



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

Item#: 16

8 Executive Committee

9

10 January XX, 2015

11

12 Martin Rebholz

13 Manhattan Borough Commissioner

14 NYC Dept. of Buildings

15 280 Broadway

16 New York, New York 10007

17

18 **Re: Non-Zoning Compliant Demolition**  
19 **319-321 West 38<sup>th</sup> Street (Block 762, Lot 23)**  
20 **DOB Applications No. 122412629, 122412264 and 121192271**

21

22 Dear Borough Commissioner Rebholz:

23

24 At Manhattan Community Board 4 (MCB4) Executive Committee meeting on December 28,  
25 2015, members discussed the demolition of buildings located in 319-321 West 38<sup>th</sup> Street. The  
26 buildings are located in the Garment Center Special District (SGCD), Subarea P-2 (between  
27 West 40<sup>th</sup> and West 35<sup>th</sup>, 8<sup>th</sup> to 9<sup>th</sup> Avenues) and as such they are subject to Section 121-50 of the  
28 Zoning Resolution<sup>1</sup>. DOB applications No. 122412629, 122412264 were approved contrary to  
29 the requirements of Section 121-50 (and by reference 93-91) of the Zoning Resolution. At its  
30 January 6, 2016 meeting, by a vote of XX for, XX against, XX abstaining, and XX present but  
31 not eligible to vote, MCB4 voted to request that the plan approval be rescinded and that an audit  
32 of DOB applications No. 122412629, 122412264 and 121192271 be immediately initiated.  
33 MCB4 further requests to meet with DOB to clarify the system through which the agency tracks  
34 protected residential buildings that are subject to Section 121-50 in the Special Garment Center  
35 District, Section 93-90 in the Special Hudson Yards District, and Section 98-70 in the Special  
36 West Chelsea District.

37

38 **Background**

39 319-321 West 38<sup>th</sup> Street consists of two four-story and one three-story residential building of  
40 9,575 square feet with 16 dwelling units. The buildings are all renovated Old Law Tenements<sup>2</sup>  
41 located midblock between Eighth and Ninth Avenues. They were renovated by students of the  
42 Berk Trade School in 1982, with a new Certificate of Occupancy on September 28, 1983, and  
43 have been a condominium since 1983. All three buildings are in good condition and have been

<sup>1</sup> See Appendix B – Section 121-50

<sup>2</sup> See Appendix C- I Cards of 319-321 West 38<sup>th</sup> Street

44 continuously occupied since that time until the last few months. They are located in the Special  
45 Garment Center District (SGCD), within the P-2 Preservation Area.

46  
47 Under provisions of that Special Zoning District, the buildings are subject to demolition  
48 restrictions, per Section 121-50 of the City's Zoning Resolution<sup>3</sup>. These restrictions were agreed  
49 to as part of the Hudson Yards Rezoning in 2005, were resolved as part of the Western Rail  
50 Yards negotiations in 2009, certified for ULURP in 2010, and adopted on October 27, 2010.

51  
52 As per those regulations, buildings exempt from this requirement must be:

- 53  
54
- under an active government-funded program **or**
  - 55 • a hotel **or**
  - 56 • a school dormitory **or**
  - 57 • a clubhouse

58 319-321 West 38<sup>th</sup> Street, being in none of the above categories is not an exempt building.

59  
60 Buildings can also be demolished if they:

- 61
- 62 • have received a Certificate of No Harassment, **or**
  - 63 • have been deemed unsafe **or**
  - 64 • cannot access any programs to assist with the rehabilitation of the building

65 The owners did not obtain a Certificate of No Harassment. Nor were the buildings deemed  
66 structurally unsound. Additionally, there are multiple HPD Programs available in the event that  
67 rehabilitation is needed, such as the Multifamily Preservation Loan Program, the HUD  
68 Multifamily Program, the Participation Loan Program, and 8A.

69  
70 **Demolition and Planned Work**

71 On the afternoon of December 18, 2015, an MCB4 Board member observed construction  
72 workers erecting scaffolding around both buildings, in preparation for a demolition. Further,  
73 under Application No. 122412264, the demolition of 321 West 38<sup>th</sup> Street was approved on May  
74 22, 2015, while a permit for the full demolition of 319 West 38<sup>th</sup> Street (No. 122412629) was  
75 subsequently approved on May 26, 2015.

76  
77 Further research indicated that an HPD3 form had been submitted to DOB on May 20, 2015 as  
78 part of the filing for the demolition of 319 West 38<sup>th</sup> Street. The form stated that the units in the  
79 building were single room occupancy (SRO) units and that the **proposed demolition** would<sup>4</sup>:

- 80
- 81 • Neither increase nor decrease the number of dwelling units
  - 82 • Neither increase nor decrease the number of kitchens or bathrooms
  - 83 • Not alter the layout, configuration, or location of any portion of a dwelling unit
  - 84 • Not alter the layout, configuration, or location of any portion of a kitchen or bathroom

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<sup>3</sup> See Appendix D – Section 93-91; Emphasis added.

