

Restored Homes Housing Development Fund Corporation

EAST NEW YORK BASE COLLABORATIVE
BASEMENT APARTMENT CONVERSION PILOT PROGRAM
(BACPP)

RENOVATION AND LEGALIZATION OF
BASEMENT OR CELLAR APARTMENTS
PER LOCAL LAW INTRO. 1004-A

REQUEST FOR QUALIFICATIONS

Architect and Architectural Services
Engineer and Structural Engineering Services

ISSUE DATE: March 22, 2019
RFQ RESPONSE DUE DATE: April 5, 2019

Questions should be submitted to mcolley@neighborhoodrestore.org

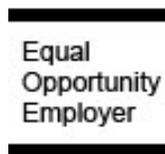


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I. REQUEST FOR QUALIFICATIONS

This Request for Qualifications ("RFQ") is being issued by Restored Homes Housing Development Fund Corporation ("Restored Homes") to identify qualified Architects and Structural Engineers interested in participating in a pilot program that seeks to legalize basement/cellar apartments located within Brooklyn's Community District #5 (the "Basement Apartment Conversion Pilot Program", "BACPP" or "the Program") as per legislation (Local Law intro. 1004-A attached) recently adopted by the New York City Council and signed into law by Mayor DeBlasio on March 4, 2019. The new law seeks to alter, on a pilot basis, the existing New York City Building Code to assess the feasibility of a legal conversion of basement/cellar apartments. This RFQ is being issued on behalf of the East New York BASE Collaborative ("ENYBC") a consortium of non-profits partnering with the Department of Housing Preservation and Development ("HPD") to administer the Program. Qualified Architects and Structural Engineers will be selected from among the list of Applicants who qualify through this RFQ. **It is important to note that not all Applicants deemed qualified may be selected to participate in the Program.**

INTRODUCTION

Description

This RFQ seeks to qualify responding organizations ("Applicants") interested in participating in the Program by providing architectural and structural engineering services associated with the renovation and legalization of basement/cellar apartments located in Brooklyn's Community District #5. This is a time and space limited program. Participants are pre-screened for eligibility and participation cannot be guaranteed. The New York City Council recently adopted legislation authorizing changes to the existing New York City Building Code to allow for the legalization of basement/cellar apartments and provides for a new financing program for the renovations that will be available to a limited number of eligible homeowners. **Please note that the legislation is time limited and allows, from effective date of legislation, 18 months to submit complete construction documents, including architectural drawings to the Department of Buildings ("DOB") for review. DOB will not accept any submission associated with the legalization of basement/cellar apartments after this 18-month timeframe.** However, Architect and engineering services, will be required to go beyond the 18 months submission timeline, through construction completion and the issuance of a partial or amended certificate of occupancy for the basement or cellar only (as opposed to the entire home).

East New York BASE Collaborative ("ENYBC") - Program Partners

Restored Homes Housing Development Fund Corporation

Restored Homes is a non-profit organization which specializes in the rehabilitation of vacant and foreclosed 1- to 4- family homes in neighborhoods in need of stabilization throughout New York City. Since 2005, Restored Homes has administered a number of homeownership programs in collaboration with HPD, the US Department of Housing and Urban Development ("HUD"), the New York State Housing and Community Renewal ("HCR") and the New York City Housing Authority ("NYCHA") which resulted in the acquisition, renovation and sale of over 200 affordable homes to low and moderate-income families throughout New York City.

Given its extensive experience with the rehabilitation of 1-4 family homes, Restored Homes has also provided technical assistance and construction management and monitoring services to other organizations, primarily in relation to Superstorm Sandy recovery efforts. Working with an affiliate of the Local Initiative Support Corporation ("LISC"), Neighborhood Revitalization NYC ("NRNYC"), Restored Homes provided scoping and construction monitoring services for their Home Repair Program, a \$19 million philanthropically-funded repair effort that assisted and repaired over 500 homes damaged by Superstorm Sandy. A member of ENYBC, Restored Homes is responsible for the coordination and oversight of all construction-related predevelopment activities and will monitor the renovation of the homes included in the Program.

Cypress Hills Local Development Corporation ("CHLDC")

CHLDC is a 35-year old Brooklyn based non-profit community development organization with a mission of helping Cypress Hills and East New York residents achieve educational and economic success, secure affordable housing, and develop leadership skills to transform their lives and communities. CHLDC serves 11,000 Cypress Hills/East New York residents each year with services such as affordable housing development, workforce development, adult education, afterschool and summer programming for young people, financial literacy and foreclosure prevention counseling, college access and college persistence services, community organizing for tenants and students, and promotion of access to healthy foods and other efforts to make the neighborhood green and sustainable. Since its founding in 1985, CHLDC has developed 531 affordable

housing units through a multitude of government-funded programs, with more housing development opportunities in the pipeline.

CHLDC is in contract with HPD as the lead agency managing the Program and overseeing the activities of all other ENYBC partners. It will be primarily responsible for the pre-screening and intake of applications from interested homeowners, provide counseling to determine eligibility, and enter into development agreements with homeowners who are eventually selected to participate in the Program. CHLDC will also enter into contracts with its Program Partners and, through its ENY BASE HDFC, with architects, engineers, contractors, and any other 3rd party vendors to carry out this work.

Center for New York City Neighborhoods (“CNYCN”)

CNYCN is a citywide non-profit housing advocacy group that serves to promote and protect affordable home ownership in New York City to help build strong and thriving middle-and-working class communities. It offers help to homeowners in mortgage distress, help combat scams directed at homeowners through counseling and referral to legal services, provide foreclosure counseling and prevention services, and help needy homeowners with repairs and retrofit assistance. CNYCN will be responsible for data quality and collection, database design, and serve as fiscal agent for release of Program loan (hard costs) funds.

CHHAYA CDC (“CHHAYA”)

CHHAYA is a non-profit housing agency created to help promote and advocate for the housing needs of New York City's South Asian Communities. CHHAYA will be responsible for tenant counseling and identifying relocation resources to help existing tenants or occupants in these basement/cellar apartments relocate prior to commencement of renovation.

PRATT Center for Community Development (“PRATT”)

PRATT is a New York City community development resource center affiliated with the PRATT Institute, conducting advocacy work on behalf of and providing technical expertise to community development corporations and community-based organizations. Its role will be to create the Program guidebook that will include “FAQs” and checklists for homeowners, and also prepare program marketing materials.

II. Architects Role

As a member of ENYBC, Restored Homes is responsible for construction-related predevelopment activities, will oversee the renovation of the basement/cellar apartments up to and including all signoffs and the issuance of a final amended or partial Certificate of Occupancy from DOB. The proposed renovations will require the services of Architects who will contract with ENY BASE HDFC. Architects will be responsible for preparing scopes of work, narrative of existing conditions, and architectural drawings that will be submitted to DOB for review and approval and oversee the execution of the renovation plans through completion and sign off.

The Multiple Dwelling Law has jurisdiction over 3-4 unit homes where an existing two-unit home converts to a three-unit home or an existing three-unit home converts to a four-unit home, as a result of a basement or cellar converting into an apartment. The program will also provide homeowners with financial assistance to convert their basement or cellar for these homes that fall under the Multiple Dwelling Law jurisdiction.

For 3-4 unit homes, Architects will also assist with any Board of Standards and Appeals (“BSA”) matters and complete paperwork and documents needed to gain BSA approval for a Multiple Dwelling Law (“MDL”) waiver, which are applications to modify the requirements of the MDL. Please see attached for the package BSA requires for a request for a Multiple Dwelling Law waiver.

III. Structural Engineers Role

Engineers will provide directives and technical guidance on all renovation matters requiring a structural engineering technical expertise, including the inspection and signoff on any recommended corrective work.

The Architects’ and Engineers’ workloads are dependent upon the scopes of work for each home.

IV. REQUEST FOR QUALIFICATIONS PROCESS

This RFQ has been issued to determine the eligibility of “Applicants to serve as Architects and/or Structural Engineers in the Program within the proposed 18-month period outlined in Local Law Intro. 1004-A and during the construction period. A pre-qualified list of Architects and Structural Engineers will be compiled from which to select for participation in the Program. **It is important to note that not all Applicants deemed qualified will be selected to participate in the Program.**

A. Submission of Applications

On or before the submission deadline date, Applicants must submit their qualifications in accordance with the instructions and attachments contained in the RFQ. Submission of qualifications shall be deemed to be permission by Applicants for Restored Homes to make inquiries concerning the Applicants as deemed necessary.

B. Review and Selection

Applicants must meet the threshold requirements outlined in the RFQ to be considered for participation in the Program. Failure to meet these threshold requirements or to provide the complete information required in the RFQ will disqualify the Applicants from consideration in the Program.

