

**DRAFT**

**MINUTES OF PUBLIC MEETING  
New York City Loft Board Public Meeting Held at  
22 Reade Street, 1<sup>st</sup> Floor  
Spector Hall**

**October 15, 2009**

The meeting began at 2:10 p.m. The attendees were Chairperson Robert LiMandri; Elliott Barowitz, Public Member; Gina Bolden-Rivera, Public Member; Elizabeth Lusskin, Public Member; LeAnn Shelton, Public Member; Ronald Spadafora, Fire Department's Representative; Matthew Mayer, Owners' Representative and Chuck DeLaney, Tenants' Representative.

**CHAIRPERSON'S INTRODUCTION**

**Chairperson LiMandri** introduced himself and welcomed those present to the October 15, 2009 public meeting of the New York City Loft Board.

- Presentation of the new Fire Department's Representative, Mr. Ronald Spadafora.
  - Announcement of the retirement of former Loft Board Member representing the Department of Buildings, Manher Shah.
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**VOTE ON SEPTEMBER 17, 2009 MINUTES**

- Correction on page 4 by Ms. Shelton
- Corrections made by Ms. Cruz on pages 4 and 6

**Motion:** Ms. Lusskin moved to accept the September 17, 2009 minutes. Ms. Shelton seconded the motion.

**Members concurring:** Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Lusskin, Mayer, Shelton, Spadafora (8)

Adopted by the Loft Board on October 15, 2009.

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**REPORT OF THE EXECUTIVE DIRECTOR**

- Status of hiring of new staff.
- Building count:

311 buildings in Loft Board jurisdiction  
29 with Certificate of Occupancy  
282 with no Certificate of Occupancy

## **REPORT OF THE DIRECTOR OF HEARINGS**

- Status of the non-removal cases:

7 – OATH	3 – Appeal	3- involved in conference
11 – Post-Hearing/Settlement	2 - on agenda	1 – waiting for answer
3 – Rent Adjustment	4 – Reconsideration	

- Status of the removal cases:

10 buildings must file additional information about the status of certain units  
4 buildings have other cases pending  
2 are pending corrections to the C of O  
2 are being considered for a future meeting  
4 are on today's agenda  
1 building owner owes registration fees  
1 building has an upcoming conference  
6 buildings have C of Os but do not have a removal application pending.

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## **DISCUSSION AND VOTE ON FORMAT OF MINUTES**

- Minutes to be published on website in draft form within two weeks
- Minutes will be in a shorter format
- For purposes of FOIL, recording of meeting will be available
- Exercise point of order privilege at the Chairperson's discretion

**Motion:** Chairperson LiMandri moved to adopt the new format of the minutes as required by the Roberts Rule, open meetings law and augmented by Ms. Shelton's suggestion that we use bullet points to set out key points of discussion. Ms. Bolden-Rivera seconded the motion.

**Members concurring:** Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Lusskin, Mayer, Shelton, Spadafora (8)

**DISCUSSION AND VOTE ON CASES**

**MASTER CALENDAR**

Case #1.	Lo Clan' S Assoc. (USA), Inc.	50 East Broadway	LE-0467	MC/MC
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**Proposed Order**

**NEW YORK CITY LOFT BOARD**

<p><i>In the Matter of the Application of</i></p> <p><b>LO CLAN' S ASSOC. (USA), INC.</b></p>	<p><b>Loft Board Order No.</b></p> <p><b>Docket No. LE-0467</b></p> <p><b>RE: 50 East Broadway</b> <b>New York, New York</b></p> <p><b>IMD No. 10802</b></p>
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**ORDER**

The New York City Loft Board (“Loft Board”) accepts the Report and Recommendation of Director of Hearings Martha Cruz dated September 24, 2009.

The post-legalization rent adjustment for the third, fourth and fifth floor units at 50 East Broadway, New York, New York (“Building”), is set forth in the attached Report and Recommendation. The initial legal regulated rents for these units are as follow:

Third floor unit:	\$457.92
Fourth floor unit:	\$477.00
Fifth floor unit:	\$447.60

The initial term of the rent for the third, fourth and fifth floor units is December 1, 2009 through November 30, 2011.

The owner of the Building, Lo Clan’s Assoc. (USA), Inc. (“Owner”) is directed to register the third, fourth and fifth floor units with the New York State Division of Housing and Community Renewal.<sup>1</sup> Further, the Owner is directed to provide the occupants of the third, fourth and fifth floor units with residential leases subject to the provisions regarding evictions and regulations of rent set forth in the Emergency Tenant Protection Act of 1974, pursuant to the terms set forth in the Report and Recommendation.

Effective thirty-five days from the date of the mailing of this Order, the Building is no longer an interim multiple dwelling and is no longer under the jurisdiction of the Loft Board.

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<sup>1</sup> As a point of information, the Owner must register the building with New York City Department of Housing Preservation and Development, under Multiple Dwelling Law §325, before the building can be registered with the Division of Housing and Community Renewal.

DATED: October 15, 2009

Robert LiMandri  
Chairperson

DATE LOFT ORDER MAILED:

**NEW YORK CITY LOFT BOARD**

<p><i>In the Matter of the Application of</i></p> <p><b>LO CLAN’S ASSOC. (USA), INC.</b></p>	<p><b>REPORT AND RECOMMENDATION</b></p> <p><b>Docket No. LE-0467</b></p> <p><b>RE: 50 East Broadway New York, New York</b></p> <p><b>IMD No. 10802</b></p>
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**MARTHA CRUZ, DIRECTOR OF HEARINGS**

**BACKGROUND**

On March 30, 2005, a final certificate of occupancy was issued for 50 East Broadway, New York, New York (“Building”), under certificate number 100492414F by the New York City Department of Buildings. Pursuant to Title 29 of the Rules of the City of New York (“29 RCNY”) § 2-01(i)(1), the owner of the Building, Lo Clan’s Assoc. (USA), Inc. (“Owner”), was then eligible to apply for rent adjustments based on the costs of code compliance and rent guidelines board (“RGB”) increases.

On December 28, 2005, the Owner filed an application seeking rent adjustments based on compliance with Article 7-C of the Multiple Dwelling Law (“MDL”) for the third, fourth and fifth floor units. The Loft Board docketed the rent adjustment application as LE-0221. On February 16, 2006, the Owner filed an amended rent adjustment application. To date, the owner has not filed a Notice of RGB Increase Filing.

## **ANALYSIS**

In Matter of Meryl Blackman, Loft Board Order No. 1214 (June 27, 1991), the New York City Loft Board (“Loft Board”) determined that the Building was an IMD with three units: one unit on the second floor, one on the third and one on the fourth floor. On September 14, 1992, the Owner registered the Building.