<sup>4</sup> See Appendix E – HPD3 Form

- 85 • Neither demolish any dwelling unit nor demolish any portion of the building serving  
86 dwelling units  
87 • Neither change the use or occupancy of any dwelling units nor change the use or  
88 occupancy of any portion of the building serving dwelling units

89 The buildings in 319-321 West 38<sup>th</sup> Street have never been SRO buildings, and as such the  
90 HPD3 Form is not applicable. Moreover, HPD2, an Anti- Harassment HPD form specific to the  
91 Clinton Special District that does apply to the buildings, was not submitted by the applicant.  
92

93 An additional permit, which was filed on December 12, 2014, called for the construction of a 22  
94 story hotel on the site.  
95

96 **MCB4 Intervention and Results**

97 Immediately upon learning of the planned work at 319-321 West 38<sup>th</sup> Street, MCB4 notified  
98 local elected officials, including State Senator Brad Hoylman, State Assembly member Richard  
99 Gottfried, Manhattan Borough President Gale Brewer, and Councilmember Corey Johnson. The  
100 message was sent on the evening of Friday, December 18<sup>th</sup>. By the following Monday morning,  
101 Senator Hoylman’s office, working with Assembly member Gottfried’s office, had successfully  
102 collaborated to bring the matter to DOB’s attention. DOB subsequently took action and placed a  
103 Stop Work Order on the Building. A notice for the revocation of the demolition permits had also  
104 been issued.  
105

106 **Conclusion**

107 MCB4 has worked to preserve the character and housing in Community District 4 by using the  
108 City’s Zoning Resolution as a tool. However, 319-321 West 38<sup>th</sup> Street has demonstrated that  
109 without proper systems to ensure that job applications adhere to the Zoning Resolution, these  
110 efforts are negated. The Board has serious questions about how a demolition permit that claims  
111 to have no effect on the number of units in a building, receives approval from DOB. In addition  
112 to requesting swift action with regard to the proposed work at 319-321 West 38<sup>th</sup> Street, MCB4  
113 also requests that its process for approving job applications be clarified as it pertains to buildings  
114 that are meant to be protected from demolition under Sections 121-50, 93-90, and 98-70 of the  
115 Zoning Resolution.  
116

117 Sincerely,  
118  
119

120 Delores Rubin  
121 MCB4 Chair  
122

124 Jean Daniel Noland	Barbara Davis, Co-Chair	Joe Restuccia, Co-Chair
125 Clinton\Hell’s Kitchen	Housing, Health &	Housing, Health &
126 Land Use Committee	Human Services Committee	Human Services Committee

127

128 Cc: Senator B. Hoylman  
129 Assembly Member R. Gottfried  
130 Borough President G. Brewer  
131 Councilmember C. Johnson

**APPENDIX A – Photos of 319-321 West 38<sup>th</sup> Street**

**Condition of Buildings**



**Buildings with Scaffolding**



**APPENDIX B – Section 121-50**

**121-50**

**SUPPLEMENTAL REGULATIONS IN PRESERVATION AREA P-2**

In Preservation Area P-2, the provisions of Section 93-90 (HARASSMENT) and Section 93-91 (Demolition), inclusive, shall apply.



STREET St. 38<sup>th</sup> #4/6ard. NO. 319 WARD DIST. 205 DATE 3/30/17 I 7358

SKYLIGHT 77 <sup>X</sup> Over Stairwell IN ROOF; Area glazed surf.-Size of Opening-Ridg. Vent.-Louvres; Obstructed Dome light under ADEQUATE WINDOWS IN HALL; NUMBER SIZE  
 IN BULKHEAD; Area glazed surf.-Windows; Number Size How open Other ventilation ADEQUATE How hung Location VENT. ADEQUATE

SCUTTLE-BULKHEAD 32 <sup>X</sup> SCUTTLE; Size opening Outside; Metal cov.-Wood-Iron-Glazed Lock Needs hinging BULKHEAD; Door top of stairs-Lock Door foot of stairs-Lock  
 LADDER-STAIRS; Stationary-Wood-Iron-Handrail Short Accessible ADEQUATE

