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BOARD OF STANDARDS AND APPEALS

MEETING OF: February 9, 2026
CALENDAR NO.: 2025-48-BZ
PREMISES: 2435 Frederick Douglass Boulevard,
Manhattan
Block 1958, Lot 13

ACTION OF BOARD — Application granted on condition.

THE VOTE —
Affirmative: Chair Chanda, Vice-Chair Scibetta,
Commissioner Ottley-Brown, Commissioner Sheta, and
Commissioner Yoon.....5
Negative:.....0

THE RESOLUTION —

The decision of the Department of Buildings (“DOB”), dated September 23, 2025, acting on New Building Application No. M01209233, states, in relevant part:

1. ZR 23-22 Proposed Project exceeds Maximum allowable FAR of 8.64 for a UAP project in R8 (fn.2) within 100’ of a wide street (100’ Frederick Douglass Blvd.), outside of a Mandatory Inclusionary Housing Area.
2. ZR 23-432: Proposed project exceeds Maximum allowable height of 175 feet for a UAP project in R8 (fn.3) within 100’ of a wide street, outside of a Mandatory Inclusionary Housing Area.
3. ZR 23-432: Proposed Project does not meet the Minimum base height of 60 feet for a UAP project in R8 (fn.3) within 100’ of a wide street, outside of a Mandatory Inclusionary Housing Area.
4. ZR 23-52(b): Proposed Project exceeds Maximum Number of Dwelling Units of 186 units based on a required maximum density factor of 680.

I. The Request

This is an application for a variance, pursuant to Z.R. § 72-21, to permit, within an R8 (C1-4) zoning district, the construction of a 22-story, plus cellar, multi-family, residential building containing 282 affordable dwelling units, contrary to floor area/floor area ratio (“FAR”) (Z.R. § 23-22), height (Z.R. § 23-432), base height (Z.R. § 23-432), and dwelling units (Z.R. § 23-52(b)). This application is on behalf of Services for the UnderServed, Inc. (“S:US”), a not-for-profit provider of affordable and supportive housing, in a joint venture with James Equities LLC (collectively, “applicant”).

A public hearing was held on this application on January 27, 2026, after due notice by publication in *The City Record*, and then to decision on February 9, 2026.

Community Board 10, Manhattan, recommends approval of this application. The Board also received one letter of support from the New York State Assembly Member for the subject Assembly District.

II. Location

The Premises are located on the west side of Frederick Douglass Boulevard, within a R8 (C1-4) zoning district, in Manhattan. With approximately 139 feet of frontage along Frederick Douglass Boulevard, 105 feet of depth, and 14,647 square feet of lot area, the Premises are currently occupied by a two-story, plus cellar, commercial building.

III. Proposal

The applicant proposes a 22-story, plus cellar, residential building with 162,650 square feet of floor area (11.1 FAR); 4,333 square feet of open space; 10,267 square feet of lot coverage; a base height of 25.66 feet through the second floor (with a setback of 10 feet at the third floor and above); a building height of 217.16 feet; a rear yard with 31.09 feet of depth; and 282 dwelling units. The proposed plans illustrate, in part, the following features of the design:

- cellar, totaling a gross square footage of 10,267, all deducted from floor area (Z.R. § 12-10), with spaces including a rear yard (garden), gym, children’s play area, laundry room, restrooms, various utility and storage spaces, and, outside in the rear yard, garden space;
- 1st floor, totaling 3,135 square feet of floor area after deductions, with spaces including tenants’ meeting rooms, a computer room, conference rooms, staff lounge, mail area, wellness room, offices, restrooms, storage and common spaces, and, outside in the rear yard, a fenced-in community garden/urban farm;
- 2nd floor, totaling 8,036.50 square feet of floor area after deductions, with spaces including 8 dwelling units (including 4

one-bedroom units, 2 two-bedroom units, and 2 three-bedroom units), a library, superintendent's unit, and storage space;

- 3rd through 7th floors (typical), totaling 7,594.50 square feet of floor area after deductions, with spaces including 15 dwelling units on each floor (comprised of 11 zero-bedroom units, 3 one-bedroom units, and 1 two-bedroom unit), and, at the 3rd floor level only, a roof terrace (paved roof, maintenance access only);
- 8th and 9th floors, totaling 7,594.50 square feet of floor area after deductions, with spaces including 12 dwelling units on each floor (comprised of 6 zero-bedroom units, 4 one-bedroom units, 1 two-bedroom unit, and 1 three-bedroom unit);
- 10th through 17th floors, totaling 7,594.50 square feet of floor area after deductions, with spaces including 15 dwelling units on each floor (comprised of 11 zero-bedroom units, 3 one-bedroom units, and 1 two-bedroom unit);
- 18th through 22nd floors, totaling 7,594.50 square feet of floor area after deductions, with spaces including 11 dwelling units on each floor (comprised of 5 zero-bedroom units, 3 one-bedroom units, 1 two-bedroom unit, and 2 three-bedroom units); and
- roof, totaling 435 square feet of floor area after deductions, with spaces including mechanical rooms and an elevator machine room.

