



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
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RUDOLPH J. RINALDI, COMMISSIONER
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ISSUANCE #303

Technical
Policy and Procedure Notice #4/91

TO: Distribution

FROM: Rudolph J. Rinaldi, Commissioner

RE: Lower Density Contextual Zoning Amendment
Grandfathering--Renewal of Building Permits

DATE: June 25, 1991

This is to further inform you of recent developments regarding an approaching deadline affecting projects which were grandfathered pursuant to Z.R. §11-331 and thereby allowed to proceed under zoning regulations in effect prior to the Lower Density Contextual Zoning Amendment ("LDCZA") of June 30, 1989.

In the original text, a certificate of occupancy ("CO") must be obtained within two years after the effective date of an applicable zoning amendment. Therefore, if no CO is obtained as of June 30, 1991, the permits issued for projects grandfathered under pre-LDCZA zoning will automatically lapse. However, if no actual work remains and construction has been completed prior to July 1, 1991, a CO may issue without permit renewal. Where construction has not been completed prior to July 1, 1991, the applicant may seek from the New York City Board of Standards and Appeals an extension of the permit and additional time to complete construction and obtain a CO.

The development community is advised that a proposed amendment to ZR §11-333, if enacted, will authorize the extension of a building permit until June 30, 1995 for a minor development and until June 30, 1997 for a major development provided certain criteria are met. Z.R. §11-333, as proposed, will require the owner of such

affected residential developments, to document to this Department, within 30 days* of the effective date of this proposed amendment, that 30% of the floor area of the development was roofed and enclosed by walls** on July 1, 1991. In order to obtain relief under Z.R.§11-333, the documentation, certified by a licensed architect or professional engineer, must be complete and evidence the degree of completed enclosures.

The Department recommends that the above documentation be submitted and will accept such certifications voluntarily submitted from July 1, 1991 onward, pending the enactment of the amendment of Z.R.§11-333.

* It has been suggested that the currently proposed 30 day filing period be lengthened to 90 days. In either event, it is suggested that applicants submit the required documentation as soon as possible after July 1, 1991.

** The terms "roofed and enclosed by walls" does not require that exterior finishing, such as shingles, be in place on July 1, 1991.