Restored Homes will review the responses to the RFQ and identify eligible Architects and Structural Engineers. To be considered eligible, Applicants must be legally licensed Architects and Structural Engineers under applicable laws in New York State and must meet the following qualifications:

- Demonstrated prior experience in designing housing in accordance with applicable codes, standards, rules and regulations
- A business that can demonstrate three or more years of proven experience
- Experience with the design and construction of moderate and gut rehabilitation of 1- to 4- family scatter site properties in New York City
- Demonstrated capacity to deal with these types of projects in an expedited fashion, as the proposed legislation only allows submission of plans and related documents to DOB within 18 months starting from effective date of legislation.
- Familiarity with HPD rehabilitation guidelines and DOB requirements
- Demonstrated ability to work successfully with government and not-for-profit organizations
- Experience in green, energy-efficient building standards and practices.
- Demonstrated commitment to working with Minority and Woman Owned Businesses (MWBE)
- Any demonstrated experience in work related to legalization of basement/cellar dwellings is helpful
- Familiarity with Board of Standards and Appeals (BSA) waiver request applications and procedures. See attached for the package that BSA will require for 3-4 unit homes when requesting an MDL waiver.
- Maintain required insurance: Evidence of general liability, umbrella, professional liability & workers Compensation insurance coverage is required for participation in program. Coverage limits TBD.

Selection of Applicants under this RFQ means only that Restored Homes has determined that such Applicants meet the requirements set forth in this RFQ to participate in the Program.

V. PROGRAM GUIDELINES

A. Execution of Contract for Services

To be considered eligible Architects and Structural Engineers, Applicants will be required to execute a contract with program partners and/or participating homeowners.

For Architects and Structural Engineers, the contract will outline the general terms; including a generic development timeline, and will outline the deliverables, terms of payment and insurance requirements associated with each designated basement/cellar apartment. The contracts may be amended from time to time to allow for the assignment of additional properties.

B. Site Assignment

Architects and Structural Engineers must agree to take homes in clusters that are assigned regardless of the number assigned. Note: homes may close one at a time to start construction. However, ENYBC is cognizant of the need to have economies of scale in the assignment of basement/cellar apartments to make it economically worthwhile for Applicants. **Failure to accept assigned basement/cellar apartments will disqualify Applicants from further consideration in the Program.**

C. Rehabilitation Services

Architects are required to provide the following services:

1. Services will begin with an evaluation of existing conditions at each of the properties. Architects will conduct site visits to perform visual inspections of the existing conditions of each home. Architects will take all necessary pictures and measurements and conduct any due diligence needed to prepare a set of existing condition drawings sufficiently accurate for the subsequent development of design plans and a scope of work.
2. Upon consultation with Restored Homes, Architects will prepare a detailed summary of existing conditions, scope of work, job specifications, and two sets of proposed schematic layouts for each basement/cellar apartment. Based upon comments and recommendations from Restored Homes and the homeowner, Architects will prepare the final design documents and modify the plans and scope of work as needed.
3. Once the final design documents are reviewed and approved by Restored Homes and CHLDC Architects shall prepare a full set of all required architectural drawings including the scope of the proposed work to be filed with DOB.

Please note: it is the obligation of the Architects to identify and contract with mechanical engineering firms for engineering services required for the design, filing and approval of the required sprinkler system and for any required sizing of heating baseboard/radiator units for each basement/cellar apartment.

4. Architects will file the drawings, plans and documents required by DOB ((Alteration 1 for a partial or amended Certificate of Occupancy for the basement or cellar only. DOB will only consider the basement or cellar when issuing an amended or partial Certificate of Occupancy as opposed to the entire home) and address any DOB objections raised during the approval process. Once DOB approval is secured, Architects shall finalize the scope of work package and provide Restored Homes, HPD, and the homeowner with the final scope of work and three sets of approved plans for bid walks. If the proposed work requires review and approval from the Board of Standards and Appeals, Architects will work with HPD and Program Partners in gaining that approval. . Alt 2 filings may be required to address critical repairs needed in other parts of home that may impact legalization work in basements/cellars.
5. Once the actual renovation of a basement/cellar apartment begins, Architects will work with Restored Homes in overseeing the selection of materials and monitoring the progress of the renovation to ensure that all work performed is of quality workmanship and that contractors are in compliance with both their contracts with the program, with DOB requirements, and with the approved plans. Architects will conduct regularly scheduled job meetings at the site at a minimum of once a month through which Architects will keep Restored Homes informed of the pace and quality of the work. Included in the monthly site visits is an onsite review and subsequent approval of any pending applications for payments from the respective contractors requesting funding. Architects shall keep minutes and/or prepare written reports related to architectural or construction issues for each of the site visits. Architects shall make as many site visits that are required to resolve conflicts and/or problems identified on site. Architects will attend all requisition meetings and approve and sign requisitions.

6. Finally, Architects, working in conjunction with Restored Homes, contractors and the Special Inspector, will complete all the site visits and documentation needed to secure DOB sign-offs for completion of the homes.
7. Throughout the predevelopment and renovation process, Architects will ensure compliance with the program deadlines for delivery of schematic designs, detailed scopes of work, specifications, drawings, inspections and DOB documentation. Some assignments will involve priority work and will require immediate attention. The full payment of task fees assumes that agreed upon timetables are satisfactorily met and work is completed to the satisfaction of Restored Homes and CHLDC.
8. Architects will maintain adequate staff to implement, inspect, and monitor all aspects of their contract. Restored Homes reserves the right to request additional staff or to require the replacement of nonproductive staff members when deemed necessary. Architects may choose to retain non-employees or consultants to perform work pursuant to the contract; however, Restored Homes is not obligated to reimburse Architects for use of such consultants.

Structural Engineers are required to provide the following services:

1. Upon interior demolition of the basement /cellar apartment, Structural Engineers will be engaged to assess any structural deficiencies or issues observed by Restored Homes, Architects and/or general contractors;
2. Provide written recommendations, including sketches and/or designs, that seek to address the structural deficiencies identified during the site visit;
3. Coordinate with Restored Homes and general contractor to re-inspect corrective work to verify compliance and signoff of the work. The Engineer shall make as many site visits as necessary;
4. Upon completion of corrective work, the Engineer will provide a written report including photographs, detailing the structural deficiency, the recommended corrective work and acknowledgment that the work was completed in accordance with the Engineer's recommendations. The reports will be shared with Architects and Program Partners;
5. Structural Engineers will maintain adequate staff to implement, inspect and monitor all aspects of their engagement with the Program. Restored Homes reserves right to request additional staff and/or to require the replacement of nonproductive staff members when deemed necessary.

D. General Program assumptions include the following:

- Basement/cellar apartments to be redesigned as required per building code and Local Law Intro. 1004-A with existing partition layouts to be maintained only where possible and appropriate.
- Illegal additions or modifications will be removed.
- Contaminated materials will be abated, including lead and asbestos
- Sprinkler systems to be installed in all basement/cellar apartments
- Address critical repairs as needed

The extent of the work associated with the Program will require an Alteration 1 filing with DOB that, upon completion of the work, results in the issuance of a partial or amended Certificate of Occupancy for the basement or cellar. The work will likely entail the moderate rehabilitation of existing basement/cellar units and may include minor excavation, structural repairs, reframing of ceilings and walls, heating and hot water system connections to existing heating plants, new roughing and plumbing fixtures, new drains, sump and ejector pumps, sprinklers, environmental testing, and electrical re-wiring and installation of new light fixtures. Please refer to Local Law Intro. 1004-A for full, altered, required code for basement/cellar legalizations to understand scope required, including any other building code requirements. Note that homes that require a BSA waiver

may require additional scopes of work per required codes and laws. Please see the BSA requirements attached.

E. Program Development Timeline

The Program's overall development timeline is estimated to be twelve months. On average, the renovation work required should not exceed six months from start date of renovation. Restored Homes requires that Architects abide by and fulfill the timelines stipulated for each respective basement/cellar apartment as per the contract. A detailed generic Development Timeline is included in **Appendix I** that will be used for the Program.

F. Obligations of Architects

The Development Timeline deadlines for Architects are non-negotiable. In the contract, Architects accept responsibility for meeting the deadlines in the Development Timeline and subsequent amendments and for complying with its enforcement provisions. Restored Homes and Architects will establish these deadlines using the generic Development Timeline as a starting point and will adjust it to reflect the actual home conditions and required scope of work for the designated properties. ***Unless specific circumstances demand otherwise, the contracts with the Architects will specify that the completion of each home take place in accordance with the Development Timeline as outlined in Appendix 1.***

Restored Homes will review the project status on a bi-weekly basis to determine if Architects are on schedule. If an Architect misses one or more deadlines, Restored Homes' staff will notify CHLDC about the viability of invoking the enforcement provisions outlined in the contract, up to and including the termination of the contract and reassign all properties to another Architect. If an architect does not meet this deadline to submit to DOB, then payments will not be made to the architect for work completed.

G. Reporting Requirements

Architects will be required to provide information on the status of each home within their contract. This information will include information about the status of scopes of work, status of DOB approvals of filings (or BSA documents as needed), progress of renovation work and projected completion dates. This information will include (as needed) written reports, pictures of the progress of work, red flags for urgent issues requiring resolution and potential set-backs or defects.

VI. SELECTION CRITERIA

A. Threshold Criteria

The application must include all required information and must be deemed complete by Restored Homes. Upon review, Restored Homes, at their discretion, may notify Applicants that additional information or clarification is necessary. Failure to meet any of the requirements listed below may result in the rejection of the application. Restored Homes will review the responses to the RFO and identify eligible Architects and Structural Engineers.