A certificate of occupancy has been issued for the Building which lists the IMD units on the second, third, and fourth floors as Class A Apartments. Thus, the Owner is in compliance with MDL § 284(1). See, Application of Teliman Holding Corp., Loft Board Order No. 2052 (Jan. 9, 1997); Application of Halebid Corp., Loft Board Order No. 585 (Apr. 30, 1987).

### **Third floor unit**

The base rent for the third floor unit is \$457.92. Because the Owner failed to file a Notice of RGB Increase Filing, the base rent is deemed the initial legal regulated rent for the third floor unit. On September 15, 2009, George Lechmann elected to have his initial legal regulated rent governed by two-year leases. The period of this rent level is December 1, 2009 through November 30, 2011.

On January 23, 2007, Georg Lechmann, the occupant of the third floor unit answered the Rent Adjustment Application, objecting to some of the legalization costs. On June 25, 2009, the Loft Board held a conference in which the Owner and Mr. Lechmann resolved the dispute regarding the code-compliance costs for his unit. Mr. Lechmann agreed to pay a total of \$18,235.80 in code compliance costs.

The prospective code compliance increase for this unit is \$101.31 monthly. Mr. Lechmann will owe the monthly code compliance increase for 124 months, beginning December 1, 2009.

Pursuant to 29 RCNY § 2-01(k)(1), code compliance rent adjustments shall be retroactive to the first day of the month following the date of the issuance of the final certificate of occupancy for the building. Thus, the retroactive portion of the rent adjustment dates 56 months from April 1, 2005 to November 30, 2009. Pursuant to 29 RCNY § 2-01(k)(1), the total amount of retroactive code compliance is determined by multiplying the amount of the prospective code compliance increase (\$101.31) by the number of months in the applicable retroactive period (56). Thus, the total retroactive portion of the code compliance increase is \$5,673.36. Mr. Lechmann has the option of paying this amount in one lump sum or as an additional monthly payment calculated at a rate equal to 20 percent of the base rent in effect as of the date of the rent adjustment application until payment of the full retroactive amount is completed. The base rent at the time of the filing of the rent adjustment was \$457.92. Twenty percent of that amount is \$91.58. If Mr. Lechmann elects to pay the retroactive rent adjustment in monthly installments, the payments will be \$91.58 for 61 months with a final payment of \$86.98 due on the 62nd month.

### **Fourth floor unit**

The base rent for the fourth floor unit is \$477.00. Because the Owner failed to file a Notice of RGB Increase Filing, the base rent is deemed the initial legal regulated rent for the fourth floor unit. On September 14, 2009, Tom Beverly, the occupant of the fourth floor unit,

elected to have the initial legal regulated rent governed by two-year leases. The period of this rent level is December 1, 2009 through November 30, 2011.

According to the Loft Board's auditor, the allowable code compliance costs for the fourth floor unit total \$18,417.60. The prospective code compliance increase for this unit is \$102.32 monthly. Mr. Beverly will owe the monthly code compliance increase for 124 months, beginning December 1, 2009.

Pursuant to 29 RCNY § 2-01 (k)(1), the Loft Board's auditor determined that the total retroactive portion of the code compliance increase, dating back 56 months from April 1, 2005 to November 30, 2009 is \$5,729.92. Mr. Beverly has the option of paying this amount in one lump sum or as an additional monthly payment at a rate equal to 20 percent of the base rent in effect as of the date of the rent adjustment application until payment of the full retroactive amount is completed. The base rent at the time of filing of the rent adjustment application was \$477.00. Twenty percent of that amount is \$95.40. If Mr. Tom Beverly elects to pay the retroactive rent adjustment in monthly installments, the payments will be \$95.40 for 60 months with a final payment of \$5.92 due on the 61<sup>st</sup> month.

### **Fifth floor unit**

The base rent for the fifth floor unit is \$447.60. Because the Owner failed to file a Notice of RGB Increase Filing, the base rent is deemed the initial legal regulated rent for the fifth floor unit. On September 14, 2009, Margaret Yuen, the occupant of the fifth floor unit, elected to have the initial legal regulated rent governed by two-year leases. The period of this rent level is December 1, 2009 through November 30, 2011.

According to the Loft Board's auditor, the allowable code compliance costs for the fifth floor unit total \$12,825.00. The prospective code compliance increase for this unit is \$71.25 monthly. Ms. Yuen will owe the monthly code compliance increase for 124 months, beginning December 1, 2009.

Pursuant to 29 RCNY § 2-01 (k)(1), the Loft Board's auditor determined that the total retroactive portion of the code compliance increase, dating back 56 months from April 1, 2005 to November 30, 2009 is \$3,990.00. Ms. Yuen has the option of paying this amount in one lump sum or as an additional monthly payment at a rate equal to 20 percent of the base rent in effect as of the date of the rent adjustment application until payment of the full retroactive amount is completed. The base rent at the time of filing of the rent adjustment application was \$447.60. Twenty percent of that amount is \$89.52. If Ms. Margaret Yuen elects to pay the retroactive rent adjustment in monthly installments, the payments will be \$89.52 for 44 months with a final payment of \$51.12 due on the 45<sup>th</sup> month.

### **ITEMS OF GENERAL APPLICABILITY**

Assuming the Loft Board accepts this recommendation at its October 15, 2009 meeting, and assuming the final order is mailed to the affected parties after October 22, 2009, this rent adjustment shall take effect on December 1, 2009.

The Owner must register the building as a multiple dwelling with the New York City Department of Housing Preservation and Development (HPD) and must register the third, fourth

and fifth floor units with the New York State Division of Housing and Community Renewal as rent stabilized units. *See*, 29 RCNY § 2-01(m); MDL § 283(3).

The Owner must offer the affected tenants leases subject to the provisions of the Emergency Tenant Protection Act of 1974 and the Rent Stabilization Law and Code. *See*, MDL § 286(3) and 29 RCNY § 2-01(m). The monthly rent for each lease should be the initial legal regulated rent set forth above.

### **RECOMMENDATION**

Based on the foregoing, I recommend that the New York City Loft Board determine that the building at 50 East Broadway, New York, New York is in compliance with MDL § 284(1) and is no longer an IMD. Additionally, I recommend that the Owner be directed to register the aforementioned units with the New York State Division of Housing and Community Renewal.