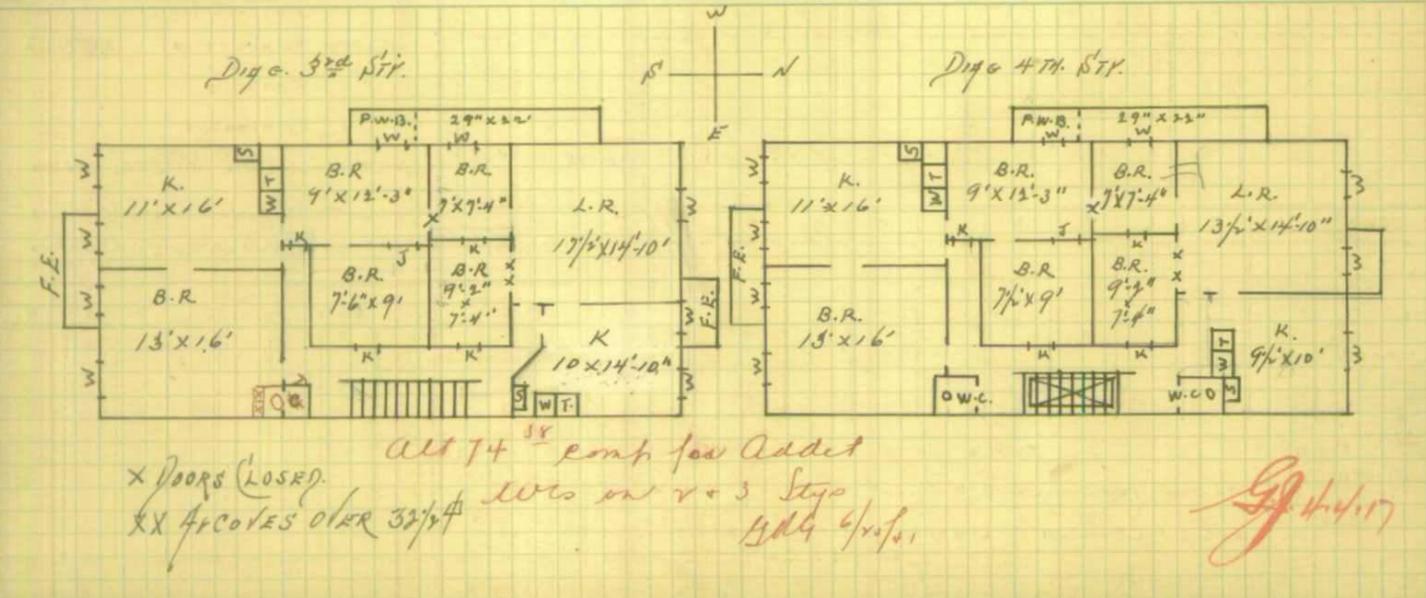
SHAFTS	Length	Width	Area	Material of Walls	Starts at	Covered	Vent. Skylight	Suff. access at base 105	By Door	By Window				FIRE ESCAPES
										Size Opening	Sill above floor of Room	Shaft	How Hung	
A														16 One each apt. LOCATION; Front-Rear-Shaft
B														Party wall balcony; Wall pierced where ADEQUATE
C														Where lacking
D														Egress from Yard

CELLAR FLOOR IS Ceiling is Hall Lighting  
 YARD FIXTURES 99 School sink-Latrine-Privy vault-Water closets; Number Compart. (Sewer in street)  
 CLOSET ACCOM. 99 No. in Yard-Cellar-Apts.-Stores-Total Used by Families; in Bldg.-Other Bldgs.-Stores-Total  
 REMARKS Ratio; 1 W. C. to families

WINDOWS	J	K	L	M	N	O	P	Q	R	S	T	FLOORS; Wood-Iron STAIRS; Wood-Iron-Open tread-Solid tread							
												LADDERS; Vert.-Inclined-Double rung-Hand rail-Missing what floors-Drop ladder needed							
Width												FIXTURES							
Height												Cellar	Base	1	2	3	4	5	6
Dist. below cell.												SINKS IN HALLS							
How hung												Wood encased 98							
CELLAR												WATER CLOSETS							
Floor is												In Halls (Pan.)							
Ceiling is												In Apts. (Pan.)							
Hall Lighting												Wood Risers 97							

B'LD'G STORIES FT. FRONT FT. DEEP AP'TS PER FLOOR. TOTAL AP'TS.  
 OWNER ADDRESS  
 AGENT Man. All statements on this card are correct. St. G. Long  
 BOROUGH OF Man. INSPECTOR 205 DIST.

PAINT-OIL-LIQ.-DRUGS 41 No. Doors to Halls; Fireproof No. Windows to Halls-Transoms; Wire glass-closed  
 BAKERY 40 Fireproof Ceiling-Walls Openings to Bldg.; Doors-Windows-Transoms-Shafts-Stairways.  
 INTERIOR ROOMS 73 No. per floor; Base - 1 - 2 - 3 - 4 - 5 - 6 Windows above adjoining building possible at what floors Windows into shafts and yards on lot line possible at what floors.