1. To be considered eligible, Applicants must be legally licensed Architects and Structural Engineers under applicable laws in New York State and must meet the following qualifications:
 - Demonstrated prior experience in designing housing in accordance with applicable codes, standards, rules and regulations;
 - A business that can demonstrate three or more years of proven experience;
 - Experience with the design and construction of moderate rehabilitation of 1- to 4- family scatter site properties in New York City
 - Demonstrated capacity to deal with these types of projects in an expedited fashion;
 - Familiarity with HPD rehabilitation guidelines and DOB requirements;
 - Demonstrated ability to work successfully with government and not-for-profit organizations;
 - Experience in green, energy-efficient building standards and practices; and
 - Demonstrated commitment to working with Minority and Woman Owned Businesses (MWBE).
 - Maintain required insurance: Evidence of general liability, umbrella, automobile, professional liability, workers compensation and disability insurance coverages are required for participation in program. Coverage limits to be determined.

2. Applicants must have “comparable development experience,” defined as the successful completion of moderate to substantial rehabilitation and/or new construction of scatter-site residential projects involving at least three homes with at least 1- to 4- dwelling units in New York City in the last five years from inception to issuance of Certificate of Occupancy.
3. An Applicant may be rejected at any time during the evaluation process if adverse findings are made about the Applicant or any of its principals or related entities, including, but not limited to, adverse findings with respect to any of the following:
 - Past or pending government or private mortgage foreclosure proceedings or arrears with respect to any property owned or managed by the Applicant.
 - Past or pending governmental tax or lien foreclosure, or substantial tax arrears.
 - Findings of tenant harassment or a pending case of harassment
 - Arson, fraud, bribery, or grand larceny conviction or a pending case
 - Past or pending default on any obligation to, unsatisfied judgment or lien held by, or contract with, any governmental agency
 - Past or pending suspension, debarment, or finding of non-responsibility by any government agency
 - A past or pending voluntary or involuntary bankruptcy proceeding
 - A negative history with any government agency
 - A negative history with Restored Homes or CHLDC
 - Litigation/Indictments

B. Competitive Criteria

For all Applicants that pass all minimum threshold criteria, the following competitive criteria will be considered:

- Quality and Extent of Previous Development Experience: Restored Homes will consider the following factors: (i) quality of construction in completed projects or those under way; (ii) number and size of projects previously completed;
- New York State and New York City Certified MWBE firms;
- Likelihood of Early Construction Start: Restored Homes will consider Applicant’s track record in delivering projects on time and within budget;
- Organizational Capability: The Applicant should demonstrate that it possesses sufficient capacity to undertake the project, including effective staffing, record keeping abilities and overall organization. This includes the experience, qualifications and stability of staff who would be involved in the project;
- Financial Capacity: This includes financial stability of the organization and the quality of its financial management;
- Housing Experience: This includes both the extent and quality of experience in providing architectural services for housing for low- and moderate-income households;
- Current Capacity: The Applicant’s current workload in relation to its staffing and other resources will be evaluated to determine whether it has the capacity to provide architectural services within the time frame required by this RFQ.

VII. SUBMISSION REQUIREMENTS

Fastened original of the Applicant’s qualifications, including all documentation requested, as described below, must be submitted by ALL APPLICANTS in response to this RFQ. Restored Homes will also accept electronically sent applications provided they are complete with all attachments and fully executed. Submission of an incomplete application may be grounds for disqualification of the Applicant.

Delivery submissions must be organized in a three-ring binder. Each copy of the qualifications must be clearly labeled with tabs as indicated below. The tabs should run down the right-hand side of the submission. The application must be signed by an authorized representative of the Applicant. Also, the application must be clearly labeled with the name of the Applicant on the cover.

PLEASE NOTE THAT EACH APPLICATION OF THE APPLICANT'S QUALIFICATIONS MUST CONTAIN THE FOLLOWING FORMS AND SUPPORTING DOCUMENTATION AS STATED BELOW.

A. Contents of Submission

TAB A - Applicant Questionnaire

Complete the forms contained in Tab A.

If the Applicant is a joint venture or a newly formed business partnership, provide a separate Questionnaire for each entity that comprises the joint venture.

For Applicants that are newly formed business entities, the forms and documentation listed below should be completed or provided for the entity or entities providing the management and rehabilitation experience.

TAB B - Residential Development Experience

Architects and Structural Engineers must have three years of experience in providing services for the development of housing in New York City. A completed Residential Development Experience form (Tab B) is required for each entity. List all projects that have been completed within the last three years or that are in construction, in pre-development or have otherwise been committed. The spreadsheet can be provided in an alternate format as long as it contains the information required in a clear and concise way.

B. Submission Due Date

All submissions become the property of Restored Homes. Submissions shall be delivered by or via a delivery service (FedEx/UPS/mail, etc.) or electronically to the address as follows:

Restored Homes HDFC
150 Broadway, Suite 2101
New York, NY 10038
(212) 584-8981
Attn: Momodou Colley
Mcolley@neighborhoodrestore.org

All submissions must be received by COB April 5, 2019

Submissions will be promptly reviewed by Restored Homes. Additional information may be requested.

VIII. TERMS AND CONDITIONS

This RFQ is subject to the specific conditions, terms and limitations stated below:

- A. The proposed project shall conform to, and be subject to the provisions outlined in the local law for the Program, as well as the provisions of the Zoning Resolution (and all waivers) and all other applicable laws, rules, regulations and ordinances of all Federal, State, and City authorities having jurisdiction, as the same may be amended from time to time,
- B. Restored Homes is not obligated to pay nor shall in fact pay any costs or losses incurred by any Applicant at any time including the cost of responding to the RFQ.
- C. Restored Homes reserves the right to reject at any time any or all proposals and/or to withdraw this RFQ in whole or in part, to negotiate with one or more applicants, and/or dispose of the sites on terms other than those set forth herein. Restored Homes likewise reserve the right, at any time, to waive compliance with, or change any of the terms and conditions of this RFQ, and to entertain modifications and additions to the selected proposals.

- D. Designation of an Applicant for this Program will not create any rights on the Applicant's part, including without limitation, rights of enforcement, equity, or reimbursement, until a contract is executed.

IX. CONFLICTS OF INTEREST

Current and former employees of the City of New York may respond to this Request only in accordance with Chapter 68 of the New York City Charter governing ethics and conflicts of interest affecting City personnel. Section 2604[©] (7) of the City Charter contains specific prohibitions that exclude enumerated groups of employees from participating in this program.

Persons in the employ of the City considering a submission are advised that opinions regarding propriety of their participation in this program may be requested from the New York City Conflicts of Interest Board. This body is empowered, under Section 2602 of the City Charter, to issue advisory opinion on conflict of interest questions and other matters of ethical considerations. It is not necessary, however, that such an opinion be obtained prior to responding to this Request.

Former employees of the City of New York are also advised that the City Charter imposes certain restrictions on post-employment and business relationships with the City. Such individuals are advised to consult the specific provisions on this issue contained in the City Charter.

ENYBC staff are also subject to restrictions on employment and business relationships imposed by their employers.

Appendix 1 Development Timeline for Architects

The Program's overall development timeline is estimated to be 36 months commencing with outreach to identify eligible homeowners to enroll in the Program through renovation, sign off, and issuance of a partial or amended certificate of occupancy for the basement or cellar only. Upon issuance of a cluster to an Architect, Restored Homes will have already completed its pre-development activities and construction is expected to commence as soon as DOB-filed plans are approved. Architects must meet the 18 month timeframe outlined in the local law to submit complete construction documents to DOB. On average, Restored Homes anticipates that construction will be completed within twelve months of a home's enrollment into the Program. Given the differing types of renovation needs, Restored Homes will establish individual timelines for each home that is commensurate with the extent of the renovation.

A. PRE-DEVELOPMENT PHASE (Month 1 through Month 3) (Selection of Architect, Planning and Design Review, Scopes of Work, DOB Filings, Selection of General Contractors)

Restored Homes estimates that most, if not all, basement/cellar apartments enrolled in the Program will require approximately three months of planning and/or design to develop the required construction documents, specifications and DOB submissions and approvals. During that period, the extent of the renovation work is determined, the timeline for its completion is agreed upon, and a general contractor is chosen or chosen shortly thereafter.

Restored Homes, in conjunction with its Program Partners and homeowners participating in the Program, will formulate and finalize the necessary scopes of work and architectural layouts for each basement/cellar apartment. All DOB filings will be Alteration 1 (amended or partial Certificate of Occupancy for the basement/cellar only) with full plan review. No professional certifications are allowed. As a guide, Restored Homes has compiled a set of rehabilitation standards which outline the level to which basement/cellar apartments in the Program should be rehabilitated.