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Martha Cruz  
Director of Hearings

DATED: September 24, 2009

**AMENDED ORDER**

**NEW YORK CITY LOFT BOARD**

<p><i>In the Matter of the Application of</i></p> <p><b>LO CLAN' S ASSOC. (USA), INC.</b></p>	<p><b>Loft Board Order No. 3533</b></p> <p><b>Docket No. LE-0467</b></p> <p><b>RE: 50 East Broadway</b> <b>New York, New York</b></p> <p><b>IMD No. 10802</b></p>
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**ORDER**

The New York City Loft Board (“Loft Board”) accepts the Report and Recommendation of Director of Hearings Martha Cruz dated September 24, 2009.

The post-legalization rent adjustment for the third, fourth and fifth floor units at 50 East Broadway, New York, New York (“Building”), is set forth in the attached Report and Recommendation. The initial legal regulated rents for these units are as follow:

Third floor unit:	\$457.92
Fourth floor unit:	\$477.00
Fifth floor unit:	\$447.60

The initial term of the rent for the third, fourth and fifth floor units is December 1, 2009 through November 30, 2011.

The owner of the Building, Lo Clan’s Assoc. (USA), Inc. (“Owner”) is directed to register the third, fourth and fifth floor units with the New York State Division of Housing and Community Renewal and the Department of Housing Preservation and Development.<sup>2</sup> Further, the Owner is directed to provide the occupants of the third, fourth and fifth floor units with residential leases subject to the provisions regarding evictions and regulations of rent set forth in the Emergency Tenant Protection Act of 1974, pursuant to the terms set forth in the Report and Recommendation.

Effective thirty-five days from the date of the mailing of this Order, the Building is no longer an interim multiple dwelling and is no longer under the jurisdiction of the Loft Board.

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<sup>2</sup> As a point of information, the Owner must register the building with New York City Department of Housing Preservation and Development, under Multiple Dwelling Law §325, before the building can be registered with the Division of Housing and Community Renewal.



DATED: October 15, 2009

Robert D. LiMandri  
Chairperson

DATE LOFT ORDER MAILED:

**Members concurring:** Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Lusskin, Mayer, Shelton, Spadafora (8)

**NEW YORK CITY LOFT BOARD**

<p><i>In the Matter of the Application of</i></p> <p><b>LO CLAN'S ASSOC. (USA), INC.</b></p>	<p><b>REPORT AND RECOMMENDATION</b></p> <p><b>Docket No. LE-0467</b></p> <p><b>RE: 50 East Broadway New York, New York</b></p> <p><b>IMD No. 10802</b></p>
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**MARTHA CRUZ, DIRECTOR OF HEARINGS**

**BACKGROUND**

On March 30, 2005, a final certificate of occupancy was issued for 50 East Broadway, New York, New York (“Building”), under certificate number 100492414F by the New York City Department of Buildings. Pursuant to Title 29 of the Rules of the City of New York (“29 RCNY”) § 2-01(i)(1), the owner of the Building, Lo Clan’s Assoc. (USA), Inc. (“Owner”), was then eligible to apply for rent adjustments based on the costs of code compliance and rent guidelines board (“RGB”) increases.

On December 28, 2005, the Owner filed an application seeking rent adjustments based on compliance with Article 7-C of the Multiple Dwelling Law (“MDL”) for the third, fourth and fifth floor units. The Loft Board docketed the rent adjustment application as LE-0467. On February 16, 2006, the Owner filed an amended rent adjustment application. To date, the owner has not filed a Notice of RGB Increase Filing.

**ANALYSIS**

In *Matter of Meryl Blackman*, Loft Board Order No. 1214 (June 27, 1991), the New York City Loft Board (“Loft Board”) determined that the Building was an IMD with three units: one on the third, one on the fourth floor and one on the fifth floor. On September 14, 1992, the Owner registered the Building.

A certificate of occupancy has been issued for the Building which lists the IMD units on the third, fourth and fifth floors as Class A Apartments. Thus, the Owner is in compliance with MDL § 284(1). See, *Application of Teliman Holding Corp.*, Loft Board Order No. 2052 (Jan. 9, 1997); *Application of Halebid Corp.*, Loft Board Order No. 585 (Apr. 30, 1987).

### **Third floor unit**

The base rent for the third floor unit is \$457.92. Because the Owner failed to file a Notice of RGB Increase Filing, the base rent is deemed the initial legal regulated rent for the third floor unit. On September 15, 2009, George Lechmann elected to have his initial legal regulated rent governed by two-year leases. The period of this rent level is December 1, 2009 through November 30, 2011.

On January 23, 2007, Georg Lechmann, the occupant of the third floor unit answered the Rent Adjustment Application, objecting to some of the legalization costs. On June 25, 2009, the Loft Board held a conference in which the Owner and Mr. Lechmann resolved the dispute regarding the code-compliance costs for his unit. Mr. Lechmann agreed to pay a total of \$18,235.80 in code compliance costs.

The prospective code compliance increase for this unit is \$101.31 monthly. Mr. Lechmann will owe the monthly code compliance increase for 124 months, beginning December 1, 2009.

Pursuant to 29 RCNY § 2-01(k)(1), code compliance rent adjustments shall be retroactive to the first day of the month following the date of the issuance of the final certificate of occupancy for the building. Thus, the retroactive portion of the rent adjustment dates 56 months from April 1, 2005 to November 30, 2009. Pursuant to 29 RCNY § 2-01(k)(1), the total amount of retroactive code compliance is determined by multiplying the amount of the prospective code compliance increase (\$101.31) by the number of months in the applicable retroactive period (56). Thus, the total retroactive portion of the code compliance increase is \$5,673.36. Mr. Lechmann has the option of paying this amount in one lump sum or as an additional monthly payment calculated at a rate equal to 20 percent of the base rent in effect as of the date of the rent adjustment application until payment of the full retroactive amount is completed. The base rent at the time of the filing of the rent adjustment was \$457.92. Twenty percent of that amount is \$91.58. If Mr. Lechmann elects to pay the retroactive rent adjustment in monthly installments, the payments will be \$91.58 for 61 months with a final payment of \$86.98 due on the 62<sup>nd</sup> month.

### **Fourth floor unit**

The base rent for the fourth floor unit is \$477.00. Because the Owner failed to file a Notice of RGB Increase Filing, the base rent is deemed the initial legal regulated rent for the fourth floor unit. On September 14, 2009, Tom Beverly, the occupant of the fourth floor unit, elected to have the initial legal regulated rent governed by two-year leases. The period of this rent level is December 1, 2009 through November 30, 2011.