STREET West 38 NO. 319 WARD ..... DIST ..... DATE 9/20/29 I

SKYLIGHT 77 Over Stairwell IN ROOF; Area glazed surf.-Size of Opening-Ridg. Vent.-Louvres; Obstructed Dome light under ADEQUATE  
 IN BULKHEAD; Area glazed surf.-Windows; Number Size How open Other ventilation ADEQUATE  
 SCUTTLE-BULKHEAD 32 SCUTTLE; Size opening Outside; Metal cov.-Wood-Iron-Glazed Lock Needs hinging BULKHEAD; Door top of stairs-Lock Door foot of stairs-Lock  
 LADDER-STAIRS; Stationary-Wood-Iron-Handrail Short Accessible ADEQUATE

SHAFTS	Length	Width	Area	Material of Walls	Starts at	Covered	Vent. Skylight	Suff. access at base 105	By Door	By Window				
										Size Opening	Sill above floor of Room	Shaft	How Hung	Ladder Needed
A														
B														
C														
D														

FIRE ESCAPES 16 One each apt. LOCATION; Front-Rear-Shaft  
 Party wall balcony; Wall pierced where ADEQUATE  
 Where lacking  
 Egress from yard  
 BALCONIES; Wood-Iron-None RAILINGS; Wood-Iron

WINDOWS	J	K	L	M	N	O	P	Q	R	S	T
Width											
Height											
Dist. below ceil.											
How Hung											

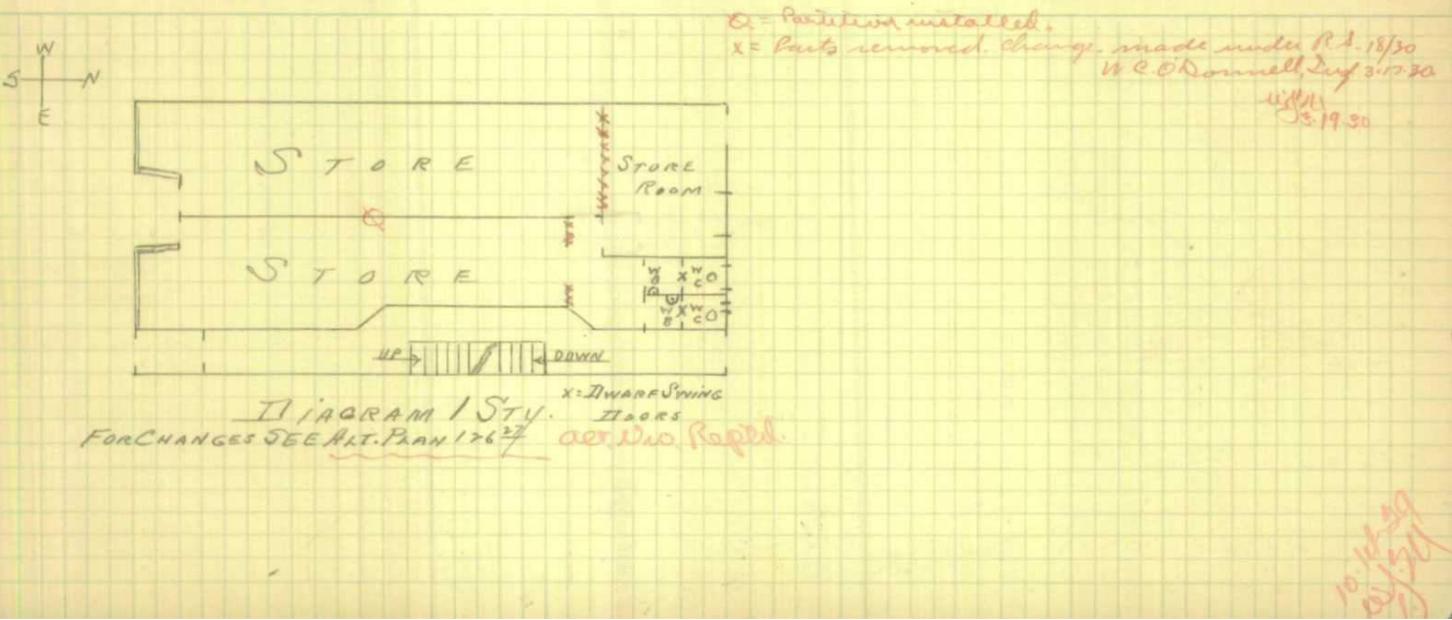
FLOORS; Wood-Iron STAIRS; Wood-Iron-Open tread-Solid tread  
 LADDERS; Vert.-Inclined-Double rung-Hand rail-Missing what floors-Drop ladder needed

CELLAR Floor is Ceiling is Hall Lighting  
 YARD FIXTURES 99 School sink-Latrine-Privy vault-Water closets; Number Compart. (Sewer in street)  
 CLOSET ACCOM. 99 No. in Yard Cellar Apts.-Stores Total Used by Families; In Bldg.-Other Bldgs.-Stores-Total  
 REMARKS Ten. House Dept. Form 1010 30-1049-26-B

FIXTURES	Number per floor							
	Cellar	Base	1	2	3	4	5	6
SINKS IN HALLS								
Wood encased 98								
WATER CLOSETS In Halls (Pan.) In Apts. (Pan.)								
Wood Risers 97								

B'LD'G ..... STORIES ..... FT. FRONT ..... FT. DEEP ..... AP'TS PER FLOOR ..... TOTAL AP'TS .....  
 OWNER ..... ADDRESS .....  
 AGENT ..... All statements on this card are correct .....  
 BOROUGH OF Man. INSPECTOR J. J. Farrell DIST. ....

