



BUILDINGS BULLETIN 2020-005
Operational

Supersedes: Prospectively and Partially Supersedes Operations Policy and Procedure Notice # 7/02

Related Bulletin(s): BB 2016-010

Issuer: Gus Sirakis, PE
First Deputy Commissioner

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Purpose: This bulletin seeks to clarify the application process for Adult Establishment applications under the 2001 Zoning Resolution Amendments.¹

Related Code/Zoning Section(s):	AC 28-104.2.1	AC 28-104.7	BC 107	ZR 12-10
	AC 28-104.2.2	AC 28-105.10	1 RCNY 21-02	ZR 32-01
	BB 2016-010	OPPN #8/96		ZR 42-01
	OPPN #7/02	OPPN #17/95		

Subject(s): Adult Establishments, Professional Certification

- I. **Effective:** Upon the date the 2001 Zoning Resolution Amendments become enforceable.²
- II. **Background:** Beginning with OPPN #17/95, and as currently described in OPPN #7/02(I)(A), the Department has prohibited the use of Directive 14 of 1975 and the Professional Certification of Application and Plans Process (BB 2016-010) for any filing related to Adult Establishments.
- III. **Description:** As a result of the 2001 Zoning Amendments, which the New York Court of Appeals upheld in For the People Theatres of N.Y. Inc. v. City of New York dated June 6, 2017, the use of Directive 14 of 1975 and/or the Professional Certification of Application and Plans Process will not be prohibited solely because the applications propose adult establishments.³ Applications that propose Adult Establishments need not be subject to routine review by the Department’s General Counsel’s Office.

¹ Enforcement of these amendments is currently stayed, pending the outcome of 725 Eatery Corp. v. City of New York, 408 F. Supp. 3d 424 (S.D.N.Y. 2019), and related cases.

² See previous footnote.

³ As defined in Zoning Resolution § 12-10.