According to the Loft Board's auditor, the allowable code compliance costs for the fourth floor unit total \$18,417.60. The prospective code compliance increase for this unit is \$102.32

monthly. Mr. Beverly will owe the monthly code compliance increase for 124 months, beginning December 1, 2009.

Pursuant to 29 RCNY § 2-01 (k)(1), the Loft Board's auditor determined that the total retroactive portion of the code compliance increase, dating back 56 months from April 1, 2005 to November 30, 2009 is \$5,729.92. Mr. Beverly has the option of paying this amount in one lump sum or as an additional monthly payment at a rate equal to 20 percent of the base rent in effect as of the date of the rent adjustment application until payment of the full retroactive amount is completed. The base rent at the time of filing of the rent adjustment application was \$477.00. Twenty percent of that amount is \$95.40. If Mr. Tom Beverly elects to pay the retroactive rent adjustment in monthly installments, the payments will be \$95.40 for 60 months with a final payment of \$5.92 due on the 61<sup>st</sup> month.

### **Fifth floor unit**

The base rent for the fifth floor unit is \$447.60. Because the Owner failed to file a Notice of RGB Increase Filing, the base rent is deemed the initial legal regulated rent for the fifth floor unit. On September 14, 2009, Margaret Yuen, the occupant of the fifth floor unit, elected to have the initial legal regulated rent governed by two-year leases. The period of this rent level is December 1, 2009 through November 30, 2011.

According to the Loft Board's auditor, the allowable code compliance costs for the fifth floor unit total \$12,825.00. The prospective code compliance increase for this unit is \$71.25 monthly. Ms. Yuen will owe the monthly code compliance increase for 124 months, beginning December 1, 2009.

Pursuant to 29 RCNY § 2-01 (k)(1), the Loft Board's auditor determined that the total retroactive portion of the code compliance increase, dating back 56 months from April 1, 2005 to November 30, 2009 is \$3,990.00. Ms. Yuen has the option of paying this amount in one lump sum or as an additional monthly payment at a rate equal to 20 percent of the base rent in effect as of the date of the rent adjustment application until payment of the full retroactive amount is completed. The base rent at the time of filing of the rent adjustment application was \$447.60. Twenty percent of that amount is \$89.52. If Ms. Margaret Yuen elects to pay the retroactive rent adjustment in monthly installments, the payments will be \$89.52 for 44 months with a final payment of \$51.12 due on the 45<sup>th</sup> month.

### **ITEMS OF GENERAL APPLICABILITY**

Assuming the Loft Board accepts this recommendation at its October 15, 2009 meeting, and assuming the final order is mailed to the affected parties after October 22, 2009, this rent adjustment shall take effect on December 1, 2009.

The Owner must register the building as a multiple dwelling with the New York City Department of Housing Preservation and Development (HPD) and must register the third, fourth and fifth floor units with the New York State Division of Housing and Community Renewal as rent stabilized units. *See*, 29 RCNY § 2-01(m); MDL § 283(3).

The Owner must offer the affected tenants leases subject to the provisions of the Emergency Tenant Protection Act of 1974 and the Rent Stabilization Law and Code. *See*, MDL

§ 286(3) and 29 RCNY § 2-01(m). The monthly rent for each lease should be the initial legal regulated rent set forth above.

**RECOMMENDATION**

Based on the foregoing, I recommend that the New York City Loft Board determine that the building at 50 East Broadway, New York, New York is in compliance with MDL § 284(1) and is no longer an IMD. Additionally, I recommend that the Owner be directed to register the aforementioned units with the New York State Division of Housing and Community Renewal.

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Martha Cruz  
Director of Hearings

DATED: September 24, 2009

Case #2.	60 Grand Street LLC and 60 Grand Street Condominium	60 Grand Street	LE-0551/ RA-0008	MC/MC
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**Proposed Order**

**NEW YORK CITY LOFT BOARD**

<p><i>In the Matter of the Applications of</i></p> <p><b>60 GRAND STREET, LLC. , and</b></p> <p><b>60 GRAND STREET CONDOMINIUM</b></p>	<p><b>Loft Board Order No.</b></p> <p><b>Docket No.: LE-0551/RA-0008</b></p> <p><b>RE: 60 Grand Street</b> <b>New York, New York</b></p> <p><b>IMD No.: 10566</b></p>
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**ORDER**

The New York City Loft Board (“Loft Board”) accepts the Report and Recommendation of Director of Hearings Martha Cruz, dated September 28, 2009.

A final rent order is necessary for only one of the Interim Multiple Dwelling (“IMD”) units at 60 Grand Street, New York, New York (“Building”) because the others are now condominium units that are owner-occupied. Consequently, pursuant to MDL § 286(8), the third, fourth, fifth, sixth and seventh floor units are not subject to rent regulation.

The post-legalization rent adjustment for the second floor unit is set forth in the attached Report and Recommendation. The initial legal regulated rent for the second floor unit is \$914.41.

The tenant for the second floor unit is deemed to have elected RGB increases applicable to two-year leases. The initial rent term for the second floor unit is from November 1, 2008 through October 31, 2010.

The Owner is directed to register the second floor unit with the New York City Department of Housing Preservation and Development and New York State Division of Housing and Community Renewal<sup>3</sup>. Further, the Owner is directed to provide the residential occupant of the second floor unit with a residential lease subject to the provisions regarding evictions and regulations of rent set forth in the Emergency Tenant Protection Act of 1974, pursuant to the terms set forth in the Report and Recommendation.

Effective thirty-five days from the date of the mailing of this Order, this Building is no longer an interim multiple dwelling and is no longer under the jurisdiction of the Loft Board.

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<sup>3</sup> As a point of information, the Owner must register the building with New York City Department of Housing Preservation and Development, under Multiple Dwelling Law §325, before the building can be registered with the Division of Housing and Community Renewal.

DATED: October 15, 2009

Robert D. LiMandri  
Chairperson

DATE LOFT ORDER MAILED:

**NEW YORK CITY LOFT BOARD**

<p><i>In the Matter of the Applications of</i></p> <p><b>60 GRAND STREET, LLC., and</b></p> <p><b>60 GRAND STREET CONDOMINIUM</b></p>	<p><b>REPORT AND RECOMMENDATION</b></p> <p><b>Docket No. LE-0551/RA-0008</b></p> <p><b>RE: 60 Grand Street New York, New York</b></p> <p><b>IMD No. 10566</b></p>
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**MARTHA CRUZ, DIRECTOR OF HEARINGS**

**BACKGROUND**

On January 31, 2008, a final certificate of occupancy was issued for 60 Grand Street, New York, New York (“Building”), under certificate number 100138888. Pursuant to Title 29 of the Rules of the City of New York (“RCNY”) § 2-01(i)(1), the owner of the Building, 60 Grand Street, LLC., (“Owner”), was then eligible to apply for rent adjustments based on the costs of code compliance and Rent Guidelines Board (“RGB”) increases.