PAINT-OIL-LIQ.-DRUGS 41 No. Doors to Halls; Fireproof No. Windows to Halls-Transoms; Wire glass-closed 40 Fireproof Ceiling-Walls Openings to Bldg; Doors-Windows-Transoms-Shafts-Stairways.  
 INTERIOR ROOMS 73 No. per floor; Base-1-2-3-4-5-6 Windows above adjoining building possible at what floors Windows into shafts and yards on lot line possible at what floors.



STREET W. 38 NO. 319 WARD 20 DIST. 205 DATE 8/6/02 15484

SKYLIGHT 7 ADEQUATE not Over Stairwell not IN ROOF; Glazed surface-Ridge ventilators-Louvres none FIRE ESCAPES not 20-30 One each Apt. LOCATION; Front-Rear-Shaft not  
 IN BULKHEAD; Glazed surface-Windows-Number 12/24/44 none Size How open ADEQUATE Where lacking none part  
 SCUTTLE 32 ADEQUATE Size opening Outside metal covered-Wood-Iron BALCONIES; Wood-Iron Party wall balcony FLOORS; Wood-Iron ✓✓✓ 7 or  
 STATIONARY LADDER-STAIRS; Wood-Iron-Handrail 32 BULKHEAD LADDERS; Vertical-Inclined ✓ R STAIRS; Solid tread-Open tread Drop ladders not

SHAFTS 106 Sufficient access at base By Door By Window Size Sill above Floor of Room Shaft  
 1 in north bldg. bldg. 37 sq. ft. open at top  
 water closets are in base of rear house  
 2 for tenants 1 for saloon  
 School sink-Latrine-Privy vault-Water closets; Number (Sewer in street)  
W.C.s used by 6 families + 1 for front house + 1 family

PAINT ON LIQ. BRICKS not No WINDOWS to Halls-TRANSOMS; Wire glass-Closed No DOORS to Halls; Fireproof not  
 BAKERY 41 Openings Fireproof ceilings-Walls ✓ 100%  
 CELLAR; FLOOR not Watertight-Earth-Wood-Brick-Cobble-Flagging-Cement-Asphalt  
 CEILING Plastered-Joint-Sheathed-Fireproof-Metal Lath-Plaster board

YARD FIXTURES 100

WATER CLOSETS	Number per Floor					
	Cellar	Base	1	2	3	4
In Halls	3/30/17	new 2"	board made			
In Apts.						

