

1. **Condition:** Quality housing building, residential, 6 story, R6A, R7A or R6, R7 on wide street, street wall location established as per ZR 23-661 a) (no closer to the #street line# than the closest #street wall#...).

1st floor street wall is on front lot line for 100% of building frontage, 2nd through 6th floors have 6' deep balcony recess as per ZR 23-132 d) (Balconies in R6 through R10 Districts) for not more than 30% of building frontage.

Question:

Does a street wall have to extend vertically to meet minimum base height requirement once its location is established at 1st floor or street wall distance to front lot line can vary as long as it does not violate street wall location requirements of ZR 23-661 at each floor.

In other words, is horizontal articulation in plan (recesses) of street wall on upper floors allowed if aggregate width of those recesses on upper floors do not exceed 30% of building's total street wall width.

The only indirect language I could find is in ZR 23-662 c)3) (Maximum height of buildings and setback regulations) for setback reduction when you have "recessed portion of a #street wall# that does not exceed 30 percent of the #aggregate width of street wall# at any level".

ZR 23-661 d) (3' for up to 50%) is not applicable here since any portion of street wall is compliant with #street wall# locations established in paragraphs (a) of ZR 23-661 (with adjacent building on street line).

Per ZR23-661(a)(1): For R6A, R7A, R7D, R7X, R9D districts all building, and for Quality Housing buildings on wide streets in R6 or R7 Districts without a letter suffix, the street wall shall be located no closer to the street line than the closest street wall, or portion thereof, of an existing adjacent building on the same or an adjoining zoning lot located on the same street frontage. (But street wall may be located further from the street line than the adjacent street wall).

Yes, Street wall for the subjected building may be located anywhere as street walls of adjacent zoning lots are located on the street line.

Street wall recess or projection is permitted at any level, up to 50% of the aggregated width of the street wall may recess or project beyond such street location and no such recess or projection exceeds a depth of three feet. Window recess or structural expression on the building façade also permitted to project or recess beyond the street wall location provided that such articulation does not exceed a depth or projection of 12 inches per ZR23-661(d).

For the subject building, street wall set back (10 feet or 15 feet) is required at minimum to maximum base height per ZR23-662(c).

The depth of such required setback may be reduced by one foot for every foot that the *street wall* is located beyond the *street line*, but in no event shall a setback of less than seven feet. No such set back is shown for the proposed six story building.

Where a *street wall* is divided into different segments and located at varying depths from the *street line*, such permitted setback reduction may be applied to each *street wall* portion separately.

Proposed recessed area on 2nd floor and up shall be considered as outer court. Balcony is not permitted within minimum area and dimension of the court per ZR23-87. Recessed balcony is permitted within street wall. Proposed balcony is not within street wall. Please see relevant sections below:

2. Some plan examiners require that the DOB NOW applications (Plumbing, Mech, Structural) will be filed prior to the approval of the ALT I /ALT II application. These examiners do not accept the pre filed DOB NOW job number, but insist that the application be fully filed and accepted at DOB NOW. Is that the policy of DOB? why just the job application number is not enough? In addition to that, some plan examiner insists that the plumbing riser diagrams will not be included on my Alteration drawings. Is that the DOB policy? Or just the plan examiner's request?

The requirement that a related application(s) be filed is not new. Under the BIS system if an SP or PL application was required in conjunction with another filing the applicant was always asked to FILE not Just PREFILE the application. The purpose of having the application filed is to make sure the full scope of work be demonstrated by all the filings and there have been instances where applicants have pre-filed applications and have not followed through to complete required work.

Note: We are not sure what “accepted” means in the question, but there is no requirement that the application be approved, but it should be filed which means paid for.

Regarding the request that UNRELATED [PL / MH] work be removed from plans. It has been decided that the applicant must clearly demonstrate on the plan by drawing a bubble around the unrelated work and make a clear statement that the unrelated work is shown: “For Reference Purpose Only.” In addition, the applicant should also provide the application number, on the plan, under which that related work is filed. I also recommend that the applicant(s) note all related DOB NOW applications numbers on the comments section of the PW1, section 24.

3. I submitted a PAA on a pro cert project, it was processed, and payment was submitted, the amended plans and AII were uploaded on 5/27 and it has not yet been accepted. Is there another process or procedure that needs to be followed?
Please provide a specific job #, so it could be further investigated.

4. Now that the Design Applicant is not responsible for the TPP and as per the below code section, it shall be prepared and filed by a registered design professional retained by the contractor, how and when does it need to be filed? Is it like a DS-1 demolition plan filing where the plan & form are submitted along with the PW-2 permit application, but not reviewed? I have heard it needs to be a separate Alt-3 filing? If so, does it need to be filed prior to permit or prior to approval? What Special and/or Progress inspections are required? If an Alt-3 filing is required, how and when is it signed-off? Is sign-off of the Alt-3 required in order to obtain sign-off of the underlying work application? If prior sign-off of the Alt.-3 is required, what should the base application design applicant do if the contractor does not arrange for the sign-off of the Alt.-3?

