

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: April 11, 1984

TO: BOROUGH SUPERINTENDENTS
FROM: Charles M. Smith, Jr., R.A., Commissioner
SUBJECT: EMBASSIES, DIPLOMATIC MISSIONS & CONSULATES

The New York City Commission for the United Nations has concluded that the Zoning resolution and the Building Code apply to construction activities for foreign countries--including embassies, consulates and missions to the United Nations.

While specific buildings may of course come under varying provisions of the Zoning Resolution, your attention is directed to Sections 22-13 and 22-14 (Use Groups 3 and 4). Both use groups include "philanthropic or non-profit institutions" with certain specified limitations. It is the Department's view that embassies, consulates and missions may fall within the scope of these provisions and can in appropriate instances be classified in Use Group 3 or 4 depending on whether sleeping accommodations are provided.

You are further advised that any order, violation or summons concerning the construction of such mission, embassy or consulate must include as a respondent the construction company performing the work. The foreign country should also be named, but since they may claim sovereign and/or diplomatic immunity it is important that we have jurisdiction over the construction company as well.

Finally, due to the nature of many of these buildings and their concern with security, upon request by the applicant the plans should be kept in a secure place and not made available for inspection without the approval of the Borough Superintendent. If necessary, the application and plans should be forwarded to the Inspector General to assure adequate security. No copies of the plans shall be made without the approval of the Deputy Commissioner.


Charles M. Smith, Jr., R.A.
Commissioner

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