WOOD RISERS 98 SINKS IN HALLS 99 Wood encased

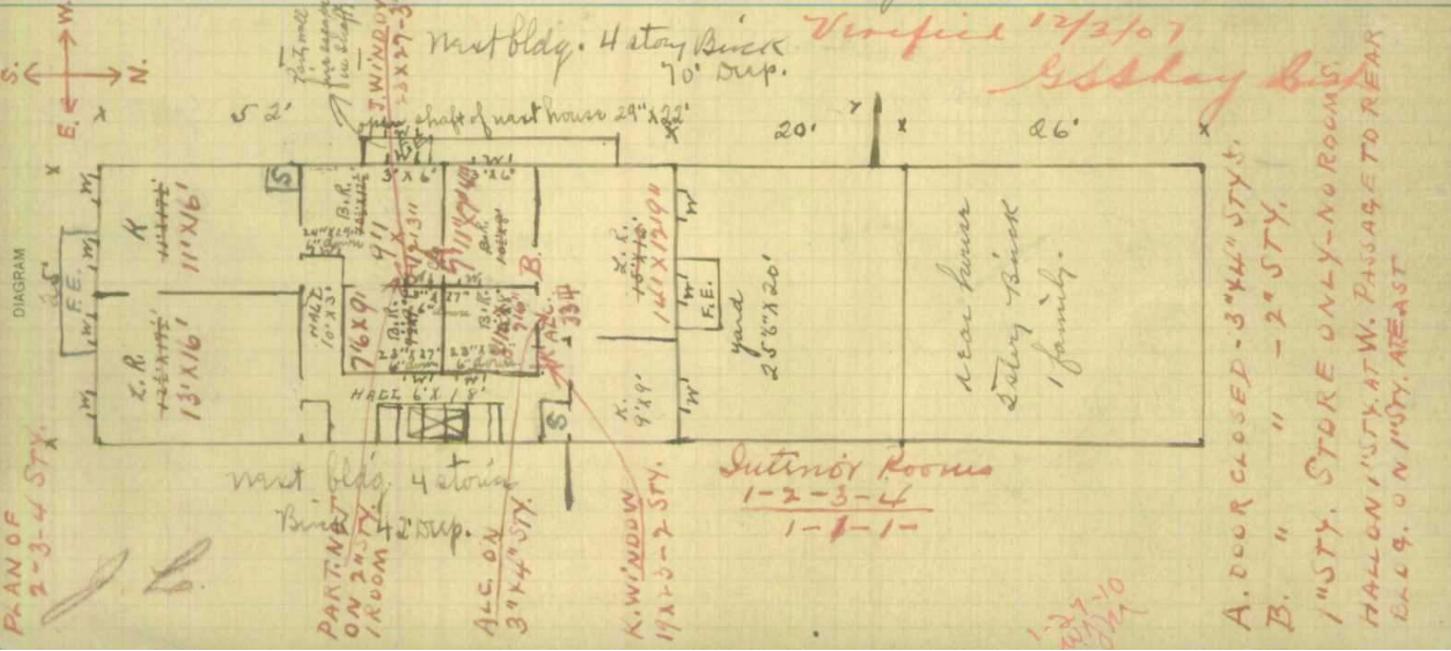
Ratio 1 W. C. to 3 1/2 families

HALL LIGHTING 80

Base	1	2	3	4	5	6
INSUFFICIENT						
Windows at end to outer air						
" to shaft						
" to rooms						
" (5 sq. ft.) to outside rooms						
Glass (4 sq. ft.) in door panels						

27030

BLD'G Brick STORIES 4 FT. FRONT 25 1/2 FT. DEEP 52 APT'S PER FLOOR 2 TOTAL APT'S 8  
 OWNER John S. Haasinger ADDRESS 321 West 38 St.  
 AGENT Maximilian F. Schmittberger  
 All statements on this card are correct. 1/24/10 T. rigid - No. 12 family Insp.  
 BOROUGH OF MANHATTAN Charles B. McCready INSPECTOR 205 DIST.





STREET  
AVENUE

W. 38

No.

319

Boro.

MANHATTAN

Card No.

17

USE District

Record of Business Use—Location

Date

Origin

Reg # 112260

space kitchen installed PR 5 25 28 completed 4-12-68

RECORD OF FIRE RETARDING AND FIREPROOFING

Location

Origin of Report

Date

Public Hallway (Amen 10)

FR end

3/21/38 of

ALTERATION PLANS

B'ld'gs	Plan No.	Date Filed	Approved	Completed
RS	57	1-17-10		
1	99	1-21-10	2-7-10	4-19-10
RS	127	3-12-17	3-15-17	3-19-17
1	226	3-23-17	4-13-17	6-30-17
act	126	2-17-27	3-7-27	9-25-29
RS	18	1-17-30	2-1-30	3-17-30
act	44		1-27-38	

LEGAL OCCUPANCY

Date	No. Ap'ts	Height	Cellar	Basement

CELLAR OR BASEMENT PERMIT

Number	Date	Number	Date

CLASSIFICATION

HERETOFORE ERECTED - O. L.

ORIGIN OF CLASSIFICATION

TENEMENT HOUSE DEPT. New Building Plan

B'ld'gs	Plan No.	Date filed	Date Approved

Application No.	Certificate No.	Date issued

HEREAFTER CONVERTED DWELLINGS

Plan No.	Date filed	Date approved

Application No.	Certificate No.	Date issued

BUREAU OF BUILDINGS RECORD

Plan No.	Certificate of Occ. No.	Date issued

To be occupied by:

Form 500

39-1010-31-B

ALTERATION PLANS

Buildings	Plan No.	Date Filed	Approved	Completed

ACCEPTANCES



O.L.T. FIRE RETARDING CARD

AVENUE STREET *W 38 St.* No. *319* *ENTERED* UNIT *3* DATE *3/21/38* BORO *Man*

PUBLIC HALLS MATERIAL OF		VESTIBULE	ENTRANCE HALL	PUBLIC HALLS	WINDOWS-SASHES OPENING TO APTS.
WAINSCOTING	<i>Removed</i>	<i>Removed</i>	<i>Removed</i>	<i>Removed</i>	<i>none</i>
WALLS	<i>Brick filled but studs</i>	<i>metal lath &amp; cement mortar</i>	<i>metal lath &amp; cement mortar</i>	<i>metal lath &amp; cement mortar</i>	
CEILING	<i>metal lath &amp; cement mortar</i>				
STAIR HALLS MATERIAL OF					
WAINSCOTING	<i>Removed</i>	WELL FACIA <i>3/16" asbestos</i>		HANDRAILS <i>hard wood</i>	
WALLS	<i>metal lath</i>	STRINGERS <i>1" gauge fire proofed</i>	SIZE <i>12"</i>	BALUSTRADES <i>iron</i>	
CEILING	<i>cement mortar</i>	SOFFITS <i>metal lath &amp; cement mortar</i>		NEWEL POSTS <i>iron</i>	
DOORS	SELF CLOSING <input checked="" type="checkbox"/>	GLASS PANELS <input checked="" type="checkbox"/>	WIRE GLASS <input checked="" type="checkbox"/>	TRANSOMS <input checked="" type="checkbox"/>	WIRE GLASS <input checked="" type="checkbox"/>
FLOORS	MATERIAL <i>wood</i>		COVERING <i>none</i>		
PARTITIONS	FIRE STOPPED <input checked="" type="checkbox"/>		METHOD <i>3" gyp blocks</i>		
PUBLIC EXTENSION HALLS	<i>none</i>	DOORS AND ASSEMBLIES	<i>-</i>		
OFFSET (PUBLIC HALLS AND STAIRS)	<i>none</i>	WALLS		CEILING	
BULKHEAD <input checked="" type="checkbox"/>	WALLS <i>mt on</i>	CEILING <i>mt on</i>	DOOR F. P. <i>not</i>	DOOR FIRE RET. <i>not</i>	SELF CLOSING <input checked="" type="checkbox"/>
WORK DONE UNDER DEPT. OF BUILDINGS PERMIT	NO. <i>not</i>			COMPLETED	

