

1. I am filing an alteration for a class B – lodging house – certificate of occupancy #33298 – (see attached). the number of cubicles will be altered to be *less than* indicated on the current C. of O. *Is an alt-1 application required?* - or can we file *an alt-2* since we are reducing the number of units – for example – as we do when we combine units in a multiple dwelling under an alt-2 application.

**ALT-1 application filing due to changes in existing C of O**

2. Mechanical Code - Make-up air for residential units: Section 505.2 says makeup air is only required when an exhaust hood draws more the 400cfm of air. Section 403.3 says outside air must be provided in accordance with Table 403.3; this table says that for private dwellings (single and multiple) that Living areas require 0.35 ACH but not less than 15 cfm/person. Note i says “For R-2 buildings less than 125 feet in height, outdoor ventilation air provided by mechanical means serving dwelling units designed to exceed 100 cfm per dwelling unit, whether intermittent or continuous, shall be required.”

I understand that to say that outside air is ONLY required when there would be more than 100 cfm of outside air required – using the 0.35 ACH requirement. Is this correct, or does it mean that outside air is needed whenever there is more than 100 cfm of exhausted air. If the kitchen hood is under 400 cfm, let’s say 250 CFM, it is not required to have outside makeup air. But if note i is interpreted to mean that outside air is needed whenever there is more than 100 cfm of exhausted air, then I would have to provide outside air. This would be contradictory.

It seems that the requirement for mechanically supplied outside air in a living space is triggered by having a space greater than 17,143 cubic feet:  $17,143 \times 0.35 \text{ ACH} = 6000 \text{ CF/hr} = 100 \text{ CFM}$ . This makes sense to me since windows provide natural ventilation anyway. (FYI,  $17,143 \text{ CF} = 1904 \text{ SF}$  with a ceiling height of 9’.)

**Pursuant 403.3, Outdoor airflow rate.** “Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with this section. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3.

**ANSWER To (b) No**

**There is no contradiction. Kitchen hood with less than 400 cfm (say 250 cfm) is required to have out door air floor rate per MC 403.3. When Kitchen hood exceeds 400 cfm, pursuant MC 505.2, makeup air at a rate in accordance with Table 403.3 must be provided.as specified in MC 505.2.**

3. Following DeBlasio/Cuomo's announcement that construction and manufacturing could resume on May 15th.  
Is there any info from the DOB regarding if/when construction will resume on May 15th or thereafter?

There is no current plan to resume construction on 5/15/20. Future dates are being considered, but not finalized. Will keep the industry informed once a solid date to resume construction is established.

4. **BC-1507.16.1 Design standards.** Green roof systems shall comply with ANSI/SPRI RP-14 and ANSI/SPRI VF-1, or with FM DS 1-35.

Exceptions:

The aggregate area of landscaping materials or growth media or both on any single roof level of a building or structure is 250 square feet (23.2 m<sup>2</sup>) or less.

1. The roof area is 22 feet (6706 mm) or less from grade.

2. The green roof system is a container garden.

What's the relation between three highlighted sentences? There are no "and/or's". Do all 3 conditions have to be in place (250 sf or less, 22' above grade and container garden). Or 250 sf is a prerequisite and then one of the two conditions (or both) have to occur (22' or less / container garden)? Can this be clarified. And if the green roof system is exempt from compliance with standards mentioned above, what are the guidelines for compliance.

We will follow up with an answer at a later date.

5. **BC-1511.2 Sustainable roofing zone.**

Exceptions:

6. Areas where site conditions are determined by the department to be unfavorable to either a solar photovoltaic electricity generating system or a green roof system.

What are the examples of these unfavorable conditions and who at DOB determines that.

We will follow up with an answer at a later date.

6. **FC-504.4.4 Rooftop clear path.**

5. When the main building rooftop has more than one level, a fixed ladder or other approved means shall be provided to afford access along the clear path from one roof level to the next, excluding any height differential between levels exceeding one story or 16 feet

(4077 mm), and any level with a rooftop area that is less than 6 feet (1829 mm) in any dimension.

If you have a setback in a residential building (for example 10' Quality Housing setback after the base height), a fixed ladder to roof would be required on the street wall of the next floor. Those setbacks are terraces accessory to the dwelling unit that face them.

Offering plan to Office of The Attorney General, in Description of Property and Specifications or Building Condition, is required to state whether balustrade design creates "ladder effect" and if so, to describe protections. Fixed ladder on the same terrace, I'd assume, will present similar risks.

- a. What type of protection will DOB suggest or permit? Drop-down ladder so that first few feet of the ladder are not reachable to small children.
- b. How is the height differential of 16 feet between levels mentioned in this FC section measured. Is it roof level to roof level, or lower roof to top rung of the ladder. For example, If roof to roof height is say 13' and the parapet wall is 4' and the ladder goes over the parapet wall, then overall vertical travel is 17' exceeding max permitted 16'.

Protection of ladder from small children is not directly mentioned in Building code. But per BC1013.1, guards shall be provided for open side of the stair. Subjected ladder will a. provide the similar service as stair. So it has to be provided with protective guard as required by BC1013.1 and strength of the guards has to meet the standards mentioned on section BC1607.7. (Please see BC section below).

b. Height differential 16 feet is the perpendicular distance between two roofs. It is the elevations difference between two roofs. Height shall not be measured by the length of the ladder or to the top of the parapet wall.