On October 15, 2008 the Owner filed a Notice of RGB Increase Filing form (“RGB Notice”) seeking Rent Guidelines Board increases for the second floor unit.

On October 29, 2008, the Owner filed an application seeking rent adjustments based on the costs of code compliance with Article 7-C of the Multiple Dwelling Law (“MDL”) for the second floor unit in the building.

On May 18, 2009, the Owner submitted a completed Co-op/Condominium Exemption Form for the Building stating that five of the six interim multiple dwelling (“IMD”) units are owner-occupied.

On June 15, 2009, the Owner submitted an application for removal of the Building from the jurisdiction of New York City Loft Board (“Loft Board”).

## ANALYSIS

According to Loft Board records, the Building was originally registered on September 30, 1983 listing six units, one unit per floor on the second through seventh floors.

A final certificate of occupancy has been issued for the Building which lists these units as "Joint Living Work Quarters," thus the Owner is in compliance with MDL § 284(1). See, Application of Teliman Holding Corp., Loft Board Order No. 2052 (Jan. 9, 1997); Application of Halebid Corp., Loft Board Order No. 585 (Apr. 30, 1987).

The units of the third, fourth, fifth and sixth floors are not subject to rent regulation pursuant to MDL § 286(8), because cooperative or condominium units occupied by owners or tenant-shareholders are not subject to rent regulation under Article 7-C. See, *Application of Teliman Holding Corp.*; *Application of Halebid Corp.*

### Second Floor Unit

Pursuant to 29 RCNY § 2-01(i)(1)(i), the amount of each RGB increase shall be equal to the percentage increase applicable to one or two-year leases as established by the Rent Guidelines Board on the date the application is submitted and on each anniversary thereafter. In this case, the Owner filed the RGB Notice on October 15, 2008. The rent increase percentage applicable to one-year leases on October 15, 2008 was 3.5% and 6.5% for two-year leases. Additionally, pursuant to 29 RCNY § 2-01(i)(1)(i), the applicable rent increase becomes effective the first day of the first month following the day the owner files the RGB application.

Prior to November 1, 2008, the effective date of the RGB increase, the base rent for the second floor unit was \$858.60. On November 28, 2008, Carol Friedman, the occupant of the second floor unit, confirmed the rent amount listed for the base rent and elected to be governed by RGB increases applicable to two-year leases.

Effective on November 1, 2008, the Owner was entitled to RGB increases. The following is a calculation of the rent for the unit applying RGB increase percentages applicable to two-year leases:

<b>DATE OF INCREASE</b>	<b>% INCREASE FOR 2 YEAR LEASE</b>	<b>BASE RENT</b>	<b>INCREASE AMOUNT</b>	<b>NEW BASE RENT</b>
<b>11/1/2008-10/31/2010</b>	<b>6.5%</b>	<b>\$858.60</b>	<b>\$ 55.81</b>	<b>\$ 914.41</b>

Pursuant to 29 RCNY § 2-01(i)(1)(i), the base rent for the second floor unit as of November 1, 2008, is \$914.41. The period of this rent level is November 1, 2008 through October 31, 2010 and should be deemed the initial legal regulated rent.

During a conference on July 9, 2009, the Owner and Ms. Friedman agreed that the allowable code compliance costs for the second floor unit total \$13,213.80. The prospective code compliance increase for this unit is \$73.41 monthly. Ms. Friedman will owe the monthly code compliance increase for 158 months, beginning December 1, 2009.

Pursuant to 29 RCNY § 2-01(k)(1), code compliance rent adjustments shall be retroactive to the first day of the month following the date of the issuance of the final certificate of occupancy for the building. Thus, the retroactive portion of the rent adjustment dates 22 months from February 1, 2008 to November 30, 2009. Pursuant to 29 RCNY § 2-01(k)(1), the total

amount of retroactive code compliance is determined by multiplying the amount of the prospective code compliance increase (\$73.41) by the number of months in the applicable retroactive period (22). Thus, the total retroactive portion of the code compliance increase is \$1,615.02. Mr. Friedman has the option of paying this amount in one lump sum or as an additional monthly payment calculated at a rate equal to 20 percent of the base rent in effect as of the date of the rent adjustment application until payment of the full retroactive amount is completed. The base rent at the time of the filing of the rent adjustment was \$858.60. Twenty percent of that amount is \$171.72. If Ms. Friedman elects to pay the retroactive rent adjustment in monthly installments, the payments will be \$171.72 for 9 months with a final payment of \$69.54 due on the 10<sup>th</sup> month.

### **ITEMS OF GENERAL APPLICABILITY**

Assuming the Loft Board accepts this recommendation at its October 15, 2009 meeting, and assuming the final order is mailed to the affected parties after October 22, 2009, this rent adjustment shall take effect on December 1, 2009.

The Owner must register the building as a multiple dwelling with the New York City Department of Housing Preservation and Development (HPD) and must register the second floor unit with the New York State Division of Housing and Community Renewal as rent stabilized units. *See*, 29 RCNY § 2-01(m); MDL § 283(3).

The Owner must offer the affected unit leases subject to the provisions of the Emergency Tenant Protection Act of 1974 and the Rent Stabilization Law and Code. *See*, MDL § 286(3) and 29 RCNY § 2-01(m). The monthly rent for each lease should be the initial legal regulated rent set forth above.

### **RECOMMENDATION**

Based on the foregoing, I recommend that the New York City Loft Board determine that the building at 60 Grand Street, New York, New York is in compliance with MDL § 284(1) and is no longer an IMD. Additionally, I recommend that the Owner be directed to register the aforementioned unit with the New York State Division of Housing and Community Renewal.

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Martha Cruz  
Director of Hearings

DATED: September 28, 2009



**AMENDED ORDER**

**NEW YORK CITY LOFT BOARD**

<p><i>In the Matter of the Applications of</i></p> <p><b>60 GRAND STREET, LLC. , and</b></p> <p><b>60 GRAND STREET CONDOMINIUM</b></p>	<p><b>Loft Board Order No. 3534</b></p> <p><b>Docket No.: LE-0551/RA-0008</b></p> <p><b>RE: 60 Grand Street</b> <b>New York, New York</b></p> <p><b>IMD No.: 10566</b></p>
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**ORDER**

The New York City Loft Board (“Loft Board”) accepts the Report and Recommendation of Director of Hearings Martha Cruz, dated September 28, 2009.