*NO DEFECTS*  
*OK 3/21/38*

Form No. 1020—TENEMENT HOUSE DEPT.

Inspector *Frank DeChayas* (OVER)

DATE	PUBLIC HALLS AND STAIRS FIRE RETARDING—PROGRESS	INSPECTOR
<i>3/1/38</i>	<i>Imp - found - plaster removed all surfaces &amp; space has been over lath partitions fire stopped 3" gyp blocks.</i>	<i>DeChayas</i>
<i>3/3/38</i>	<i>1st coat of mortar being applied</i>	<i>DeChayas</i>
<i>3/21/38</i>	<i>2nd coat of mortar applied - work completed all work done conforms to Sec 238 NYC Law &amp; rule &amp; req of this Dept</i>	<i>Frank DeChayas Imp</i>

REMARKS

1. MATERIAL	B'k. ✓	Fa.	H'ght. 49c	Apts. 6	SC 0	1 2 3 4 5 6	TOTAL 6	Stores 2	
2. CELLAR USED FOR LIVING?	hot	Viol. of Sec. 216?		STANDPIPE SYSTEM EXISTING?	hot				
3. MATERIAL CELLAR CEILING?	Plaster B'ds	Viol. of Sec. 240, Sub. 2?	hot	In need of repair?	✓				
4. INSIDE CELLAR STAIRS?	✓	Enclosed F. Ret. partitions?	✓	F.P. Door?	✓	Self-closing?	✓		
5. PAVEMENT DEFECTIVE?	hot	Cellar hot	Yard hot	Courts hot	CENT. HEAT. PLANT PRESENT?	hot	Any unsafe condition?	hot	
6. RUBBISH OR INFLAMMABLE MATERIAL?	✓	Cellar ✓	Yard hot	Courts hot					
7. DUMBWAITER SHAFT IN CELLAR?	hot	Enclosed F. Ret. partitions?	none	F.P. Door?	none	Self-closing?	none		
8. ANY DANGEROUS OR UNPROTECTED OPENINGS between cellar and floor above?	hot								
9. SECOND MEANS OF EGRESS provided for each apt.?	✓						ADEQUATE?	✓	
10. F.E.s Bal. stairs?	FR	D.L. stairs?	R.W. E.o.'s?	V.L. Gable?	P.W. Bal.?	Ref.?	Rusty?	Obs. S.D.L.-OK?	✓
11. PUBLIC HALLS obstructed?	hot	Rubbish?	hot	Means of night lighting provided?	✓				
12. EGRESS TO ROOF	✓	Bulkhead stairs?	✓	Scuttle-Iron ladder stat.?	—		ADEQUATE?	✓	
13. RAIN LEADERS	✓	GUTTERS	✓	DRAINS	✓	Defective?	hot	RADIO ANTENNAE properly installed?	✓
14. ANY DANGEROUS BUSINESS MAINTAINED?	hot			ANY SUB-DIVIDED APTS.?	hot				
15. ANY YARD WATER CLOSETS?	hot			ANY CELLAR WATER CLOSETS?	hot				
AGENT'S NAME	Manheimer	Viol. Rept.-give sec. nos.	238-213-250-78-80						
ADDRESS	365-7 Ave	INSP.	W.W. O'Brien			DATE	10/6/37		

Form No. 1014-39-1075-35-Bu-60 NOTE: Details of Viol. Reported on reverse side. Tenement House Dept.

