



Margery Perlmutter
Chair/Commissioner

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September 1, 2017

Honorable Speaker Melissa Mark-Viverito
105 East 116th Street
New York, NY
10029

RE: New York City Administrative Code § 25-208
Report on Activities of the Board of Standards and Appeals

Dear Honorable Speaker Mark-Viverito,

Pursuant to New York City Administrative Code § 25-208 the Board of Standards and Appeals is providing your office with a report regarding the applications filed and decided upon in the prior fiscal year, from July 1, 2016 to June 30, 2017. The statute also requires reporting on the pre-application meetings held and statistics on the length of time from filing to a decision.

While the law only requires reporting on appeals, special permits and variances, the report includes data on what is known as the "Special Order Calendar" (SOC) that includes extensions of terms, amendments to previously approved applications and other sundry actions by the Board.

The Board is excited to present this window into its work. The report will be posted to our website shortly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Singer".

Ryan Singer, AICP
Executive Director

C: Councilmember, Ben Kallos
Deputy Mayor, Alicia Glen

Fiscal Year 2017 (July 1, 2016 to June 30, 2017)

Preapplication Meetings Held By Type

Total meetings requested/held 142

Appeal

Chapter 7 Hotel Conversion	1
GCL 35	3
MDL	2

SOC

(Includes Extensions of Term, Amendments, Extensions of time to Complete Construction etc.) 17

BZ

Variances	
72-21	88

Special Permits

Permit a Public Utility	
73-30	1
Permit a School in a Manufacturing District	
73-19	5
Permit a School in a Manufacturing District and a Variance	
72-21 & 73-19	1
Permit a Restauarant with a Drive-thru	
73-243	1
Permit a Physical Culture Establishment	
73-36	2
Reduction in existing parking for Affordable Housing	
73-433	2
Reduction in parking for community facilities or office	
73-44	5
Location of parking for community facilities	
73-452	1
Permit Roof top parking	
73-49	1
Wiaver of provisions along district boundaries	
73-50	2
Single-family Home Enlargements	
73-622	7
Bulk modification for affordable housing	
73-623	1
Rear yard modification	
73-69	1
Reinstatement	
11-411 (pre-1961)	1

Fiscal Year 2017 (July 1, 2016 to June 30, 2017)

FILED CASES	559
Appeal	280
GCL 35	47
GCL 36	215
Common Law Vesting	3
Interpretive Appeal	11
FDNY Appeal	1
MDL	1
Revoke a C of O	2
SOC	86
<small>(Includes Extensions of Term, Amendments, Extensions of time to Complete Construction etc.)</small>	
BZ	193
Variances	
72-21	43
Special Permits	147
Waivers for Homes in a Floodplain	
64-92	53
Permit a Two-family Home to Rebuild	
64-A71	1
Permit an Ambulatory Care Facility	
73-126	1
Permit an Electrical Utility Substation	
73-16	1
Permit a School in a Manufacturing District	
73-19	5
Permit a School in a Manufacturing District and a Variance	
72-21 & 73-19	1
Permit a Restaurant in a C3 District	
73-242	1
Permit a Restaurant with a Drive-thru	
73-243	2
Permit a Public Utility	
73-30	1
Permit a Physical Culture Establishment	
73-36	46
Permit a Physical Culture Establishment & a Variance	
72-21 & 73-36	1
Reduction in existing parking for Affordable Housing	
73-433	2
Reduction in parking for community facilities or office	
73-44	12
Waiver of provisions along district boundaries	
73-50	1
Single-family Home Enlargements	
73-622	17
Waiver of Height Restrictions around Airports	
73-66	2
Reinstatements	
72-01 & 72-22 (post 1961 variances)	1
11-411 (pre-1961)	2
Filed Cases for which a Pre-App meeting was held	
Variances	23
Special Permits	14

Fiscal Year 2017 (July 1, 2016 to June 30, 2017)

DECIDED CASES	Granted	Denied	Withdrawn	Dismissed	TOTAL DECIDED
	304	4	29	4	341
Appeal	85	2	15	0	102
GCL 35	24	0	0	0	24
GCL 36	49	0	10	0	59
Article 78 Remand	0	1	0	0	1
Building Code Appeal	3	0	0	0	3
Interpretive Appeal	1	0	2	0	3
MDL	2	0	0	0	2
MDL Extension	3	0	0	0	3
Modification of a C of O	1	0	0	0	1
Vested Rights: Extension of Time	2	0	1	0	3

	Granted	Denied	Withdrawn	Dismissed	TOTAL DECIDED
SOC	61	1	2	1	65

(Includes Extensions of Term, Amendments, Extensions of time to Complete Construction etc.)