In the subject R8 (C1-4) zoning district, the Zoning Resolution permits the subject site to have a maximum residential floor area of 126,554 square feet (*see* Z.R. §§ 23-22, 23-231 through 23-233, 23-63, and 12-10); a minimum base height of 60 feet and maximum building height of 175 feet (Z.R. § 23-432); and 186 dwelling units (Z.R. § 23-52(b)). Accordingly, the applicant seeks the relief requested herein.

IV. Findings

The Zoning Resolution vests the Board with wide discretion to “vary or modify [its] provision[s] so that the spirit of the law shall be observed, public safety secured and substantial justice done,” Z.R. § 72-21.

A.

First, the applicant submits that there are unique physical conditions inherent in the Premises—namely, its programmatic needs—that create practical difficulties or unnecessary hardship in complying strictly with applicable zoning regulations that are not created by general circumstances in the neighborhood or district.

Specifically, the applicant represents that this application is driven by the current housing crisis and need for affordable housing in

the City of New York and the applicant organizations' missions to serve this need. In support, the applicant submitted various studies and articles, including the recent Charter Revision Commission report's mention of a current net rental vacancy rate of approximately 1.4%, and that this is under the 5% threshold defined as constituting "a serious public emergency" under New York law. *See* N.Y. Emergency Tenant Protection Act ("ETPA") of 1974 (576/74) § 3(a) (stating that a local emergency declaration may be made where the vacancy rate does not exceed 5%).¹ The applicant further represents that its hardship is not strictly due to unique physical conditions, but instead arises from its inability to develop an as-of-right project that would provide its programmatic needs.

A variance application may qualify for a level of deference toward its programmatic needs for affordable housing based on factors including, but not limited to: the applicant's not-for-profit status; its proposal to provide long-term, deeply affordable housing units; and its documentation of a soft agreement with the New York City Department of Housing Preservation and Development ("HPD") to obtain funding for the project.

First, the applicant represents that it has extensive experience in affordable housing. The applicant describes S:US as an experienced not-for-profit affordable and supportive housing provider and James Equities LLC as a certified Minority Business Enterprise founded in 2022 which specializes in developing affordable, supportive, and transitional housing through partnerships with not-for-profits and other entities. The applicant submitted a 2435 FDB Organizational Structure Joint Venture, Background document ("Joint-Venture Background"), which details the applicant partners with biographies and website materials. The applicant also submitted a copy of a U.S. Internal Revenue Service letter to S:US, dated December 30, 2010, confirming the S:US's not-for-profit status. The applicant asserts that the two partners would coordinate pre-development, development, and initial management, with James Equities managing the joint venture until the end of the 15-year Low Income Housing Tax Credit program ("LIHTC") compliance period when S:US would assume the role of manager. The applicant adds that S:US would also serve as the project's supportive services provider and rental subsidy administrator under the City's 15/15 program. The applicant also submitted the Certificate of Incorporation of the 2435 FDB Housing Development Fund Corporation ("HDFC") for the subject project pursuant to N.Y.

¹ On March 19, 2024, New York City Council extended the City's housing emergency declaration under the ETPA for another three-year period, to expire on April 1, 2027, citing the current net rental vacancy rate of 1.4% and noting its "significant decline" from 2021, when the rate was 4.5%. *See* N.Y.C. Council, *New York City Council Votes to Declare Continuing Housing Emergency to Maintain Rent Stabilization Laws* (March 19, 2024), <https://council.nyc.gov/press/2024/03/19/2576/>.

Private Housing Finance Law Article XI and N.Y. Not-for-Profit Corporation Law § 402 and the New York State Department of State filing receipt for the Certificate, evidencing the proposed not-for-profit HDFC for the subject project, with directors from S:US.