<u>Action</u>	<u>Deadline</u>
Home is selected to participate in the Program	Week 1
Restored Homes selects Architect from pre-approved list	Week 1
Program Partners and Architect execute contract	Week 1
Architect and Restored Homes conduct site visit	Week 2
Architect prepares preliminary scope of work	Week 4
Architect completes schematic design phase	Week 4
Architect submits scope and schematic designs to Restored Homes	Week 5
Architect completes scope and schematic designs	Week 8
Architect submits construction documents to DOB	Week 8
Architect obtains final DOB approval	Week 12
Restored Homes meets contractors for bid walk throughs	Week 12
Restored Homes obtains formal competitive bids	Week 13

* CONSTRUCTION PHASE (MONTH 4 THROUGH MONTH 12)

In general terms, Restored Homes expects renovation to span about six months or longer, with another two months allocated on the back end to obtain signoffs and a partial or amended Certificate of Occupancy. However, individual renovation timelines will be established for each basement/cellar apartment to reflect the extent of renovation required. Restored Homes anticipates that some of the basement/cellar apartments will complete renovation in less than six months. Renovation commences once a general contractor agreement has been executed and all DOB approvals and permits have been issued.

** Please Note: The schedule listed below applies to basement/cellar apartments requiring extensive rehabilitation. Less extensive projects will require less time. In all cases, architectural services, regardless of this estimated timeline in the RFQ, will be needed for the term of construction to ensure partial or amended Certificate of Occupancy.*

<u>Action</u>	<u>Deadline</u>
Renovation	Month 4
Requisitions and construction monitoring	Monthly
Renovation completion	Month 9
Contractor completes punch list	Month 10
Obtain DOB sign off and Certificate of Occupancy	Month 12

TAB A

ARCHITECT/STRUCTURAL ENGINEER RFQ
BASEMENT APARTMENT CONVERSION PILOT PROGRAM
APPLICANT QUESTIONNAIRE

ALL APPLICANTS SHALL COMPLETE THIS FORM AS WELL AS THE QUESTIONNAIRE THAT IS ATTACHED.

If the applicant is a joint venture, a separate Questionnaire and Attachment shall be provided for each entity that comprises the joint venture, as identified in Section 2 below. If the applicant is a newly formed joint venture or business, information on the entity with their rehabilitation and marketing and sales experience must be provided. If additional space is needed, please submit separate sheet(s), identifying the question(s) being answered on each sheet.

See Section V, of the Request for Qualifications (RFQ) for detailed submission requirements.

1. NAME OF
APPLICANT: _____

ADDRESS: _____

Name of CONTACT PERSON:
(for the Applicant) _____
Address: _____

Telephone Number: _____

Fax Number: _____

E-Mail: _____

2. IS THE APPLICANT A JOINT VENTURE? YES [] NO []

If yes, list below the name, address, and phone number of each entity which comprises the applicant entity stated above, and the percentage of ownership interest in the joint venture.

<u>Name of Entity</u>	<u>Address</u>	<u>% of Ownership</u>
-----------------------	----------------	-----------------------

APPLICANT NAME: _____

NAME OF ENTITY COMPLETING THIS QUESTIONNAIRE: _____

(If other than applicant, i.e. joint venture)

3. **PRINCIPALS**

(a) Provide the following information about all principals of this entity.

Name/ Position/Title	Home Address	Role	SS#	% Owned

4. **ORGANIZATIONAL CAPACITY**

(a) Provide organization resumes or any brochures describing your organization and the projects undertaken.

(b) State number of years business has been in operation.

(c) State number and type of employees and describe their general duties and experience.

(d) Does your organization generally or most efficiently operate as a member of a development team that includes other entities? If yes, identify the other individuals and/or organizations and their respective roles.

(e) Identify for profit and non-profit developers and general contractors that you have worked with in the past? Describe the extent of the work you have performed for these entities.

- (b) For corporations or partnerships: provide the following information about all partners, officers, and shareholders. For not-for-profits list your board members and officers.

Name Position/Title	Percentage of Ownership	Date of Ownership

- (c) Do any principals and/or officers maintain a business relationship with or have an ownership interest in another company?
 Yes [] No []

If yes, provide the following information:

Name of Principal/Officer	Name, Address, Tel. # of Affiliated Company	Position with and % Interest with Company

- (d) Is company owned in full or in part by another firm or investor(s)? Yes [] No []
 If yes, provide the following information:

Name of Firm/Investor	Address and Phone	% of Ownership

6. **EXPERIENCE**

- (a) Complete the attached forms (TAB B) for your organization. If any key member has had other experience that you consider relevant to your organization's qualifications, provide a separate form for each such individual:

7. **REFERENCES**

Provide the name, address, telephone and fax numbers, and e-mail addresses (if available) of at least three business references whom we may contact regarding your architectural/structural engineering experience. For each, identify the home or properties about which the individual is informed. References may include building owners, lenders, engineers, architects, general and sub-contractors, homeowners, and other development professionals with whom you have worked in the past.

8. **OTHER:**

Has any principal identified on page 1, or any organization in which the principal is or was a general partner, or corporate officer, or owned more than 10% of the shares of the corporation been the subject of any of the following:

	YES	NO
A. Past or pending government or private mortgage foreclosure proceeding or arrears;		
B. Past or pending government tax or lien foreclosure, or substantial tax arrears;		
C. Findings of tenant harassment or a pending case of harassment;		
D. Arson, fraud, bribery or grand larceny conviction or a pending case;		
E. Past or pending default on any obligation to, unsatisfied judgment or lien held by, or contract with, any governmental agency;		
F. Past or pending suspension, debarment, or finding of non-responsibility by any government agency;		
G. A past or pending voluntary or involuntary bankruptcy proceeding;		
H. A negative history with any government agency;		
I. A negative history with Restored Homes or with CHLDC		
J. Litigation/Indictments		

If yes, please state the following information:

(1) Name of principals: _____

(2) Name of organization/corporation and if an officer, state title:

(3) Date of action: _____

(4) Current status of action: _____

(5) Explanation of Circumstances: _____

9. Certification

[This certification must be signed by one of the Individuals listed above; if the Respondent Entity is a joint venture, an Individual representing each Principal of the joint venture must sign it.]

I certify that the information set forth in this application and all attachments and supporting documentation is true and correct. I understand that ENYBC will rely on the information in or attached to this document and that this document is submitted to induce Restored Homes to select us as an Architect/Structural Engineer

I understand that if I am selected as an Architect/Structural Engineer, I must submit all additional disclosure forms required.

Name of Principal: _____

Signature of Individual: _____

Print Name and Title of Individual: _____

Name of Principal: _____

Signature of Individual: _____

Print Name and Title of Individual: _____

Name of Principal: _____

Signature of Individual: _____

Print Name and Title of Individual: _____

TAB B
BASEMENT APARTMENT CONVERSION PILOT PROGRAM
RESIDENTIAL BUILDING EXPERIENCE
LAST 3 YEARS
(New Construction or Rehabilitation)

NAME OF APPLICANT: _____

NAME OF INDIVIDUAL/ORGANIZATION completing this form: _____

Instructions: Please list property addresses separately even if they are part of a multi-site project. Fill out form completely and use as many forms as necessary to list experience in the last 3 years.

ADDRESS Bldg. #, Street, City, State, Zip	PROJECT NAME	BORO	CB*	CD* *	PROJECT TYPE		# OF UNITS	TOTAL DEV. COST	GOV'T PROGRA M	STATUS		WORK TYPE (6)	MO/YR COMPL	OWNER (Contact Name & Phone No.)
					N/R/M (2)	R/C/H/O (3)				O/V (4)	P/I/M/C (5)			

(1) ROLE: Indicate the role you played in the development of each property listed above. If completed as part of a joint venture, indicate such by adding JV to the respective role. e.g. D/JV

- D = Developer
- E = Engineer
- GC = General Contractor/Construction Manager
- AR = Architect
- O = Other

(2) PROJECT TYPE
N = New Construction
R = Substantial Rehab
M = Moderate Rehab
* Community Board/
Planning District
** Council District/
Congressional District

(3) PROJECT TYPE
R = Rental
C = Co-op/Condo
H = 1-4 Family
O = Other (Specify)

(4) STATUS
O = Units occupied during rehab
V = Units vacant during rehab

(5) STATUS
P = Pre-development
I = In-construction
M = In - Marketing (Lease
up or sales)
C = Completed

(6) WORK TYPE
1 = Alteration 1
2 = Alteration 2

TAB B (Continued)
BASMENT APARTMENT CONVERSION PILOT PROGRAM
RESIDENTIAL BUILDING EXPERIENCE
LAST 3 YEARS
(New Construction or Rehabilitation)

NAME OF APPLICANT: _____

NAME OF INDIVIDUAL/ORGANIZATION completing this form: _____

Instructions: Please list property addresses separately even if they are part of a multi-site project. Fill out form completely and use as many forms as necessary to list experience in the last 3 years.

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					N/R/M (2)	R/C/H/O (3)				O/V (4)	P/I/M/C (5)			

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M = In - Marketing (Lease
up or sales)
C = Completed

(6) WORK TYPE
1 = Alteration Type 1
2 = Alteration Type 2

Int. No. 1004-A

By Council Members Lander, Cabrera, Espinal, Barron, Yeger, Rivera, Deutsch, Williams, Cumbo, Ayala, Eugene and Kallos (by request of the Mayor)

A Local Law to establish a demonstration program to facilitate the creation and alteration of habitable apartments in basements and cellars of certain one- and two-family dwellings

Be it enacted by the Council as follows:

1 Section 1. Definitions. a. Except as indicated in subdivision b of this section, the terms
2 used in this local law have the meanings ascribed to such terms in title 28 of the administrative
3 code of the city of New York.