- c. **Guard; BC1013.1 Where required.** Guards shall be located along open-sided walking surfaces, including mezzanines, equipment platforms, stairs, ramps and landings that are located more than 30 inches (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Guards shall be adequate in strength and attachment in accordance with Section 1607.7.

7. Will a new C of O be required for a two family residence that has been vacant (U.B. status ) for 5 years in an M1-2 zone. Article 35 in the HMC requires a new C of O to reoccupy a multiple dwelling which has been vacant for more than 60 days. Does this regulation apply to buildings other than multiple dwellings, ie. two family dwellings? If a new C of O would be required would it be granted for a previous residential use that is currently non-conforming? Lastly if this two family residence can be reoccupied, can it be converted to a three family dwelling without being considered an increase in non-conformance?

The use of the subject residential building is non-conforming use. Pursuant to ZR52-61, any non-conforming use is discontinued for a continuous period of two years, such non-conforming use building shall be used only for conforming uses. Subjected residential is not a conforming use for M1-2 zoning district. So residential use shall not to be continued. An Alt-I job has to be submitted to convert the building to a conforming use. The two-family building shall not to be converted to three-family as residential use is permitted in M1-2 zoning district.

8. A two family residence built in 1925 has no C of O, the Sanborn map indicates 2 story dwelling and the HPD Building Info indicates two family and two story. However, the current survey indicates the lowest story to be (topographically) a basement by Building Code (top of curb) and by Zoning Base Plane as well. Can we utilize the lowest floor as a basement in conjunction (duplexed) with the first floor apartment incorporating such habitable uses as: a family room, a three fixture bathroom, laundry room and a bedroom. Realizing also that the basement counting as floor area is partially in excess of currently permitted floor area. Will the DOB accept the point of view that the basement was a preexisting condition and, therefore, poses no increase in noncompliance? Ventilation and egress will comply with Code. Lastly will the DOB require a new C of O, if so, will they accept that the preexisting basement causes no increase in noncompliance?

It is a general consensus that the existing basement by the Zoning definition (ZR 12-10) is floor area, and its floor areas must be include in the zoning calculations. We also believe even if the addition of the basement floor area causes the building to exceed the

maximum permitted floor area, it will be permitted as an existing non-compliance if it existed prior to the zoning resolution. Lastly, we all believe that an ALT1 application will be required for the extension of the living area / space in order to document it on a Certificate of Occupancy.

9. How do we submit an **AI1 for Commissioner's interpretation** – only with the PER-11 request, via email?

**AI-1's may be dropped off in the borough office.**

10. How do we submit an **AI1 with drawings for minor revision** to Professionally Certified jobs filed with HUB Self Service?

**The applicant submits the Ai1 form and revised plan set through e-submit, for review by Hub Self Service.**

11. How do we receive **approved drawings** submitted with **AI1 for minor revision** to Professionally Certified jobs filed with HUB Self Service?

**Once reviewed and stamped, the approved revised plan set and Ai1 form are uploaded by Hub Plan Examiner together through e-submit for the applicant. The applicant can download from there.**

**Note: The pages being revised (superseded, new, or omitted) on the plan set shall correspond to the pages referenced on the Ai1 form.**

12. There is an objection requesting a review of the latest DOB approved plans on an Alt 2 of a building less than ten years old. The DOB plans are not on file at the DOB in microfiche or scan. The building management does not have them and the AOR is not helping. How does one resolve this objection?

**New plans need to developed and submitted to DOB for review.**

13. With respect to filing PW7 via e-filing. A rejection reason for a TCO renewal was stated as follows "All documents should be submitted separately." The e-filing system does not allow for upload of "Final" TR1, TR8, EN2 or PW3. The PW7 was submitted as one PDF containing all the relevant documents. When submitting for a PAA via e-filing all documents (PW1, PW1A & PW1B) are submitted together as one PDF document for upload, why is this different for requesting an LOC or TCO renewal? How can I proceed to obtain a TCO via e-filing when the system does not allow to submit the documents separately?

**The e-filing system allows the upload of Final" TR1, TR8, EN2 or PW3. If a PAA filing was accepted with all the documents submitted together as one PDF, it was done error. It should have been rejected for all documents to be uploaded separately.**

14. What is the process to submit the following items: After Hours Variances, L2 requests, LNO, Reinstatements, Superscede, Temporary Use Permits and Withdrawals?

**L2's – e-filing only.**

**LNO's/LOV's – Drop off or mail in – include check or money order for processing.**

Reinstatements – Email to the Plan Exam email address ONLY

([BrooklynPER11PlanExam@buildings.nyc.gov](mailto:BrooklynPER11PlanExam@buildings.nyc.gov))

TUP's – Drop off/Mail in with check or MO for processing – BC office will issue TUP number and give to Appl Processing for processing of payment – BCs review

AHV's – Drop off – By Wednesday for Saturday work, and at least 3 business days before any weekday requests

- PW5
- Updated EC Approval Certificated
- 2 separate checks – filing fee, permit fees.