7C; 5C; 3-1D; 3-2D; 3-3D; 4-1D; 4-2D; 4-3D .

"Operating Accounts" shall mean all bank accounts established with respect to the management and operation of the Low Income Units by Owner and/or the Administering Agent, as applicable.

"Owner" shall have the meaning first set forth above. All references to "Owner" in this Agreement shall include Owner's successors, assigns, grantees and lessees.

"Plan" shall have the meaning first set forth above.

"Program" shall have the meaning first set forth above.

"Project" shall have the meaning first set forth above.

"Property" shall have the meaning first set forth above.

"Rent Stabilization Laws" shall mean the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974 (as each may be amended from time to time) and all regulations promulgated in connection thereto.

"Rent Stabilization Standard" shall mean the then-current fair rent for any Low Income Housing plus all increases permitted under the Rent Stabilization Laws, subject to Section 10 (d).

"Rent-Up" shall mean 100% of affordable units.

"Rent-Up Date" shall have the meaning set forth in the Zoning Resolution.

"Residential Floor Area" shall have the meaning set forth in the Zoning Resolution.

"Restrictive Declaration" shall have the meaning set forth in Zoning Resolution §96-110(a)(11).

"Section 23-90" shall have the meaning first set forth above.

"SMSA Limits" shall mean the rent limits established from time to time by U.S. Department of Housing and Urban Development for the New York Standard Metropolitan Statistical Area.

"Special Clinton District Provisions" shall have the meaning first set forth above.

"Zoning Lot" shall have the meaning first set forth above.

"Zoning Resolution" shall have the meaning first set forth above.

2. Restrictive Declaration. This Agreement is a Restrictive Declaration.
3. Cure Requirement Lot; Cure Compliance Lot. The Zoning Lot is both the Cure Requirement Lot and the Cure Compliance Lot.
4. Low Income Housing. Low Income Housing in an amount not less than the Cure Requirement shall be provided in a Multiple Dwelling on the Cure Compliance Lot. Such Low Income Housing shall comply with the requirements of Section 23-90.
5. Permits and Certificates of Occupancy.
  - a. Owner shall not seek or obtain any permit from DOB for any construction, alteration, or demolition work on the Zoning Lot, except a permit for an alteration which is not a material alteration and does not require a Certification Of No Harassment, unless this Agreement has been recorded in the Office of the City Register and indexed against each tax lot within the Zoning Lot.
  - b. Owner shall not apply for or accept any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the Zoning Lot, other than any Low Income Housing located on the Zoning Lot, until (i) HPD certifies that the Low Income Housing required by this Agreement has been completed in compliance with this Agreement; and (ii) DOB has issued a permanent certificate of occupancy for the Building.
  - c. Owner shall request that DOB include the occupancy restrictions of this Agreement in any temporary or permanent certificate of occupancy for any new

or existing structure or portion thereof on the Zoning Lot, except where (i) the management and operation of the Zoning Lot is wholly controlled by an independent not-for-profit administering agent that is not affiliated with the owner of the Zoning Lot, and (ii) this Agreement requires that management and operation of the Zoning Lot remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the Zoning Lot. Owner shall not accept any temporary or permanent certificate of occupancy which does not contain such restrictions. Failure to comply with the terms and conditions set forth in this Agreement shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