4 b. For purposes of this local law, the following terms have the following meanings:

5 PROGRAM AREA. The term “program area” means Brooklyn community district 5,
6 excluding:

7 (1) the area of any special enhanced commercial district as described in section 132-11 of
8 the zoning resolution of the city of New York; and

9 (2) the area of such community district that is generally south of a line drawn across such
10 district that reflects the area of such community district at risk of future flooding,

11 (i) beginning at the intersection of Van Sinderen Avenue and Linden Boulevard;

12 (ii) then east along Linden Boulevard to the point of intersection with Williams Avenue;

13 (iii) then east along Hegeman Avenue to the point of intersection with Malta Street;

14 (iv) then south along Malta Street to the point of intersection with Linden Boulevard;

15 (v) then east along Linden Boulevard to the point of intersection with Georgia Avenue;

16 (vi) then north along Georgia Avenue to the point of intersection with Hegeman Avenue;

17 (vii) then east along Hegeman Avenue to the point of intersection with Barbey Street;

18 (viii) then north along Barbey Street to the point of intersection with McClancy Place;

1 (ix) then west along McClancy Place to the point of intersection with Schenck Avenue;
2 (x) then north along Schenck Avenue to the point of intersection with New Lots Avenue;
3 (xi) then east along New Lots Avenue to the point of intersection with Barbey Street;
4 (xii) then north along Barbey Street to the point of intersection with Dumont Avenue;
5 (xiii) then east along Dumont Avenue to the point of intersection with Warwick Street;
6 (xiv) then south along Warwick Street to the point of intersection with New Lots Avenue;
7 (xv) then east along New Lots Avenue to the point of intersection with Montauk
8 Avenue;
9 (xvi) then north along Montauk Avenue to the point of intersection with Sutter Avenue;
10 (xvii) then west along Sutter Avenue to the point of intersection with Atkins Avenue;
11 (xviii) then north along Atkins Avenue to the point of intersection with Belmont Avenue;
12 (xix) then east along Belmont Avenue to the point of intersection with Fountain Avenue;
13 (xx) then south along Fountain Avenue to the point of intersection with Sutter Avenue;
14 (xxi) then east along Sutter Avenue to the point of intersection with Hemlock Street;
15 (xxii) then south along Hemlock Street to the point of intersection with Blake Avenue;
16 (xxiii) then east along Blake Avenue to the point of intersection with Lincoln Avenue;
17 (xxiv) then north along Lincoln Avenue to the point of intersection with Sutter Avenue;
18 and
19 (xxv) then east along Sutter Avenue and ending at the intersection of Sutter Avenue with
20 Conduit Boulevard.

21 1968 BUILDING CODE. The term “1968 building code” has the same definition as such
22 term is defined in section 28-101.5 of the administrative code.

1 ADMINISTRATIVE CODE. The term “administrative code” means the administrative
2 code of the city of New York.

3 APARTMENT. The term “apartment” means a dwelling unit providing permanent
4 provisions for both sanitation and kitchen facilities, occupied or arranged to be occupied, by not
5 more than 1 family maintaining a common household.

6 BASEMENT. The term “basement” means a story partly below the grade plane and
7 having less than one-half its clear height (measured from finished floor to finished ceiling) below
8 the grade plane.

9 CELLAR. The term “cellar” means that portion of a building that is partly or wholly
10 underground, and having one-half or more of its clear height (measured from finished floor to
11 finished ceiling) below the grade plane. Notwithstanding any local law to the contrary, as used
12 herein, a cellar shall be counted as a story in measuring the height of a building.

13 CITY FINANCIAL ASSISTANCE. The term “city financial assistance” means any loan,
14 grant, tax credit, tax exemption, tax abatement, subsidy, mortgage, debt forgiveness, land
15 conveyance for less than appraised value, land value or other thing of value allocated, conveyed
16 or expended by the city.

17 PRE-EXISTING VIOLATION. The term “pre-existing violation” means a violation
18 issued by the department of buildings for which a notice of violation, administrative summons,
19 criminal court summons or other process was issued prior to the date of issuance of the initial
20 permit for work pursuant to this local law.

21 QUALIFIED ENVIRONMENTAL PROFESSIONAL. The term "qualified
22 environmental professional" has the same meaning as in section 24-03 of title 15 of the rules of
23 the city of New York.

1 § 2. Scope and applicability. a. There shall be a time-limited demonstration program to
2 facilitate the creation and alteration of habitable apartments in basements and cellars in certain
3 dwellings within the program area in accordance with this local law.

4 b. Except as otherwise indicated herein, this local law applies to existing buildings within
5 the program area that are:

6 (1) existing one-family dwellings to be converted to two-family dwellings where any new
7 apartment is entirely on a floor partially below the grade plane; or

8 (2) existing two-family dwellings with an apartment entirely on a floor partially below
9 the grade plane to be altered to create at least 1 additional sleeping room in such apartment.

10 § 3. Financial and technical assistance and outreach. a. The department of housing
11 preservation and development shall assist homeowners who participate in the demonstration
12 program by providing city financial assistance to homeowners who meet the criteria for
13 participation in such program to be established by such department

14 b. The department of housing preservation and development shall also provide technical
15 assistance to homeowners who participate in the demonstration program. Such assistance may be
16 provided by the department or a not-for-profit corporation identified by the department as
17 capable of providing such assistance.

18 c. The department of housing preservation and development shall also conduct public
19 education and outreach regarding the demonstration program to eligible homeowners in the
20 program area. Such public education and outreach may be provided directly by the department or
21 by a qualified not-for-profit corporation selected by the department.

22 § 4. Apartments in basements. Notwithstanding any inconsistent provisions of section 27-
23 751 of the 1968 building code, paragraphs 1 and 3 of subdivision c of section 27-2087 of the

1 administrative code, section 1208.2 of the New York city building code or of applicable laws in
2 existence prior to December 6, 1968 (i) a habitable apartment with a clear ceiling height in all
3 habitable rooms of 7 feet and 6 inches, which may be lowered to 7 feet at the request of the
4 department of housing preservation and development subject to approval by the fire department
5 for cellars or basements identified by the department as otherwise eligible for the demonstration
6 program, with projections as allowed by exception 1 of section 1208.2 of the New York city
7 building code but in no event with such projections lower than 7 feet, or (ii) a habitable
8 apartment in a fully detached two-family dwelling with all exterior walls at least 3 feet from any
9 lot line and with a minimum clear ceiling height in all habitable rooms of 7 feet including
10 projections, may be created or altered subject to the conditions set forth in this local law,
11 including compliance with the construction standards in the specific provisions of law cited in
12 this section even if not otherwise required by such law or any other law:

13 1. General. Such apartment must comply with provisions of law applicable to an
14 apartment in such dwelling not located in the cellar or basement except that where there is a
15 conflict with a provision of this section the provision of this section shall apply.

16 2. Sprinklers. Such apartment must have an automatic sprinkler system that meets the
17 construction requirements of section 903 of the New York city building code and section thirteen
18 of this local law.

19 3. Emergency escape and rescue openings. All sleeping rooms in such apartment must
20 have emergency escape and rescue openings meeting the construction requirements of section
21 1029 of the New York city building code and section 1025 of the New York city fire code.

22 4. Smoke and carbon monoxide alarms. Such apartment must contain smoke and carbon
23 monoxide alarms meeting the requirements of chapter 9 of the New York city building code.

1 5. Fire separation. Such apartment must have all of the following fire separations:

2 (a) Boilers and furnaces. All boilers and furnaces in such apartment must be enclosed and
3 separated from the rest of the building by noncombustible construction having at least a one-hour
4 fire-resistance rating meeting the requirements of section 703 of the New York city building
5 code.

6 (b) Egress stairs. All stairways providing required means of egress in such apartment
7 must be separated from the rest of the apartment and the existing above grade apartment by
8 noncombustible construction having at least a one-hour fire-resistance rating meeting the
9 requirements of section 1022 of the New York city building code.

10 (c) Existing above grade apartment. Such apartment must be separated from the existing
11 above grade apartment by noncombustible construction having at least a one-hour fire-resistance
12 rating meeting the requirements of section 420 of the New York city building code.

13 6. Means of egress. Such apartment must be provided with a means of egress directly to
14 the outdoors complying with the construction standards of chapter 10 of the New York city
15 building code, including access to a public way. The exterior door shall be provided with
16 landings on both the interior and exterior sides in accordance with Section 1008.1.6 of the New
17 York city building code.

18 7. Windows.

19 (a) Each habitable room in such apartment must have at least 1 window with 6 square feet
20 of openable area to provide natural ventilation as required pursuant to section 1203.4.1.2.1 of the
21 New York city building code and additional windows, including glazed area in doors providing
22 light directly into such room, cumulatively with the minimum net glazed area to provide natural
23 light as required pursuant to section 1205.2.1 of the New York city building code.