Second, the applicant proposes 282 apartments restricted by an affordable housing regulatory agreement in accordance with HPD's 15/15 Program, with 170 zero-bedroom apartments for formerly homeless persons with incomes at 40% of New York City's Area Median Income ("AMI"), who would be referred to the project by the New York City Department of Homeless Services. The applicant represents that the remaining 111 apartments (excluding the proposed superintendent's unit), consisting of 10 zero-bedrooms, 66 one-bedrooms, 22 two-bedrooms and 14 three-bedrooms, would be evenly divided to serve persons with incomes at 40% AMI (U.S. Housing and Urban Development ("HUD")-designated as "very low income"), 60% AMI and 80% AMI (both HUD-designated as "low-income"), resulting in 37 households earning incomes at 40% AMI, 37 households at 60% AMI, and 37 households earning 80% AMI. The average AMI of tenants across the entire building, the applicant notes, would be 60% AMI. The applicant adds that community units would be leased to tenants through the New York City Housing Lottery.

Third, the applicant represents that it has obtained soft commitments for public financing of the project. By letter dated June 24, 2024, HDC states, in relevant part, that HDC is pleased to consider financing the project and that its ability to do so is contingent on, among other things, a complete and feasible underwriting of the project including the review and approval of the acquisition and development costs, satisfactory completion of the project principals' disclosure review, receipt of the other contemplated sources of financing, finalization of all necessary legal documents (including environmental review and tax exempt bond compliance requirements) to the satisfaction of HDC, authorization by the Members of HDC for such financing, and the issuance of a letter of credit by a suitable lender to secure HDC's bonds during construction. HDC further notes that letter should not be construed as a commitment on the part of HDC to allocate tax-exempt bonds to the project or to provide any other financing for the project and that such a commitment can only be issued based upon completion of all items listed above, an acceptable bond rating, an approval of the Members of HDC, and subject to the availability of private activity bond volume cap, none of which has been obtained at this juncture.

By further correspondence dated September 4, 2025, HDC states, in pertinent part, that the project's proposed total of 282 dwelling units at the time of filing before the Board (increased from 168 when HDC issued its June 2024 letter) does not materially change its consideration of the project and that its June 2024 letter confirms a

full review of project underwriting and diligence will be done before a full commitment will be provided.

By letter dated June 17, 2025, HPD states, in relevant part, that HPD has thus far favorably reviewed the proposal (for HPD to provide capital funding for the development of the project) and recommends that the sponsor seek ways to further develop a financing package and cost containment for the proposal, pursue funding for supportive services, continue to develop design drawings and other due diligence items. Moreover, HPD explains that development of housing for homeless and low-income households is an HPD priority and its intention would be to provide development financing, subject to availability, for this project if the proposal meets the guidelines and requirements of HPD SHLP and is approved by the Commissioner of HPD. HPD further notes that the loan terms and conditions must be acceptable to the City, including an interest rate set at the AFR for a term of at least 30 years, and adds that this letter shall remain valid until December 17, 2025, unless HPD, in its sole discretion, chooses to terminate the commitment before such date. HPD further states that this letter is not a binding commitment and neither the City nor HPD shall have any obligation to make a loan or provide assistance to the Owner or for the Project unless and until a binding commitment is executed by HPD and Owner. Any such commitment will be subject to the availability and allocation of City funds, investigation and approval of the Owner and its principals, officers and directors, approval of loan documentation by the New York City Law Department, special terms and conditions related to the Project, and such other terms and conditions as are customarily contained in HPD's commitment letters.

The applicant also submitted as-of-right plans showing a 17-story, plus cellar, residential building with 117,718 square feet of floor area (8.04 FAR); 10,267 square feet of lot coverage; a base height of 63.6 feet through the 6th floor (with a setback of 10 feet at the 7th floor and above); a building height of 169.66 feet; a rear yard with 31.09 feet of depth; and 186 dwelling units. The applicant asserts that this design, as well as lesser-variance scenarios, would result in a substantial funding gap.

Accordingly, the Board finds that, based on the proposed project's programmatic needs, the above unique physical conditions create practical difficulties or unnecessary hardship in complying strictly with applicable zoning regulations that are not created by general circumstances in the neighborhood or district.

B.

Next, the applicant submits, and the Board concurs that, because the applicant is a not-for-profit institution, no showing need be made with respect to realizing a reasonable return.

C.

The applicant further represents that the requested variance would not alter the essential character of the neighborhood, impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. In support, the applicant submitted a Neighborhood Character Study (“Study”) consisting of floor area/FAR, height, density (dwelling unit factor (“DUF”)), and front yard analyses.² The applicant also submitted qualitative arguments, including by the project architect, asserting the proposal’s harmony with the surrounding urban context and neighborhood community.