REPORT MUST BE LEGIBLE AND WRITTEN IN INK

V.R. Pub. hall & stairs not f.e. - Walls Ceil & soffits  
 (note) stairs wood - walls, Ceil & soffits plaster  
 V.R. Interior room unlawful (no 3x5 window)  
 2 sty rear apt - 2nd room from rear at west  
 3 sty rear apt - " " " " " "  
 4 sty rear apt - " " " " " "  
 2-3x4 sty front apt - 2nd room from front at east & west  
 V.R. Insufficient w.c. dec. 2-3x4 sty front & rear apt  
 V.R. Plaster w'ds Ceil. broken - Cellar  
 V.R. Acc. of Rubbish - Cellar

(note) Ratio 1 to 2 for 2 & 3 sty - 4 sty 1 to 1  
 Floor & Base slate  
 Electric fix present

V.R.  
 10-10-37  
 MRS

## APPENDIX D – Section 93-91

### 93-91

#### Demolition<sup>1</sup>

**The Department of Buildings shall not issue a permit for the demolition of a #multiple dwelling#, as defined in Section 93-90 (HARASSMENT), paragraph (a)(14), located within Subareas D4 or D5 in the Hell’s Kitchen Subdistrict D or **within Preservation Area P-2 of the #Special Garment Center District#**, or an alteration permit for the partial demolition of a #multiple dwelling# located within Subareas D4 and D5 or within Preservation Area P-2 of the #Special Garment Center District#, where such partial demolition would decrease the amount of #residential floor area# in such #multiple dwelling# by 20 percent or more, unless:**

(a) such #multiple dwelling# is an unsafe #building# or an emergency exists such that demolition is required pursuant to the provisions of Title 28, Chapter 2, Articles 215 or 216 of the New York City Administrative Code; or

(b) the Commissioner of the Department of Housing Preservation and Development, after providing sixty days notice and opportunity to comment to the local Community Board, has certified:

(1) if such #multiple dwelling# is to be substantially preserved, that an alteration permit is required to allow the removal and replacement of 20 percent or more of the #floor area#;

(2) if such #multiple dwelling# is not to be substantially preserved, that the Department of Housing Preservation and Development has determined that the rehabilitation of such #multiple dwelling# is not feasible under any active governmentally-funded program; and

(3) that the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to Section 93-90, paragraph (c), or has certified compliance with the cure provisions of Section 93-90, paragraph (d).

(c) the following structures shall be exempt from the provisions of this Section:

(1) any city-owned #multiple dwellings#;

(2) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low- or moderate-income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;

(3) any #multiple dwelling# initially occupied for #residential# purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings#, pursuant to Article 7C of the Multiple Dwelling Law;

(4) any #exempt hotel#, as defined in Section 93-90;

---

<sup>1</sup> Emphasis Added

**APPENDIX D – Section 93-91**

(5) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory #use# and occupancy was restricted to clubhouse or school dormitory #use# on June 21, 2004; or

(6) any #exempt institutional residence#, as defined in Section 93-90.



HPD3: Single Room Occupancy
Multiple Dwelling (SRO MD)
Anti-Harassment Checklist

Must be typewritten.



1 Location Information Required for all applications.

House No(s) 319 Street Name West 38 Street Work Proposed on Floor No(s) 001-002
Borough Manhattan Block 762 Lot 7501 BIN 1013659 CB No 104

2 Applicant of Record Required for all applications.

Last Name HELMAN First Name SANTIAGO Middle Initial
Business Name H&O ASSOCIATES LLC Business Telephone (347)282-4663
Business Address 35 - 33 80TH STREET, SUITE 2 Business Fax
City Jackson Heights State NY Zip 11372 Mobile Telephone
E-Mail santiago@hando-eng.com License Number 087797 PE RA

3 Exemption/Certification Declaration Required for all applications. For every yes/no question required, you must answer "yes" or "no".

In accordance with 28 RCNY § 10-02, Rules of the Department of Housing Preservation and Development, I certify that the scope of work for the job number identified above:
Yes No
[ ] [x] increases or decreases the number of dwelling units
[ ] [x] increases or decreases the number of kitchens or bathrooms...
[ ] [x] alters the layout, configuration or location of any portion of a dwelling unit
[ ] [x] alters the layout, configuration or location of any portion of a kitchen or bathroom...
[ ] [x] demolishes any dwelling unit and/or demolishes any portion of the building...
[ ] [x] Changes the use or occupancy of any dwelling unit...
[x] Check this box if all six boxes above are checked "no". Therefore, per 28-107.3 and 28 RCNY § 10-02, a Certificate of No Harassment IS NOT required.

If any of the above boxes are checked "yes". In such case, I further certify that the scope of work for the job number identified above:
Yes No
[ ] [ ] is comprised solely of work for the purpose of making the public areas...
[ ] [ ] is comprised solely of work for the purpose of making the interior...
[ ] [ ] is comprised solely of work performed by a city agency...

Check only one of the following
[ ] Any of the three boxes above are checked "yes". Therefore, per 28-107.3, a Certificate of No Harassment IS NOT required.
[ ] All of the three above boxes are checked "no". Therefore, per 28-107.3, a Certificate of No Harassment IS required.

4 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...

Name (please print) SANTIAGO HELMAN
Signature [Handwritten Signature]
Date 05/20/15
P.E. / R.A. Seal (apply seal, then sign and date over seal)