1 (b) Portions of windows below grade plane may be included in calculations of such
2 minimum net glazed area required to provide natural light if:

3 (1) The window head is located between 0 and 6 inches below the lowest permitted
4 projection below ceiling height;

5 (2) Such portions are surrounded by a window well or similar open area that:

6 (A) is at least 6 inches deeper than the bottom of the window;

7 (B) is at least 3 times as wide, in the direction perpendicular to the window, as the depth
8 below grade plane of such window portions;

9 (C) is at least twice as wide, in the direction parallel to the window, including 6 inches
10 wider on each side, as the depth below grade plane of such window portions; and

11 (D) is provided with a drain to prevent any ponding of storm water, in accordance with
12 chapter 11 of the New York city plumbing code.

13 (3) No cantilever, permanent shading structure, or other obstruction is less than 3 feet
14 above the window head or protrudes more than 1 foot in the direction perpendicular to the
15 window; and

16 (4) No other encroachment or obstruction is within the window well, except as otherwise
17 required pursuant to the New York city building code. Supplemental steps that provide access to
18 the required yard, court, open space or street may also be permitted. Where provided, such steps
19 shall be dimensioned in accordance with section 1009.4 of the New York city building code and
20 shall include a landing at the bottom of such window well in accordance with section 1009.5 of
21 the New York city building code.

22 § 5. Apartments in cellars. Notwithstanding any inconsistent provisions of section 502.1
23 of the New York city building code, sections 27-232 and 27-2004 of the administrative code,

1 subdivision a of section 27-2087 of the administrative code or of applicable laws in existence
2 prior to December 6, 1968, a habitable apartment may be created in a cellar if such apartment
3 complies with section four of this local law and has a second, remote means of egress directly to
4 the outdoors complying with the construction standards of chapter 10 of the New York city
5 building code, including access to the public way, even if compliance with such standards is not
6 otherwise required by such chapter or any other law. Such means of egress shall be provided
7 with landings on both the interior and exterior sides of the door in accordance with section
8 1008.1.6 of the New York city building code. Such cellar must have at least 2 feet of height
9 above grade plane. Such cellar shall be counted as a story for the purposes of the New York city
10 housing maintenance code, the 1968 building code, and the New York city construction codes or
11 applicable laws in existence prior to December 6, 1968 and the space in such apartment shall be
12 counted as floor area in accordance with section 12-10 of the zoning resolution of the city of
13 New York. Occupancy in such a cellar shall be considered occupancy in a basement for the
14 purposes of subdivision c of section 27-2087 of the administrative code.

15 § 6. Deferral or waiver of penalties by the department of buildings. a. Notwithstanding
16 the provisions of sections 28-213.1.1, 28-213.1.2, 28-213.3, and 28-219.1 of the administrative
17 code, civil penalties for the department of buildings violations that would otherwise be required
18 to be paid by a homeowner participating in the demonstration program before the issuance of a
19 permit may be deferred or waived pursuant to a determination by the department that such
20 penalties would preclude such homeowner's participation in the demonstration program in
21 connection with the following:

22 1. the issuance of a permit to create or alter an apartment in a basement or cellar pursuant
23 to this local law; or

1 2. the issuance of a permit after the effective date of this local law to a building in the
2 program area to create either a new apartment entirely on a floor partially below the grade plane
3 or at least 1 additional sleeping room in an existing apartment entirely on a floor partially below
4 the grade plane.

5 b. Notwithstanding the provisions of subdivision a of this section, deferred amounts shall
6 continue to be due and owing to the department of buildings and payment thereafter may be
7 enforced in accordance with the New York city construction codes.

8 § 7. Certificates of occupancy pursuant to this local law. a. At the option of the owner and
9 notwithstanding any inconsistent provision of article 118 of chapter 1 of the administrative code
10 or of any other law, where an apartment in a basement is created or altered pursuant to section
11 four of this local law or an apartment in a cellar is created pursuant to sections four and five of
12 this local law (i) a partial certificate of occupancy may be issued limited to the new or altered
13 apartment in the basement of a building or the new apartment in the cellar of a building if such
14 building was erected prior to January 1, 1938 and does not have and is not otherwise required to
15 have a certificate of occupancy, or (ii) for a building with an existing certificate of occupancy, an
16 amended certificate of occupancy may be issued limited to the new or altered apartment in the
17 basement of such building or the new apartment in the cellar of such building, subject to the
18 following conditions:

19 1. Upon inspection, the apartment being created or altered conforms substantially to the
20 approved construction documents, complies with the New York city construction codes and
21 other applicable laws, except as specifically provided in this local law, and is safe for occupancy;

22 2. Upon inspection, the required means of egress from all floors of the building comply
23 with the New York city construction codes and other applicable laws;

1 3. An amended or partial certificate of occupancy or a temporary certificate of occupancy
2 may be issued where there are open pre-existing violations in the building. All such open
3 violations, including those specified in the exceptions, shall remain administratively open and the
4 department of buildings may thereafter continue to enforce against such violations until, in
5 accordance with applicable provisions of the New York city construction codes, outstanding
6 penalties are paid and, if applicable, certificates of correction are approved by the department of
7 buildings.

8 Exceptions:

9 1. Where a pre-existing violation in parts of the building outside of the new or altered
10 apartment is classified as “immediately hazardous,” the condition that gave rise to the issuance
11 of such immediately hazardous violation must be removed or remedied in accordance with the
12 New York city construction codes and to the satisfaction of the commissioner of buildings and
13 evidence of such removal or remediation in the form of plans, drawings, photos, affidavits or a
14 combination thereof, with the signature and seal of a registered design professional or, if
15 applicable, a licensee of the department of buildings in the applicable trade must be submitted to
16 the department prior to the issuance of such amended or partial certificate of occupancy or a
17 temporary certificate of occupancy.

18 2. Any condition that gave rise to a pre-existing violation in the new or altered apartment
19 must be removed or remedied by work performed under permits issued pursuant to this local law.

20 4. Notwithstanding any inconsistent provision of the New York city construction codes,
21 including sections 28-118.14 and 28-219.1, a certificate of occupancy or a temporary certificate
22 of occupancy may be issued for a basement or cellar apartment created or altered pursuant to this
23 local law where there are outstanding fines and civil penalties for pre-existing violations

1 provided that such fines and civil penalties shall remain due and owing, and the department may
2 thereafter enforce and collect such amounts in accordance with the New York city construction
3 codes.

4 b. The department of buildings may refuse to issue a certificate of occupancy or a
5 temporary certificate of occupancy pursuant to this section if there are outstanding department of
6 buildings violations, penalties or open permits not signed off related to work performed under
7 permits issued pursuant to this local law until such penalties have been paid, such violations have
8 been corrected, including filing certificates of correction, if applicable, and permits have been
9 closed, as required by the New York city construction codes.

10 c. 1. Every certificate of occupancy or temporary certificate of occupancy issued for a
11 basement or cellar apartment created or altered pursuant to this local law must contain a
12 reference to this local law.

13 2. A partial or amended certificate of occupancy or a temporary certificate of occupancy
14 issued pursuant to subdivision a of this section must contain a note that such certificate of
15 occupancy does not certify compliance with applicable laws with respect to parts of the building
16 outside of the apartment created or altered pursuant to this local law.

17 § 8. Waiver of application, permit and inspection fees by department of buildings. The
18 commissioner of buildings shall waive all fees, which would otherwise be required to be paid to
19 the department of buildings by title 28 of the administrative code, the electrical code or the rules
20 of the department of buildings, in connection with applications, permits and inspections for work
21 in the program area related to the creation or alteration of habitable apartments in basements and
22 cellars where such apartments are officially subsidized under a program administered by the
23 department of housing preservation and development.

1 § 9. Waiver of fees by other agencies. The department of environmental protection shall
2 waive all fees which would otherwise be required to be paid arising out of the creation or
3 alteration of habitable apartments in basements and cellars where such apartments are officially
4 subsidized under a program administered by the department of housing preservation and
5 development. Any other agency may promulgate rules to waive fees that would otherwise be
6 required to be paid arising out of the creation or alteration of such apartments where such
7 apartments are officially subsidized under a program administered by the department of housing
8 preservation and development, and where such agency determines that such waiver would
9 facilitate such program.

10 § 10. Time limit for filing of construction documents. Completed construction documents
11 pursuant to this local law shall be filed with the department of buildings within 18 months from
12 the effective date of this local law subject to the provisions of articles 104 and 105 of chapter 1
13 of title 28 of the administrative code of the city of New York pertaining to time limitation of
14 applications and expiration or permits.

15 § 11. Radon levels. No certificate of occupancy or temporary certificate of occupancy
16 may be issued for an apartment in a basement or cellar created or altered pursuant to sections
17 four or five of this local law unless a certification is submitted to the department of buildings that
18 the level of radon in such apartment after the completion of construction is tested in accordance
19 with, and meets the standards set forth in, rules promulgated by the department of health and
20 mental hygiene, which shall require the level of radon in such an apartment be below 2
21 picocuries per liter of air.

22 § 12. Vapor barriers and soil excavation. a. No certificate of occupancy or temporary
23 certificate of occupancy shall be issued for an apartment in a basement or cellar created or

1 altered pursuant to sections four or five of this local law unless, in accordance with rules
2 promulgated by the department of environmental protection, either:

3 (i) a qualified environmental professional submits a certification to the department of
4 buildings that a vapor barrier was applied prior to the installation of flooring; or.