- d. The Owner shall construct and operate the improvements described herein in accordance with the terms hereof. After completing such improvements, the Owner shall neither obtain permits from the City's DOB for any construction, alteration, or demolition work on the Zoning Lot that would result in a change in the Floor Area located on the Zoning Lot, nor actually commence any such work, without first entering into an amendment to this Agreement with HPD.
- e. Owner shall not at any time, without the prior written consent of HPD, cause or permit any action which would result in a change to (i) the size or boundaries of the Zoning Lot, whether by a zoning lot merger, tax lot merger, zoning lot subdivision, tax lot subdivision, or any other method, or (ii) the aggregate Floor Area constructed on the Zoning Lot.
  - 1. Any such action without the prior written consent of HPD shall be deemed null and void, shall constitute an event of default under this Agreement, and shall subject the Owner, the Project, and the Property to the remedies set forth in Section 20.
  - 2. Before consenting to any such action, HPD shall recalculate the Cure Requirement to account for any proposed change in the aggregate Floor Area constructed on the existing or expanded Zoning Lot. If such action would result in an increase in the Cure Requirement under the provisions of the Zoning Resolution in effect on the date of this Agreement, HPD shall require the provision of additional Low Income Housing to satisfy such recalculated Cure Requirement. If such action would result in a decrease in the Cure Requirement under the provisions of the Zoning Resolution in effect on either the date of this Agreement or the date of such action, the Cure Requirement shall not be reduced and shall remain as specified in Section 1.
- f. Owner shall ensure that its construction plans for the Project are in full compliance with the design requirements of all applicable laws, and with all requirements to obtain approvals and/or waivers from DOB as set forth in the building plans submitted to HPD and DOB ("Building Plans") annexed hereto as Exhibit C and made a part hereof. Failure to comply with the Building Plans within thirty-six (36) months from the date of this Agreement shall constitute a default under this Agreement and in addition to the remedies set forth in Section 20 hereof shall constitute a basis for revocation of any permit, temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the Zoning Lot (other than the Low Income Housing) and the Cure

Certificate of Completion described in Section 11 hereof. Any schematic design changes made subsequent to the date of this Agreement as a result of determinations by DOB shall be submitted to HPD's Division of Building & Land Development Services ("BLDS") with a written explanation, for further HPD review and approval.

6. No Bonus or Tax Benefit. No portion of the Low Income Housing developed on the Zoning Lot shall qualify to (i) increase the Floor Area Ratio pursuant to Zoning Resolution §96-21, Zoning Resolution §96-22, or Zoning Resolution §23-90; or (ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any Multiple Dwelling that does not contain such Low Income Housing.
7. The Project. The Project to be undertaken by Owner is described in the building plans submitted to HPD and DOB and approved by HPD annexed hereto as Exhibit C and made a part hereof. The Project will provide four (4) Low Income Units in the Building.
8. Cure Requirement. Upon completion, the Low Income Units will comprise a Floor Area in the amount of 11,365 square feet in conformance with the Cure Requirement.
9. Representations. Owner hereby represents that:
  - (a) the site of the Low Income Units is eligible for the substantial rehabilitation, as applicable, of Low Income Housing pursuant to the Program;
  - (b) the proposed substantial rehabilitation, as applicable, of the Low Income Units, as described in the Plan, conforms to the Guidelines, HPD's design guidelines, and any construction guidelines issued in conjunction with such design guidelines, and upon completion the Low Income Units shall conform to the Building Plans submitted to and approved by HPD and DOB;
  - (c) the substantial rehabilitation, as applicable, of the Low Income Units shall be completed within three (3) years of the date of this Agreement; and
  - (d) the Project shall at all times and in all respects comply with the Program.
  - (e) it shall not at any time, without the prior written consent of HPD, cause or permit any action which would result in a change to (i) the size or boundaries of the Zoning Lot, whether by a zoning lot merger, tax lot merger, zoning lot subdivision, tax lot subdivision, or any other method, or (ii) the aggregate Floor Area constructed on the Zoning Lot.
10. Rents.
  - (a) The initial rents charged by Owner for the Low Income Units shall not exceed the lesser of (i) those rents set by the New York City Loft Board or (ii) the rents set forth in the schedule annexed hereto as Exhibit D and made a part hereof. The rents set forth in Exhibit D shall be registered with DHCR and shall thereafter be subject to the Rent Stabilization Laws.