The Study indicates that, of a total of 40 lots within a 400-foot radius of the Premises, 3 (7.5%) have a total floor area of 162,650 square feet or greater, including Block 1958, Lot 26, with 202,280 square feet of floor area (4.5 FAR); Block 1958, Lot 1 (the site adjacent to the Premises), with 324,495 square feet of floor area (6.42 FAR); and Block 1933, Lot 50, with 569,515 square feet of floor area (1.96 FAR). Within that same radius, of the 27 lots containing only residential use, 9 (33%) have a DUF less than 500, including 5 (18.5%) with a DUF less than 400.

With respect to building height, the Study shows that, of a total of 270 existing and under-construction³ buildings located on lots within a 1,000-foot radius of the Premises, 2 (0.7%) have a building height of 217 feet or greater (the two buildings on adjacent Lot 1 with heights of 254 and 262 feet, respectively), which are among 11 (4%) that have a height greater than 140 feet. The applicant also submitted an annotated aerial photographic diagram of nearby tall buildings within the area immediately surrounding the Premises—approximately bounded by West 135th Street to the north, Convent Avenue to the west, West 123rd Street to the south, and Malcom X Boulevard (and buildings fronting on its east side) to the east—which shows 13 buildings taller than 150 feet, including 6 buildings that are taller than 200 feet (including the two buildings on adjacent Lot 1).

In addressing the proposed development’s lack of front yard space, the Study indicates that, of a total of 35 developed and under-construction⁴ lots fronting on Frederick Douglass Boulevard, between West 127th Street and West 135th Street, 29 (82.8%) have 5 feet of front-yard depth or less, including 1 (2.8% of the total lots along such frontage) that lacks any front yard depth (the under-construction building at the parcel identified as Block 1937, Lot 65). The applicant further argues that the proposed building would improve the

² The subject site has been excluded from the totals of lots within each radius except where stated otherwise.

³ The applicant’s Study indicates that there are only two such under-construction buildings within the 1,000-foot radius of the Premises: Block 1937, Lot 65 (street address not specified), and 316 West 135th Street (Block 1959, Lot 53).

⁴ This parcel is Block 1937, Lot 65 (street address not specified).

appearance of the block front by filling an existing gap in the street wall. The applicant asserts, referencing the Study, that the west side of Frederick Douglass Boulevard, between West 129th Street and West 133rd Street, represents a single blockfront with approximately 926 feet of frontage, of which 669 feet (72%) is improved upon with buildings that sit six feet or less from the street line, forming a relatively consistent street wall that the existing two-story building interrupts. Moreover, of the 15 lots on the block front (including the Premises), 12 (80%) are developed with buildings higher than two stories. The applicant represents that the proposed building, a multi-story building without front-yard depth, would complete this street wall.

The applicant further represents that its proposed involvement with the community, and experience with these efforts, would ensure that the proposed development would have a positive effect on the neighborhood. The applicant explains that it has conducted outreach with the local community, including the subject community board, elected officials, and local organizations; it also would develop a “good neighbor” plan to address quality of life concerns and plan community coordination, participate in local programming and businesses, open its own opportunities and programming to the community, and facilitate the creation of a Community Advisory Board for residents, made up of interested members of the community.

Accordingly, the Board finds that the proposed variance will not alter the essential character of the neighborhood or district in which the Premises are located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.

D.

The applicant represents that the above practical difficulties or unnecessary hardship have not been created by the applicant or by a predecessor in title. In particular, the applicant contends that, because it seeks a variance based on its programmatic needs under the Board’s standard of limited deference for affordable housing projects, it hardship does not arise from any unique condition inherent in the physical conditions of the subject site other than the lot’s inability to accommodate an as-of-right building that would meet such programmatic needs (i.e., sufficient for a viable affordable housing development considering necessary financing requirements). For this reason, the applicant asserts that there is no physical source of hardship that could have been self-created and its hardship instead arises from its programmatic needs to provide viable affordable housing. Accordingly, the Board finds that the above practical difficulties or unnecessary hardship have not been created by the applicant or by a predecessor in title.

E.