5 (ii) in cases where such creation or alteration is limited exclusively to the addition of a
6 habitable sleeping room in an existing lawful basement apartment, a qualified environmental
7 professional submits a certification to the department of buildings that indoor air and vapor
8 sampling was conducted throughout the apartment in accordance with the rules of the department
9 of environmental protection, the results of which qualify the apartment for an exemption from
10 the requirement of a vapor barrier in accordance with such rules.

11 b. No certificate of occupancy or temporary certificate of occupancy shall be issued for
12 an apartment in a basement or cellar created or altered pursuant to sections four or five of this
13 local law where such creation or alteration includes excavation within or to expand an existing
14 building footprint for the purpose of increasing the ceiling height of such apartment, unless the
15 department of environmental protection furnishes a notice to the department of buildings stating
16 that the department of environmental protection has determined that appropriate measures to
17 protect public health and the environment for the allowable use have been undertaken in
18 accordance with rules promulgated by such department, and that such department does not object
19 to the issuance of such certificate of occupancy or temporary certificate of occupancy.

20 § 13. Compliance with fire code sprinkler requirements for altered buildings on
21 substandard width streets. Any habitable apartment in a basement or cellar created or altered
22 pursuant to sections four and five of this local law shall be deemed to be an alteration subject to
23 the exception set forth in subdivision 5.1 of section 501.4.3.1 of the New York city fire code.

1 § 14. Construction. a. Except as specifically provided in this local law, nothing in this
2 local law is intended to grant authorization for any work to be done in any manner in violation of
3 the provisions of the New York city construction codes, or any other law or rule.

4 b. Nothing in this local law is intended to effect, alter or amend any provision of the
5 zoning resolution of the city of New York.

6 § 15. Rules. The department of buildings, the fire department, the department of
7 environmental protection, the department of housing preservation and development and the
8 department of health and mental hygiene may adopt any rules necessary to carry out the
9 provisions of this local law.

10 § 16. Report. No later than 48 months after the date this local law takes effect, an agency
11 appointed by the mayor shall submit to the mayor and the speaker of the city council a report
12 summarizing the impact of the demonstration program established by section two of this local
13 law.

14 § 17. This local law takes effect 120 days after it becomes law, provided that the
15 provisions of paragraph 2 of subdivision a of section six of this local law and sections eight and
16 nine of this local law shall not apply to any building in the program area for which a complete
17 application for construction document approval is filed more than 18 months after the date this
18 local law takes effect.

CCF/APB
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Board of Standards and Appeals

BSA CALENDAR NUMBER _____

APPEALS APPLICATION FORM

Section A (Applicant's Representative and Owner of Record or Operation)

Name of Applicant's Representative Firm	Applicant (Owner of Record or Operator)
Contact Person	Address
Address	City State Zip
City State Zip	Lessee/Contract Vendee
Phone Number	Address
Email	City State Zip

Section B (Site Data)

Street Address	Borough Block Lot(s)
A/K/A Street Address	Community Board Council Member Zip Code
Site Description	Zoning District (Including Special Purpose District)
	Landmark/Historic District

Section C (Department of Buildings Decision)

BSA Authorizing Section-(s)	DOB Decision (Objection/Denial) Date Legalization (Y/N)
Section(s) of MDL to be varied	Acting on Application No.

Section D (Project Description)

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Section E (Signature)

I Hereby affirm that based on information and belief, the above statements and the statements contained in the papers are true.

Sworn to me this _____ day of _____ 20____
Signature of Applicant, Corporate Officer or Other Authorized Agent (e.g. property manager)

Print Name Title Notary Public

Board of Standards and Appeals

Check List for MDL Waiver Applications

	Items	Proposed
1.	Appeals Application Form	<input checked="" type="checkbox"/>
2.	Department of Buildings Objections	<input checked="" type="checkbox"/>
4.	Statement of Facts and Findings	<input checked="" type="checkbox"/>
5.	Previous Board Resolutions and/or Court Actions	<input checked="" type="checkbox"/>
6.	Zoning, Building or Other Applicable Code Sections	<input checked="" type="checkbox"/>
7.	Certificate of Occupancy	<input checked="" type="checkbox"/>
8.	Zoning Map	<input checked="" type="checkbox"/>
9.	Tax Map	<input checked="" type="checkbox"/>
10.	Photographs-Including interior	<input checked="" type="checkbox"/>
11.	Existing Conditions Plans	<input checked="" type="checkbox"/>
12.	Proposed Conditions Plans	<input checked="" type="checkbox"/>

Applicant's Signature

Board Front Desk Signature

PLANS INSTRUCTIONS

PLAN REQUIREMENTS

All drawings submitted shall be properly titled, numbered, dimensioned, dated, drawn to scale and comply with the following directions and must bear a legible seal and signature of a registered architect or licensed professional engineer.

- All drawings must be legible and 11x17 inches in size.
- All drawings submitted shall be properly titled, numbered, dimensioned, dated, drawn to scale and comply with the following directions and must bear a legible seal and signature of a registered architect or licensed professional engineer.
- All drawings shall comply with the following Board's standard notes instructions:

Existing Conditions Plans

Plot Plan/Site Plan

- Fully dimensioned and to scale (with a graphic scale)
- Identify landscaping, including street trees o Indicate size and location of all curb cuts
- Identify the dimension of sidewalks
- Identify the location, height, and type of all fences
- Indicate all topographical features o Indicate legal, existing and finished grades o Identify any parking layouts, including the number of spaces and all loading areas
- Show locations and direction of outdoor lighting
- Indicate the location of any trash dumpster or trash enclosure.
- Provide compass points
- Identify address and lot numbers
- Provide zoning floor area schedule

Floor Plans

- Provide plans for all floors, including cellar and roof
- Identify all exterior dimensions
- Identify approximate size of all interior spaces, including room sizes
- If an enlargement, identify new and proposed construction
- Provide compass points
- Identify on the floor plans where the sections are taken from

Sections

- Identify each section and coordinate labeling with location of section on floor plan
- Dimension floor to floor heights, street wall/setback heights, and total building height (all measured from curb level)

Elevations

- Identify facing materials
- Identify what side of the building is being shown (e.g., east elevation, etc.)
- Dimension floor to floor heights, setback heights, and total building height
- Streetscape, if submitted, should include heights of adjoining buildings.

Proposed Conditions Plans

Proposed conditions plans must follow instructions of Existing Conditions Plans, above.

The following notes and/or information are required:

TBD by DOB and FDNY

MDL APPLICATION INSTRUCTIONS

All applications for the legalization of basement or cellar units to be filed on behalf of the individual property owners by the New York City Housing Preservation and Development (“HPD”) will be exempt from all Board fees pursuant to N.Y.C. Admin. Code § 25-202(6).

Proposed plans for these units shall undergo full plan review at the Department of Buildings (“DOB”) both so that (a) all parties are fully informed as to the precise waivers required for legalization and (b) unexpected code non-compliances that could lead to a second trip to BSA may be prevented. Accordingly, a DOB objection naming the precise section(s) of the MDL required to be varied shall be required for all applications, pursuant to the Board’s rules.

Since the applications will be filed through a City agency, BSA will waive the following of its rules:

- Filing Period § 1-06.3 (requiring that appeals applications be filed within 30 days of the DOB objection);
- Application referral § 1-06.4 (requiring referral of the application materials to DOB and CPC);
- Hearing notice § 1-06.5 (requiring distribution of a notice of hearing to DOB and CPC);
- Owner’s Authorization § 1-09.4 (requiring the submission of an Affidavit of Ownership and Authorization form by the owner of record on a zoning lot).

Compliance with all other BSA rules and instructions (i.e. completion of an application form; a statement of facts particular to the premises; existing and proposed drawings in suitable format; provision of applicable zoning, tax and survey maps; site photographs, etc.) will be required.

Disqualifying Criteria: BSA cannot determine whether existing conditions are legal non-compliances—that is a determination that must be made by DOB. BSA also cannot, through this Pilot Program, permit (1) increases in the degree of the existing zoning non-compliances or non-conformances OR (2) the creation of new zoning non-compliances or non-conformances.

Accordingly, premises with the following conditions would be **ineligible** for participation in this Pilot Process¹:

- Premises located in a Flood Zone (would require waiver of Appendix G to the Building Code);
- Premises located in a zoning district that does not permit three-family residences (would require zoning variance);
- Premises at which the additional floor area created in the basement or cellar would render the building non-compliant with the maximum floor area permitted in the underlying zoning district and/or parking requirements (would require zoning variance);
- Premises erected after July 1, 1948;
- Premises that is not a “converted dwelling” as defined by the New York State Multiple Dwelling Law § 4(10)(a)-(b).

All requests for a waiver filed pursuant to NYS Multiple Dwelling Law must be made on the Board’s “APPEALS” application form.

¹ This list is not exhaustive.

Filing Instructions

Submit one (1) original and one (1) copy of the completed Appeals Application Form and all attachments specified in this instruction to the Board office. At the time of filing the application at the Board office an electronic copy (CD or a USB Flash Drive) of the complete application must be provided.