- (b) For tenants in place rents for Low Income Units shall be the lesser of (a) the rents permitted under the Rent Stabilization Laws, or (b) 30% of 80% of the SMSA Limits.
- (c) The rent for any Low Income Unit that becomes vacant after Initial Occupancy shall be the lesser of 30% of 80% of SMSA Limits or the Rent Stabilization Standard.
- (d) Notwithstanding anything to the contrary contained herein, Owner shall not utilize any exemption or exclusion from any requirement of the Rent Stabilization Laws to which Owner might otherwise be or become entitled with respect to one or more Low Income Units, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of the Rent Stabilization Laws due to (i) the vacancy of a unit where the rent exceeds a prescribed maximum amount, (ii) the fact that tenant income and/or unit rent exceed prescribed maximum amounts, (iii) the nature of the tenant, or (iv) any other factor.
- (e) Owner shall grant all tenants the same rights that they would be entitled pursuant to Rent Stabilization. In addition, Owner shall register the Low Income Units with DHCR pursuant to Rent Stabilization, and such units shall be subject to Rent Stabilization without regard to whether such Low Income Units are otherwise statutorily subject to Rent Stabilization. Owner shall ensure that these rights are stated in each lease for a Low Income Unit. If any court declares that Rent Stabilization is statutorily inapplicable to a Low Income Unit, such unit shall remain subject to all requirements of Rent Stabilization in accordance with this Agreement and the lease for such Low Income Unit for so long as this Agreement shall remain in effect.

In the event that any of the foregoing laws and regulations expire or are no longer enforced in substantially the same manner as on the date hereof, HPD may designate or establish an alternate regulatory mechanism in substitution thereof.

11. Certifications.

Upon the request of Owner following recordation of this Agreement against the Property, and provided that the Owner in compliance with this Agreement, the Plan, and the Program, and solely for the purpose of allowing DOB or City Planning Commission to issue the permit(s) or special permit(s) required for the Project, HPD will certify to DOB or City Planning Commission, as applicable, compliance with the cure provisions of Zoning Resolution §96-110(d) ("Cure Certificate"), and in particular that the Plan has been submitted and approved in compliance with the Program and that the square footage of the Floor Area of the Low Income Units, when completed in accordance with the Plan and this Agreement, will satisfy the Cure Requirement.

Following recordation of this Agreement against the Property and completion of the Low Income Units in accordance with the Plan and this Agreement, and for the purpose of allowing DOB to issue the permanent certificate of occupancy required in connection with the Project for any new or existing structure, or portion thereof, on the Cure Requirement Lot, other than for the Low Income Housing on the Cure Requirement Lot, HPD shall issue a certificate of completion ("Cure Completion Certificate") certifying the



**Loft Board**

Rick D. Chandler, PE  
Chairperson

Helaine Balsam, Esq.  
Executive Director/  
General Counsel  
hbalsam@buildings.nyc.gov

280 Broadway 4<sup>th</sup> Floor  
New York, NY 10007  
nyc.gov/loftboard

1 212 393 2616 tel  
1 646 500 6169 fax

February 16, 2017

**INITIAL  
LOFT BOARD CERTIFICATION OF COMPLIANCE  
WITH THE NARRATIVE STATEMENT PROCESS**

**Owner's Mailing Address:**

517-525 West 45 LLC  
c/o Shai Bernstein  
223 Bedford Avenue, Apt 90  
Brooklyn, NY 11211

**Re:   Interim Multiple Dwelling No.:**       **10516**  
      **Loft Board Certification No.:**       **0961**  
      **Narrative Statement No.:**       **0510**  
      **BIN No.:**                               **1083791**

Dear Owner:

This letter certifies compliance with all requirements of 29 RCNY § 2-01(d)(2).

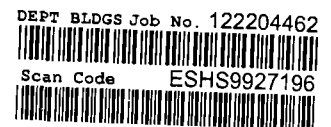
<b><u>Address</u></b>	<b><u>Job Application</u></b>	<b><u>Plan No. and Date</u></b>
517-525 West 45 Street	122204462	See attached Appendix A.

**The original of this letter, with the raised seal affixed, must be submitted to the appropriate Borough Office of the Department of Buildings before you may obtain a building permit.**

Very truly yours,

*Helaine Balsam*  
Helaine Balsam  
Executive Director

AFFIX LOFT BOARD SEAL:





**Appendix A – Plans Loft Board is Certifying**

Plan Number	Plan Date
T-100.00	12/05/2016
Z-100.00	12/05/2016
G-100.00	12/05/2016
EN-100.00	12/05/2016
D-100.00	2/14/2017
D-101.00	12/05/2016
A-001.00	12/05/2016
A-002.00	12/05/2016
A-110.00	2/14/2017
A-111.00	12/05/2016
A-112.00	12/05/2016
A-113.00	12/05/2016
A-114.00	12/05/2016
A-115.00	12/05/2016
A-200.00	12/05/2016
A-201.00	12/05/2016
A-202.00	12/05/2016
A-203.00	12/05/2016
A-204.00	12/05/2016
A-300.00	12/05/2016
A-305.00	12/05/2016
A-306.00	12/05/2016
A-311.00	12/05/2016
A-400.00	12/05/2016
A-600.00	12/05/2016
A-700.00	12/05/2016
A-710.00	12/05/2016
A-711.00	12/05/2016
A-800.00	12/05/2016
EN-101.00	7/5/2016
M-101.00	7/5/2016
M-301.00	7/5/2016
M-302.00	7/5/2016
M-303.00	7/5/2016
M-304.00	7/5/2016
M-305.00	7/5/2016
M-306.00	7/5/2016
M-401.00	7/5/2016
P-101.00	8/18/2016
P-301.00	8/18/2016
P-302.00	8/18/2016
P-303.00	8/18/2016
P-304.00	8/18/2016
P-305.00	8/18/2016
P-306.00	8/18/2016



P-501.00	8/18/2016
P-502.00	As amended and filed with Loft Board on 9/27/2016
SP-101.00	8/18/2016
SP-102.00	8/18/2016
SP-301.00	8/18/2016
SP-302.00	8/18/2016
SP-303.00	8/18/2016
SP-304.00	8/18/2016
SP-305.00	8/18/2016
SP-306.00	8/18/2016
S-100.00	6/01/2016
S-200.00	6/01/2016
S-201.00	6/01/2016
S-202.00	6/01/2016
S-203.00	6/01/2016
S-204.00	6/01/2016
S-205.00	6/01/2016
S-301.00	6/01/2016
S-401.00	6/01/2016
FA-001.00	12/11/2015
FA-101.00	12/11/2015
FA-102.00	12/11/2015
FA-103.00	As amended and filed with Loft Board on 1/30/2017
FA-104.00	12/11/2015
FA-105.00	12/11/2015
FA-106.00	12/11/2015
FA-200.00	12/11/2015

Attachment F: 29 RCNY § 2-01(d)(2)

(2) Procedure for occupant review of the narrative statement and legalization plan and resolutions of occupant objections.

(i) Buildings not covered under MDL § 281(5). This paragraph (2) shall apply to IMD's for which a building permit for achieving compliance with the fire and safety standards of Article 7-B, alternative building codes or provisions of the M.D.L. has not been issued as of October 23, 1985, the date of adoption of these regulations. In the case of a building permit that has been issued as of October 23, 1985 and that remains in effect or is renewed, an owner who thereafter requests reinstatement of the underlying alteration application shall be required to comply with all provisions of this paragraph (2) with respect to all work yet to be performed as of the date that reinstatement is requested. This paragraph (2) shall apply where an owner is required to amend an alteration application to reflect grandfathering approval of additional units pursuant to 29 RCNY §§ 2-01(a)(1)(ii)(B), (iii)(B), (v)(B), or (vi)(B), or where an owner is required to amend an alteration application to reflect the coverage of additional units under M.D.L. § 281(4); however, if the proposed work is to be performed solely within the additional unit(s), this paragraph (2) shall only apply to the occupant(s) of such unit(s). This paragraph (2) shall not apply to IMD's for which a building permit for achieving compliance with Article 7-B, alternative building codes or provisions of the M.D.L. has already been issued and is in effect as of the date of adoption of these regulations, and which remains in effect or is renewed without reinstatement of the underlying alteration application until such compliance is achieved. However, an occupant of such an IMD may file an application with the Loft Board based on the grounds that the scope of the work approved under the alteration application for which the permit was issued constitutes an unreasonable interference with the occupant's use of its unit in accordance with the provisions of 29 RCNY § 2-01(h) of these regulations. This paragraph (2) also shall not apply to those units in IMD's for which a temporary or final certificate of occupancy as a class A multiple dwelling has been issued and is in effect as of the date of adoption of these regulations.