A final rent order is necessary for only one of the Interim Multiple Dwelling (“IMD”) units at 60 Grand Street, New York, New York (“Building”) because the others are now condominium units that are owner-occupied. Consequently, pursuant to MDL § 286(8), the third, fourth, fifth, sixth and seventh floor units are not subject to rent regulation.

The post-legalization rent adjustment for the second floor unit is set forth in the attached Report and Recommendation. The initial legal regulated rent for the second floor unit is \$914.41.

The tenant for the second floor unit is deemed to have elected RGB increases applicable to two-year leases. The initial rent term for the second floor unit is from November 1, 2008 through October 31, 2010.

The Owner is directed to register the second floor unit with the New York City Department of Housing Preservation and Development and New York State Division of Housing and Community Renewal<sup>4</sup>. Further, the Owner is directed to provide the residential occupant of the second floor unit with a residential lease subject to the provisions regarding evictions and regulations of rent set forth in the Emergency Tenant Protection Act of 1974, pursuant to the terms set forth in the Report and Recommendation.

Effective thirty-five days from the date of the mailing of this Order, this Building is no longer an interim multiple dwelling and is no longer under the jurisdiction of the Loft Board.

DATED: October 15, 2009

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<sup>4</sup> As a point of information, the Owner must register the building with New York City Department of Housing Preservation and Development, under Multiple Dwelling Law §325, before the building can be registered with the Division of Housing and Community Renewal.

Robert D. LiMandri  
Chairperson

DATE LOFT ORDER MAILED:

**Members concurring:** Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Lusskin, Mayer, Shelton, Spadafora (8)

**NEW YORK CITY LOFT BOARD**

<p><i>In the Matter of the Applications of</i></p> <p><b>60 GRAND STREET, LLC., and</b></p> <p><b>60 GRAND STREET CONDOMINIUM</b></p>	<p><b>REPORT AND RECOMMENDATION</b></p> <p><b>Docket No. LE-0551/RA-0008</b></p> <p><b>RE: 60 Grand Street New York, New York</b></p> <p><b>IMD No. 10566</b></p>
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**MARTHA CRUZ, DIRECTOR OF HEARINGS**

**BACKGROUND**

On January 31, 2008, a final certificate of occupancy was issued for 60 Grand Street, New York, New York (“Building”), under certificate number 100138888. Pursuant to Title 29 of the Rules of the City of New York (“RCNY”) § 2-01(i)(1), the owner of the Building, 60 Grand Street, LLC., (“Owner”), was then eligible to apply for rent adjustments based on the costs of code compliance and Rent Guidelines Board (“RGB”) increases.

On October 15, 2008 the Owner filed a Notice of RGB Increase Filing form (“RGB Notice”) seeking Rent Guidelines Board increases for the second floor unit.

On October 29, 2008, the Owner filed an application seeking rent adjustments based on the costs of code compliance with Article 7-C of the Multiple Dwelling Law (“MDL”) for the second floor unit in the building.

On May 18, 2009, the Owner submitted a completed Co-op/Condominium Exemption Form for the Building stating that five of the six interim multiple dwelling (“IMD”) units are owner-occupied.

On June 15, 2009, the Owner submitted an application for removal of the Building from the jurisdiction of New York City Loft Board (“Loft Board”).

## **ANALYSIS**

According to Loft Board records, the Building was originally registered on September 30, 1983 listing six units, one unit per floor on the second through seventh floors.

A final certificate of occupancy has been issued for the Building which lists these units as "Joint Living Work Quarters," thus the Owner is in compliance with MDL § 284(1). See, Application of Teliman Holding Corp., Loft Board Order No. 2052 (Jan. 9, 1997); Application of Halebid Corp., Loft Board Order No. 585 (Apr. 30, 1987).

The units of the third, fourth, fifth, sixth and seventh floors are not subject to rent regulation pursuant to MDL § 286(8), because cooperative or condominium units occupied by owners or tenant-shareholders are not subject to rent regulation under Article 7-C. See, Application of Teliman Holding Corp.; Application of Halebid Corp.

### **Second Floor Unit**

Pursuant to 29 RCNY § 2-01(i)(1)(i), the amount of each RGB increase shall be equal to the percentage increase applicable to one or two-year leases as established by the Rent Guidelines Board on the date the application is submitted and on each anniversary thereafter. In this case, the Owner filed the RGB Notice on October 15, 2008. The rent increase percentage applicable to one-year leases on October 15, 2008 was 3.5% and 6.5% for two-year leases. Additionally, pursuant to 29 RCNY § 2-01(i)(1)(i), the applicable rent increase becomes effective the first day of the first month following the day the owner files the RGB application.

Prior to November 1, 2008, the effective date of the RGB increase, the base rent for the second floor unit was \$858.60. On November 28, 2008, Carol Friedman, the occupant of the second floor unit, confirmed the rent amount listed for the base rent and elected to be governed by RGB increases applicable to two-year leases.

Effective on November 1, 2008, the Owner was entitled to RGB increases. The following is a calculation of the rent for the unit applying RGB increase percentages applicable to two-year leases:

<b>DATE OF INCREASE</b>	<b>% INCREASE FOR 2 YEAR LEASE</b>	<b>BASE RENT</b>	<b>INCREASE AMOUNT</b>	<b>NEW BASE RENT</b>
<b>11/1/2008-10/31/2010</b>	<b>6.5%</b>	<b>\$858.60</b>	<b>\$ 55.81</b>	<b>\$ 914.41</b>

Pursuant to 29 RCNY § 2-01(i)(1)(i), the base rent for the second floor unit as of November 1, 2008, is \$914.41. The period of this rent level is November 1, 2008 through October 31, 2010 and should be deemed the initial legal regulated rent.

During a conference on July 9, 2009, the Owner and Ms. Friedman agreed that the allowable code compliance costs for the second floor unit total \$13,213.80. The prospective code compliance increase for this unit is \$73.41 monthly. Ms. Friedman will owe the monthly code compliance increase for 158 months, beginning December 1, 2009.