Pursuant to § 1-09.1 of the Board's Rules, all filings shall be made in person at the Board office, and incomplete applications shall not be accepted. The applicant, and not Board staff, is responsible for stamping and clocking all copies of the application at the Board office. The first page of each individual document, and all plans, must be stamped and clocked.

The CD or USB Flash Drive of the digital materials must contain the following:

- The address must be written on the CD or on a sticky note taped to the USB Flash Drive.
- The name and ordering of each file on the CD or USB Flash Drive must match the instructions on the following pages ("New application: Order and naming of files on the CD"). If you are providing a document which is not listed on the attached pages, please label accordingly (e.g., "Appeals Application Form", "DOB Objection", etc.).

APPEALS APPLICATION FORM

The "APPEALS" application form must be fully completed and provide all of the requisite information. This will ensure that the processing of the application is done expeditiously and will not require a project manager to issue unnecessary comments during the review phase.

Section A: Applicant's Representative/Applicant

- Provide the applicant's representative name, address, phone number and email address;
- Provide the name and address of the applicant (owner of record or operator);
- If applicable, provide the name and address of the lessee / contract vendee of the property.

Section B: Site Data

- Provide the address (street and house number);
- Provide the exact location of the subject property. For example: "Property is situated on the west side of Fifth Avenue, 100 feet north of the corner formed by the intersection of X street and Fifth Avenue."
- Provide the block number and lot number(s), the borough and the community board district within which the property is located. If the property is located in the borough of Queens, identify the borough as follows: "Woodside, Queens". If the site is located within the boundaries of two Community Boards, both should be listed. In addition, the applicant should note if the premises are identified by another address (A/K/A);
- Identify the Zoning District that the property is located within, and Special District, if applicable, with the map section as it appears in the New York City Zoning Resolution. If the building is located within a landmark historic district or is a landmarked site, it should be stated;
- Provide the name of the City Councilmember whose district the property is located within.

Section C: Department of Buildings Decision

Before filing, the applicant must first file a complete alteration application or new building application, including plans, with the Department of Buildings (DOB) that is subject to DOB review and is not Professionally Certified. The application will not be accepted by the Board office without the proper determination ("objection"). Section C of the Appeals Form must contain the following:

- The section(s) of the Multiple Dwelling Law sought to be varied

- The date of the DOB denial, the new building number (N.B. #), alteration application number (Alt. #) or building notice number (BN #) under which the plans were originally filed at the Department of Buildings or Department of Business Services.

Section D: Project Description

- Provide a brief description of the application. An example of a project description is:

Special Permit (§73-36) to permit the operation of a Physical Cultural Establishment (ABC Health Club) within the cellar, first and second floors of a mixed retail and office building contrary to ZR §32-10. C4-3 (XYZ Special Purpose District).

Section E: Signature

- Appeals Application Form must be signed by the Applicant, Corporate Officer or Other Authorized Representative affirming that all statements contained within the Application Form and attached materials are true. The Application Form must also be notarized by a notary public, pursuant to all applicable notary laws.

ATTACHMENTS TO THE APPEALS APPLICATION FORM

All of the items listed below must be submitted at the time of filing or the application will not be accepted. Please note that failure to provide the materials correctly will unnecessarily delay the review of the application.

DOB OBJECTION

Attach a copy of the DOB objection, stamped with the denial from the Commissioner, Borough Commissioner or authorized representative. The section(s) of the Multiple Dwelling Law sought to be varied must be identified.

STATEMENT OF FACTS AND FINDINGS

Attach a typewritten Statement of Facts and Findings (if applicable) which discusses the application's principal points and arguments. This statement should include, but is not limited to, the following items:

- Property's address, neighborhood, zoning district and general surrounding area;
- A statement qualifying the property as a "converted dwelling" pursuant to MDL §§4(10)(a) or 4(10)(b);
- A description of the existing property, including use, size, height, number of stories, grade elevation, and other relevant features;
- The proposal, including use, size (square feet), height, number of stories, and other relevant features;
- Action requested or type of application;
- Procedural and permit history including explanation of DOB filings and approvals; issuance of permits and any post approval amendments, audits, reconsiderations, stop-work orders, letters of intent to revoke, revocations or rescissions;
- Description of any previous Board approval;
- Discussion of any pending violations and summonses, and all pending court actions.

PREVIOUS BOARD RESOLUTIONS AND/OR COURT ACTIONS

Attach copies of all Board Resolutions, and/ or court actions related to the subject site, that are relevant to the action before the Board.

CERTIFICATE OF OCCUPANCY

Attach a copy of the current Certificate of Occupancy, if issued. Where relevant, previously issued Certificates of Occupancy should be included.

ZONING, BUILDING OR OTHER APPLICABLE CODE SECTIONS

Attach copies of all relevant zoning, building or other code sections that are being appealed or referred to in the applicant's statement of facts.

ZONING MAP

Clearly identify the subject site on a copy of the NYC zoning map.

TAX MAP

Provide a copy of the subject tax map from the NYC Department of Finance.

RADIUS DIAGRAM/LAND USE MAP

Provide a radius diagram (drawn to a scale of 100 feet to 1 inch on sheets not to exceed 11" by 17" in size) which clearly shows the following:

- Provide a color land use map for all properties located within a 400-foot radius measured from the center of the subject lot. If the site is greater than 40,000 square feet or has greater than a 300-foot frontage, a 200-foot radius from each corner of the site must be used, or if the application is for separately owned one-, two- or three-family dwellings.

Use the following colors for land use:

- Yellow for one- and two-family dwellings
- Orange for multiple dwellings
- Red for commercial
- Brown for mixed residential/commercial
- Purple for manufacturing
- Green for open space/park land
- Blue for institutional/community facility
- Dark grey for parking/automobile/utility
- Light grey for vacant/open lot

Further identify the number of building stories and land use of all properties as follows:

III	Story Height
MD	Multiple Dwelling
D	Dwelling
R	Retail

G	Garage
C	Commercial
I	Industrial
M	Manufacturing
W	Warehouse
A	Auto

- All block numbers must be printed within a rectangle:
- All lot numbers must be printed within a circle:
- Identify the frontage, depth and width of all lots within the building line;
- Identify all house numbers outside of the building line, street names, and street widths (property line to property line);
- Identify the zoning districts and boundaries;
- Provide compass points;
- Identify the location at which each photograph submitted as part of this application was taken with a circle with and arrow (σ) showing the direction in which the camera faced.

EXISTING AND PROPOSED PLANS

For MDL Waiver applications, submit a reduced set of plans (11" X 17"), including sections and elevations shown in NAVD 88 that depict:

1. the existing (or legal) conditions;
2. the proposed conditions.

PHOTOGRAPHS

Submit a set of 8 ½" x 11" color photographs of the subject site.

1. The back of the photograph must indicate the name and address of the photographer and the date the photograph was taken. The address of the subject site should be included.
2. Attach an 8 ½" x 11" sketch to each set of photographs and identify the point at which each photograph was taken. Show compass points and indicate the point at which each photograph was taken by means of a number, corresponding to the photograph, within a circle and an arrow showing the direction in which the camera faced when each photograph was taken.
3. Photographs must show and document the amount and extent of construction completed at the site. It should include multiple views and cover the entire site from each corner.

APPEALS CHECKLIST

At the time of filing at the Board office, complete the Appeals checklist with Board staff to ensure that all applicable items are included in your application.

Disclaimer: While applicants should follow the above instructions, the Board recognizes that some applications may result in deviations from the instructions; for example, some of the attachment items may not be applicable and therefore not required for certain applications, while additional attachment items not identified in the instructions may be required upon the Board's request.

BSA CALENDAR NO. _____ BLOCK _____ LOT _____

SUBJECT SITE ADDRESS _____

APPLICANT _____

ZONING DISTRICT _____

PRIOR BSA # _____

COMPLIANT: "Y"

SPECIAL/HISTORIC DISTRICT _____

IF NOT: "N" and

COMMUNITY BOARD _____

INDICATE AMT

OVER/UNDER

	* <u>APPLICABLE</u>	MAXIMUM	MINIMUM	LEGAL PER	EXISTING	PROPOSED	
	ZR SECTION	PERMITTED	REQUIRED	C of O or BSA			
LOT AREA							
LOT WIDTH							
USE GROUP (S)							
FA RESIDENTIAL							
FA COMMUNITY FACILITY							
FA COMMERCIAL/INDUST.							
FLOOR AREA TOTAL							
FAR RESIDENTIAL							
FAR COMMUNITY FACILITY							
FAR COMMERCIAL/INDUST.							
FAR TOTAL							
OPEN SPACE							
OPEN SPACE RATIO							
LOT COVERAGE (%)							
NO. DWELLING UNITS							
WALL HEIGHT							
TOTAL HEIGHT							
NUMBER OF STORIES							
FRONT YARD							
SIDE YARD							
SIDE YARD							
REAR YARD							
SETBACK (S)							
SKY EXP. PLANE (SLOPE)							
NO. PARKING SPACES							
LOADING BERTH (S)							
OTHER:							

* In *Applicable ZR Section column*: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to **current R district requirements**, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to **nearest district where permitted**. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included. NOTES: _____