

Item # 4 Zoning determination letter or ZA Referral Memorandum that the requested relief is correct (recommended).

The Applicant has self-certified this Application and does not believe that Referral Memorandum is required, helpful, or necessary. Notwithstanding the Board's deliberation and vote regarding the Remand Order in #20315 (for which no Dismissal Order has been issued yet), which may make self-certification pointless, we believe that self-certification as an option still exists and think it best to use that option here.

Furthermore, the Department of Buildings has already determined, through its administrative approvals, that the relief requested was sufficient. To change their opinion of that now raises serious estoppel issues.

In the present case, #21157, the applicant has added the only additional relief questioned by the Court of Appeals and demanded by the Board. DOB has answered every other question, including whether the nonresidential uses within 500 feet of the subject property qualify as Corner Store uses for purposes of re are any other corner stores are within 500 feet of the subject property.

For these reasons, the applicant is content to stand on its self-certification.