Pursuant to 29 RCNY § 2-01(k)(1), code compliance rent adjustments shall be retroactive to the first day of the month following the date of the issuance of the final certificate of occupancy for the building. Thus, the retroactive portion of the rent adjustment dates 22 months

from February 1, 2008 to November 30, 2009. Pursuant to 29 RCNY § 2-01(k)(1), the total amount of retroactive code compliance is determined by multiplying the amount of the prospective code compliance increase (\$73.41) by the number of months in the applicable retroactive period (22). Thus, the total retroactive portion of the code compliance increase is \$1,615.02. Mr. Friedman has the option of paying this amount in one lump sum or as an additional monthly payment calculated at a rate equal to 20 percent of the base rent in effect as of the date of the rent adjustment application until payment of the full retroactive amount is completed. The base rent at the time of the filing of the rent adjustment was \$858.60. Twenty percent of that amount is \$171.72. If Ms. Friedman elects to pay the retroactive rent adjustment in monthly installments, the payments will be \$171.72 for 9 months with a final payment of \$69.54 due on the 10<sup>th</sup> month.

### **ITEMS OF GENERAL APPLICABILITY**

Assuming the Loft Board accepts this recommendation at its October 15, 2009 meeting, and assuming the final order is mailed to the affected parties after October 22, 2009, this rent adjustment shall take effect on December 1, 2009.

The Owner must register the building as a multiple dwelling with the New York City Department of Housing Preservation and Development (HPD) and must register the second floor unit with the New York State Division of Housing and Community Renewal as rent stabilized units. *See*, 29 RCNY § 2-01(m); MDL § 283(3).

The Owner must offer the affected unit leases subject to the provisions of the Emergency Tenant Protection Act of 1974 and the Rent Stabilization Law and Code. *See*, MDL § 286(3) and 29 RCNY § 2-01(m). The monthly rent for each lease should be the initial legal regulated rent set forth above.

### **RECOMMENDATION**

Based on the foregoing, I recommend that the New York City Loft Board determine that the building at 60 Grand Street, New York, New York is in compliance with MDL § 284(1) and is no longer an IMD. Additionally, I recommend that the Owner be directed to register the aforementioned unit with the New York State Division of Housing and Community Renewal.

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Martha Cruz  
Director of Hearings

DATED: September 28, 2009

Case #3.	325 Bowery Development	325 Bowery	LE-0567	MC/MC
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**Proposed Order**

**NEW YORK CITY LOFT BOARD**

<p><i>In the Matter of the Application of</i></p> <p><b>325 BOWERY DEVELOPMENT</b></p>	<p><b>Loft Board Order No.</b></p> <p><b>Docket No. LE-0567</b></p> <p><b>RE: 325 Bowery New York, New York</b></p> <p><b>IMD No. 10145</b></p>
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**ORDER**

The New York City Loft Board (“Loft Board”) accepts the Report and Recommendation of Deputy General Counsel Martha Cruz, dated October 1, 2009.

A final rent adjustment is not necessary for the building located at 325 Bowery, New York, New York (“Building”) because the owner of the Building, 325 Bowery Development, LLC. (“Owner”) purchased the rights to one of the four interim multiple dwelling (“IMD”) units in the Building and filed a Declaration of Intent form stating that it intends to use that IMD unit for non-residential purposes. The Loft Board staff inspected the unit on November 29, 1993, and found the unit to be occupied by a commercial occupant, Mead & Mikell. The Loft Board declared the other three IMD units abandoned in Matter of the Application of 325 Bowery Associates, Loft Board Order No. 1539 and Loft Board Order No.1540 (February 23, 1994).

Consequently, pursuant to Multiple Dwelling Law (“MDL”) §286(12) and to Title 29 of the Rules of the City of New York §2-10(f)(7), none of the IMD units are subject to rent regulation. Pursuant to Title 29 of the Rules of the City of New York §2-10(c)(1)(i), the Owner is no longer subject to the legalization requirements of Article 7-C of the MDL for the second floor unit.

Effective thirty-five days from the date of this Order, this Building is no longer an IMD and is no longer under the jurisdiction of the Loft Board.

DATED: October 15, 2009

Robert D. LiMandri  
Chairperson

DATE LOFT BOARD ORDER MAILED:

## NEW YORK CITY LOFT BOARD

*In the Matter of the Application of*

**325 BOWERY DEVELOPMENT**

### **REPORT AND RECOMMENDATION**

**Docket No. LE-0567**

**RE: 325 Bowery  
New York, New York**

**IMD No. 10145**

## **MARTHA CRUZ, DEPUTY GENERAL COUNSEL**

### **BACKGROUND**

On September 3, 1999, the New York City Department of Buildings issued a final certificate of occupancy for 325 Bowery, New York, New York (“Building”), under certificate number 117754. Pursuant to Title 29 of the Rules of the City of New York (“RCNY”) § 2-01(i)(1), the owner of the Building, 325 Bowery Development (“Owner”), was then eligible to apply for rent adjustments based on the costs of code compliance and Rent Guidelines Board (“RGB”) increases. The Owner filed neither application.

On September 23, 2009, the Owner initiated the instant application seeking removal of the Building from the jurisdiction of the New York City Loft Board (“Loft Board”).

### **ANALYSIS**

On February 1, 1983, Misha Saradoff, the then-owner filed an application with the Loft Board contesting Article 7-C coverage of the Building. In the *Matter of Saradoff*, Loft Board Order No. 109 (August 1, 1984), the Loft Board denied the application contesting coverage and determined that the Building was an IMD with four units: one unit on the third floor, two units on the fourth floor and one unit on the fifth floor.

Loft Board records show that a sale of rights pursuant to Multiple Dwelling Law (“MDL”) §286(12) was executed on June 1, 2000 for unit 4A on the fourth floor, between the former owner, Browbow Realty, and former occupant, Catherine Underhill.

Loft Board records further show that unit 2 on the second floor, unit 3 on the third floor and unit 4B on the fourth floor were all the subjects of abandonment proceedings. On February 23, 1994, the Loft Board issued findings of abandonment for unit 2 and unit 4B in *Matter of the Application of 325 Bowery Associates*, Loft Board Order No. 1539 (February 23, 1994) and unit 3 in *Matter of the Application of 325 Bowery Associates*, Loft Board Order No. 1540 (February 23, 1994).

On September 2, 1993, a Declaration of Intent form was filed for unit 2 on the second floor. The Loft Board staff inspected the unit on November 29, 1993, and found the unit to be occupied by a commercial occupant, Mead & Mikell.

Consequently, pursuant to MDL §286(12) and to Title 29 of the Rules of the City of New York (“29 RCNY”) §2-10(f)(7), the four IMD units in the Building, are not subject to rent regulation. Pursuant to 29 RCNY §2-10(c)(1)(i), the Owner is no longer subject to the legalization requirements of Article 7-C of the MDL for the second floor unit.