The applicant notes that the variance request is the minimum necessary to develop a building that fulfills its programmatic needs at the Premises. The proposed design, the applicant claims, is necessary to support a 100% affordable and supportive housing project at the subject site, given the costs expended on land acquisition, public financing needs, and economies of scale. In support, the applicant submitted a supplemental Financial Analysis, which substantiates the minimum necessary degree of variance to facilitate a sufficiently funded project. Specifically, the applicant's Financial Analysis indicates that the as-of-right scenario would result in a \$114,261 per-unit funding gap, totaling a \$26,743,470.00 funding gap for the development. The applicant represents that because a portion of its funding would come in the form of per-unit subsidies and per-unit development costs increase as density decreases, the as-of-right scenario would not generate sufficient income to support a first mortgage large enough to cover development and construction costs. In contrast, the applicant notes that the proposed design would achieve the HPD and HDC required minimum debt service coverage ratio of 1.15 and an income to expense ratio of 1.07.

Regarding alternate, lesser-variance scenarios, the Financial Analysis demonstrates that, as the proposed stories and corresponding number of dwelling units increases, the funding gap decreases: an 18-story, 218-unit building would have a \$19,389,579.64 funding gap; a 19-story, 234-unit building would have a \$14,681,248.99 funding gap; a 20-story, 250-unit building would have a \$9,951,466.48 funding gap; and a 21-story, 266-unit building would have a \$5,293,027.94 funding gap. The applicant contends that lowering the building would reduce the degree of variance requested, but would prevent the viability of a 100% affordable housing project at the site and would not result in proportionally lower hard and soft costs.

Accordingly, the Board finds that the proposed variance is the minimum necessary to afford relief within the intent and purposes of the Zoning Resolution.

V. Board Review

At hearing, the Board requested that the applicant revise its Green Fast Track Eligibility Memo ("GFT Memo") to incorporate into it the applicant's separate Shadows Analysis and copies of all agency sign offs and relevant information and to add certain environmental notes to the plans. In response, the applicant submitted a revised GFT Memo including all agency sign offs and relevant information from the Department of Environmental Protection ("DEP") and Landmarks Preservation Commission ("LPC"), the revised proposed plans, and the full text of its Shadows Study. The applicant also added (E)

Designation, hazardous materials, and heating, ventilation, and air conditioning (“HVAC”) related environmental notes to the plans.

The Board further notes that this project not only supports the five findings of Z.R. § 72-21 and aligns Board precedent for affordable housing applications, but also would qualify for the recently enacted fast track zoning action for affordable housing projects under New York City Charter § 666-a, based on evidence including, but not limited to: its established HDHC and administration by a not-for-profit affordable-housing provider (S:US), the site’s R8 (C1-4) zoning district, the HPD and HDC soft commitments, and the applicant’s Neighborhood Character Study.

VI. Environmental Review

The project is classified as a Type II action pursuant to Title 2 RCNY (Board’s Rules of Practice and Procedures), Appendix E, Parts (d) (Residential Development Type II Actions) and (e) (Type II Residential Development Prerequisites). The Board has conducted an analysis of the project’s eligibility for the Green Fast Track for Housing (“GFT”) based on documentation of relevant information about the project in the applicant’s GFT Memo, dated February 9, 2026, and supporting documents including relevant agencies’ sign-off letters.

The GFT is available, in relevant part, to actions that enable incremental development of at least 1 and no more than 250 new dwelling units or new income-restricted dwelling units and which, at the time of the environmental determination, are located wholly within an existing R5 through R10 Residence zoning district. *See* Board’s Rules, Appendix E(d). For such a project to qualify for categorization as a Type II action under the GFT, the project must (1) not burn fossil fuels to supply heat or hot water; (2) meet certain site-specific requirements (related to, e.g., hazardous materials, landmarks, construction protection, air emissions, and noise); (3) not have a construction duration longer than 24 months, (4) not (i) be located adjacent to an arterial highway listed in Appendix H to the New York City Zoning Resolution or a vent structure for a tunnel, (ii) be located within in a Special Coastal Risk District mapped pursuant to Article XIII, Chapter 7 of the New York City Zoning Resolution, or (iii) contain a natural resource; and (5) not enable construction of a new building or other structure or enlargement of an existing building or structure with a maximum allowable height greater than 250 feet. *See* Board’s Rules, Appendix E(e).

The GFT Memo states, in relevant part, that the proposed project’s incremental difference in dwelling units between the no-action (as-of-right) scenario and the proposed project is 96 (therefore not more than 250 dwelling units) and the proposed building’s height would be 217.16 feet (therefore less than 250 feet). The GFT Memo further notes the subject site’s R8 zoning district, represents that the project’s construction duration would be 24 months or less, and

concludes that its analysis of shadows identified no sensitive receptors. The applicant also states that the subject site is not located adjacent to an arterial highway or within a Special Coastal Risk District as listed in Article XIII, Chapter 7 of the Zoning Resolution, does not contain a natural resource, and is located within an R8 (C1-4) zoning district. In addition, the GFT Memo provided preliminary analyses of air quality, noise, hazardous materials, and historic and cultural resources—in addition to shadows, for which it also submitted a Shadows Memo—and asserts that the proposed project would not result in any significant adverse impacts in these or any other CEQR category.