	Granted	Denied	Withdrawn	Dismissed	TOTAL DECIDED
BZ	158	1	11	3	173
Variances					
72-21	25	1	7	0	33
Special Permits	132	0	3	2	137
Waivers for Homes in a Floodplain					
64-92	53	0	0	0	53
Permit a Two-family Home to Rebuild					
64-A71	1	0	0	0	1
Permit a School in a Manufacturing District					
73-19	3	0	0	0	3
Permit a School in an M District and Reduction in parking					
73-19 & 73-44	1	0	0	0	1
Permit an Automotive Service Station					
73-211	2	0	0	0	2
Permit a Public Utility					
73-30	1	0	0	0	1
Permit a Physical Culture Establishment					
73-36	41	0	2	0	43
Reduction in parking for community facilities or office					
73-44	4	0	0	0	4
Enlargement of Manufacturing Use					
73-53	0	0	1	0	1
Enlargment of Residential Building					
73-621	2	0	0	0	2
Single-family Home Enlargements					
73-622	23	0	0	2	25
Waiver of Height Restrictions around Airports					
73-66	1	0	0	0	1
	Granted	Denied	Withdrawn	Dismissed	TOTAL DECIDED
Reinstatements					
11-411	0	0	1	1	2
	Granted	Denied	Withdrawn	Dismissed	TOTAL DECIDED
Statutory Vesting					
BZY	0	0	1	0	1

REVIEW METRICS

Average Number of Days from Filing to Decision: Appeal	354
Average Number of Days from Filing to Decision: SOC	370
Average Number of Days from Filing to Decision: BZ	327

Review Periods by length: number of days	<30	<180	<365	<545
Percentage of Cases Decided in Period: Appeal	23%	35%	75%	82%
Percentage Cases Decided in Period: SOC	0%	17%	58%	83%
Percentage Cases Decided in Period: BZ	31%	37%	60%	77%

Initial Hearings Held	324
BZ	149
SOC	100
Appeal	75

Data Dictionary for BSA Application Report 2016-2017

Appeal: a case appealing a Department of Buildings (or other agency) determination; includes General City Law and Multiple Dwelling Law waivers

Article 78 Remand: a case remanded back to the Board by a court for rehearing

Building Code Appeal: an appeal described in the Building Code, for example Appendix G allows the Board to waive certain flood resistant construction requirements

BZ: Building Zoning case; a variance, special permit or reinstatement of such as described in the New York City Zoning Resolution

Chapter 7 Hotel Conversions: a waiver of the New York City Administrative Code Chapter 7 moratorium on hotel conversions

Common Law Vesting: an action determining that a building may continue to construct pursuant to prior regulations based on common law; must illustrate a significant loss from complying with the new regulations

FDNY Appeal: an appeal of a Fire Department determination

GCL 35: waiver of General City Law 35 to permit a structure in the bed of a mapped street

GCL 36: waiver of General City Law 36 to permit a building on a lot with no street access

Interpretive Appeal: an appeal of an interpretation by the Department of Buildings (or other City agency), usually of the Zoning Resolution

MDL: waiver of the Multiple Dwelling Law, a State law governing health and safety provisions for buildings with three or more dwelling units

Revoke a C of O: a case brought by the Department of Buildings (or other City agency) to revoke a Certificate of Occupancy

SOC: Special Order Calendar, the designation for cases seeking an extension of term, an amendment to a previous approval and sundry other actions

Statutory Vesting: a case filed pursuant to Zoning Resolution § 11-331 to allow construction pursuant to prior regulations; must show substantial progress made on foundations