**RECOMMENDATION**

Based on the foregoing, I recommend that the Loft Board determine that the building located at 325 Bowery in New York, New York is in compliance with MDL § 284(1) for all units except for the second floor unit and is no longer an interim multiple dwelling. Pursuant to 29 RCNY §2-10(c)(1)(i), the Owner is no longer subject to the legalization requirements of Article 7-C of the MDL for the second floor unit and pursuant to MDL § 286(12) and 29 RCNY §2-10(f)(7), none of the registered IMD are subject to rent regulation.

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Martha Cruz  
Deputy General Counsel

DATED: October 1, 2009

**AMENDED ORDER**

**NEW YORK CITY LOFT BOARD**

<p><i>In the Matter of the Application of</i></p> <p><b>325 BOWERY DEVELOPMENT</b></p>	<p><b>Loft Board Order No. 3535</b></p> <p><b>Docket No. LE-0567</b></p> <p><b>RE: 325 Bowery</b> <b>New York, New York</b></p> <p><b>IMD No. 10145</b></p>
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**ORDER**

The New York City Loft Board (“Loft Board”) accepts the Report and Recommendation of Deputy General Counsel Martha Cruz, dated October 1, 2009.

A final rent adjustment is not necessary for the building located at 325 Bowery, New York, New York (“Building”) because the owner of the Building, 325 Bowery Development, LLC. (“Owner”) purchased the rights to one of the four interim multiple dwelling (“IMD”) units in the Building and filed a Declaration of Intent form stating that it intends to use that IMD unit for non-residential purposes. The Loft Board staff inspected the unit on November 29, 1993, and found the unit to be occupied by a commercial occupant, Mead & Mikell. The Loft Board declared the other three IMD units abandoned in *Matter of the Application of 325 Bowery Associates*, Loft Board Order No. 1539 and Loft Board Order No.1540 (February 23, 1994).

Consequently, pursuant to Multiple Dwelling Law (“MDL”) §286(12) and to Title 29 of the Rules of the City of New York §2-10(f)(7), none of the IMD units are subject to rent regulation. Pursuant to Title 29 of the Rules of the City of New York §2-10(c)(1)(i), the Owner is no longer subject to the legalization requirements of Article 7-C of the MDL for the second floor unit.

Effective thirty-five days from the date of the mailing of this Order, this Building is no longer an IMD and is no longer under the jurisdiction of the Loft Board.

DATED: October 15, 2009

Robert D. LiMandri  
Chairperson

DATE LOFT BOARD ORDER MAILED:

Members concurring: Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Lusskin, Mayer, Shelton, Spadafora (8)



## NEW YORK CITY LOFT BOARD

<p><i>In the Matter of the Application of</i></p> <p><b>325 BOWERY DEVELOPMENT</b></p>	<p><b>REPORT AND RECOMMENDATION</b></p> <p><b>Docket No. LE-0567</b></p> <p><b>RE: 325 Bowery New York, New York</b></p> <p><b>IMD No. 10145</b></p>
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**MARTHA CRUZ, DEPUTY GENERAL COUNSEL**

### **BACKGROUND**

On September 3, 1999, the New York City Department of Buildings issued a final certificate of occupancy for 325 Bowery, New York, New York (“Building”), under certificate number 117754. Pursuant to Title 29 of the Rules of the City of New York (“RCNY”) § 2-01(i)(1), the owner of the Building, 325 Bowery Development (“Owner”), was then eligible to apply for rent adjustments based on the costs of code compliance and Rent Guidelines Board (“RGB”) increases. The Owner filed neither application.

On September 23, 2009, the Owner initiated the instant application seeking removal of the Building from the jurisdiction of the New York City Loft Board (“Loft Board”).

### **ANALYSIS**

On February 1, 1983, Misha Saradoff, the then-owner filed an application with the Loft Board contesting Article 7-C coverage of the Building. In the *Matter of Saradoff*, Loft Board Order No. 109 (August 1, 1984), the Loft Board denied the application contesting coverage and determined that the Building was an IMD with four units: one unit on the second floor, one unit on the third floor and two units on the fourth floor.

Loft Board records show that a sale of rights pursuant to Multiple Dwelling Law (“MDL”) §286(12) was executed on June 1, 2000 for unit 4A on the fourth floor, between the former owner, Browbow Realty, and former occupant, Catherine Underhill.

Loft Board records further show that unit 2 on the second floor, unit 3 on the third floor and unit 4B on the fourth floor were all the subjects of proceedings before the Loft Board. On February 23, 1994, the Loft Board issued findings of abandonment for unit 2 and unit 4B in *Matter of the Application of 325 Bowery Associates*, Loft Board Order No. 1539. On February 23, 1994, the Loft Board also found that sales pursuant to §§ 286(6) and 286(12) of the Multiple Dwelling Law (“MDL”) occurred for unit 3. *See, Matter of the Application of 325 Bowery Associates*, Loft Board Order No. 1540 (February 23, 1994).

On September 2, 1993, a Declaration of Intent form was filed for unit 2 on the second floor. The Loft Board staff inspected the unit on November 29, 1993, and found the unit to be occupied by a commercial occupant, Mead & Mikell.

Consequently, pursuant to MDL §286(12) and to Title 29 of the Rules of the City of New York (“29 RCNY”) §2-10(f)(7), the four IMD units in the Building, are not subject to rent regulation. Pursuant to 29 RCNY §2-10(c)(1)(i), the Owner is no longer subject to the legalization requirements of Article 7-C of the MDL for the second floor unit.

**RECOMMENDATION**

Based on the foregoing, I recommend that the Loft Board determine that the building located at 325 Bowery in New York, New York is in compliance with MDL § 284(1) for all units except for the second floor unit and is no longer an interim multiple dwelling. Pursuant to 29 RCNY §2-10(c)(1)(i), the Owner is no longer subject to the legalization requirements of Article 7-C of the MDL for the second floor unit and pursuant to MDL § 286(12) and 29 RCNY §2-10(f)(7), none of the registered IMD are subject to rent regulation.

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Martha Cruz  
Deputy General Counsel

DATED: October 1, 2009

Case #4.	Collegiate Asset Management Corp.	11 West 29 <sup>th</sup> Street	LE-0568	MC/MC
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**Motion:** Mr. DeLaney moved to approve the proposed order. Mr. Barowitz seconded the motion.

**Members concurring:** Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Lusskin, Mayer, Shelton, Spadafora (8)

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**Chairperson LiMandri** concluded the October 15, 2009 Loft Board public meeting and thanked everyone for attending. He announced that the next public meeting will be held at Spector Hall, 22 Reade Street, on Thursday, November 19, 2009 at 2:00 p.m.

The meeting ended at 3:15 p.m.