With respect to the calculation of noise levels, the GFT Memo states that the project is not within the line of sight of any railway or elevated subway or airport and is located outside the 65 Day Night Average Sound Level contours established in the Noise Exposure Map (“NEM”) Report. The applicant has also provided to the lead agency peak hour outdoor noise sampling showing less than 70 A-weighted decibels (“dBA”) L10 ambient noise levels at the site. By correspondence dated December 9, 2025, the LPC states that the project site has no architectural or archeological significance.

By correspondence dated January 7, 2026, LPC states that LPC is in receipt of the shadow memorandum dated January 7, 2025, and the document appears acceptable upon editing to include the NR/LPC status of each property studied and its address.

By letter dated December 29, 2025, the DEP states, in relevant part, that based on prior on-site and/or surrounding area land uses which could result in environmental contamination, an (E) Designation for hazardous materials should be placed on the Project Site pursuant to Section 11-15 of the New York City Zoning Resolution. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance occurs, as well as to ensure the maintenance and oversight of any required engineering controls by the Mayor’s Office of Environmental Remediation (OER). Further hazardous materials assessments should be coordinated through OER.

The subject site has been assigned (E) Designation number E-890.

No other potential significant effects upon the environment that would require the preparation of an Environmental Assessment Statement under Board’s Rules, Appendix E, are foreseeable. Based on the foregoing, the Board has determined that the proposed action constitutes a Type II action and therefore will not have a significant adverse impact on the environment.

VII. Decision

Based on the foregoing, the Board finds that the evidence in the record supports the findings required to be made under Z.R. § 72-21

and that the applicant has substantiated a basis to warrant exercise of discretion.

Therefore, it is Resolved, that the Board of Standards and Appeals makes each and every one of the required findings under Z.R. § 72-21 to *permit*, within an R8 (C1-4) zoning district, the construction of a 22-story, plus cellar, multi-family, residential building for a not-for-profit organization's use as affordable and supportive housing, contrary to floor area/floor area ratio ("FAR") (Z.R. § 23-22), height (Z.R. § 23-432), base height (Z.R. § 23-432), and dwelling units (Z.R. § 23-52(b)); *on condition* that all work and site conditions shall conform to drawings filed with this application marked "Approved Plans" — Thirteen (13) sheets, received on April 8, 2025; and *on further condition*:

THAT the bulk parameters of the building shall be limited to: a maximum floor area of 162,650 square feet (11.1 FAR); a minimum base height of 25.66 feet through the second floor (with a setback of 10 feet at the third-floor and above); a maximum building height of 217.16 feet; and a maximum of 282 dwelling units, as illustrated on the BSA-approved plans;

THAT the building shall provide a project consisting of 100% affordable housing pursuant to the Department of Housing Preservation and Development term sheet for the Supportive Housing Loan Program, or an equivalent program;

THAT a housing development fund corporation ("HDFC") shall be formed and this grant shall not be transferred to another developer or HDFC without the consent of the Board;

THAT the project may be modified administratively by letter provided the project shall not exceed the approved bulk envelope as illustrated on the BSA-approved plans and shall continue to comply with Green Fast Track requirements;

THAT the above conditions shall be listed on the certificate of occupancy;

THAT an (E) Designation (E-890) has been placed on the Zoning Map pursuant to Section 11-15 of the Zoning Resolution for the subject property and further hazardous materials assessments shall be coordinated through the Mayor's Office of Environmental Remediation;

THAT the proposed project shall use electricity to power heating, ventilation, and air conditioning ("HVAC") systems and HVAC types shall comply with applicable laws and regulations as determined by the Department of Buildings and other relevant agencies;

THAT a certificate of occupancy, also indicating the above conditions of this approval and calendar number ("BSA Cal. No. 2025-48-BZ"), shall be obtained;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings;

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 plans or configurations not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 9, 2026.

CERTIFICATION

**This copy of the resolution
dated February 9, 2026
is hereby filed by the
Board of Standards and Appeals
on March 27, 2026.**



**Carlo Costanza
Executive Director**