[§ 28-104.8.4] § 28-120.1 Tenant protection plan. [Construction documents] A tenant protection plan shall be prepared and submitted for the alteration[s], construction, or partial demolition of buildings in which any dwelling unit will be occupied during construction [shall include a tenant protection plan], including newly constructed buildings that are partially occupied where work is ongoing. The tenant protection plan shall be prepared by a registered design professional and filed with the department.

The registered design professional preparing the tenant protection plan shall be retained by the general contractor performing the alteration, construction, or partial demolition work.

This section is not yet in our administrative code. Therefore, old way of submitting TPP notes within project plans is acceptable; TPP1 form required prior to permit.

5. If the TPP is to be filed as a separate Alt. 3 is it correct that is it a BIS filing and not a DOB Now filing? **NO separate filing required at this time**
6. If the TPP is to be filed as a separate Alt. 3, can it be filed professionally certified or must it be received by a DOB Examiner? **See above.**
7. If the base application design applicant is willing, can the TPP filing still be included in the original application like it used to be? **Yes.**
Specifically, can the owner or contractor retain the design applicant to work with the contractor to develop a TPP and include it in the initial filing rather than submitting it as a separate filing? **Yes, but it will require from applicant to coordinate with GC phasing and means and methods, and keep plans updated correspondingly.**
8. Can a one (1) story auto repair shop with a current valid C. of O. be demised as two (2) auto repair shops, provided exit and travel distance requirement comply, without having to change the C. of O.? **Yes. Any changes to C of O need to be documented through C of O change.**
9. We will be "reactivating" a two story & basement, two family residence in an M1-2 D zone where it has been vacant for 5 years as per ZR 52-62 (a). We also wish to convert the two family to a three family "converted dwelling" under Article 6 of the MDL by using the non-occupied basement for the third apartment. The density regulation under ZR 43-61 (b) will be complied with. Please answer the following questions:
(i) should we not be required to provide a parking space for the additional apartment since we are not enlarging the building and under ZR 25-211 (c) (d) creating an additional

dwelling unit on a lot less than 5000 square feet does not require additional parking in all residential zones. Although we are in an M1-2D (quasi residential) can I apply this regulation to avoid supplying a parking since ZR 44-28(b) does not permit accessory parking in an M1-2 D zone.

No, parking may be required. in that, Pursuant to ZR 44-48 (b) it states that, "In M1-2D ,.....Districts, #accessory# parking shall not be permitted, except when authorized by the City Planning Commission...."

If the existing discontinued two- family residence is without City Planning approval, it was a non-conforming use that has been discontinued for more than two years and it may only be reoccupied pursuant to ZR 52- 62 (a or b).

Therefore, only City Planning Commission can grant or waive accessory parking in M1-2D zoning district if required, including a waiver based on ZR 25-211 (c) (d) of residential district parking regulation.

(ii) I assume that accessibility will be required for the new apartment. We cannot fit a ramp for access, however, could we use a fully enclosed commercial platform lift in the 12 foot "front yard" to reach the basement level approximately 2'-6" below grade.

Yes, if accessibility is required, the enclosed platform lift will be permitted in the 12 feet front yard since there is no front yard requirement in Manufacturing District pursuant to ZR 43-20. provided any court created by the enclosed platform lift and existing street wall is complying with Zoning Resolution. The City Planning Commission approval will also be required for the floor area enlargement by enclosed platform lift.

Furthermore, Pursuant to ZR 43-61(e) that states, "The maximum distance from the #street line# to the #street wall# of such #development# shall be ten feet, unless modified by the City Planning Commission pursuant to Section 44-28 (Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts). There is no minimum distance requirement between the street line and the street wall.

10. Despite regular meetings with DOB at Borough and City level we are still facing an unclear and unpredictable administrative process. As a result, when we submit PAA or other submissions we don't know the waiting time so we don't know whether to disturb somebody with an email or another reminder so that our submissions don't stay dormant.

For example I submitted PAA for Professionally Certified Alt.1 Job filed with Borough, paid fee and after waiting a week I sent an email to BPAAS@buildings.nyc.gov asking to approve it or otherwise let me know what else is necessary on my side. One week later I still have no result and no clue what's wrong or who to ask.

Email and phone contacts need to be provided so we can get answers to this sort of administrative questions.

Our service levels have not changed, jobs are usually processed within 24-48hrs. E-mails are not required when documents are uploaded. Customers can call Customer Service at (718) 802-3635

11. How long is the waiting time to get an appointment after a very simple request was submitted on AI1 with PER11?

Appointments are taking approximately 2 weeks from the date the PER-11 is submitted. If anyone is waiting for an appointment, they should reply to the last email received from the mailbox. AI-1's can also be dropped for review.

12. We are planning to propose Alt.1 to meet NB regulations in order to vertically enlarge an existing one-family building in R3-1 district, NOT a Special District, but Flood zone. In addition, we are planning to propose NB to build an accessory enclosed garage in order to get an additional 300 sq.ft for the residence per Z.R. 23-142(c). Existing Street Tree (yellow on site plan below) is located about 3' from the related curb cut (blue), which would be necessary to create for the aforementioned garage.

- a. Considering that the street tree is a healthy mature 14" diameter, is there any way to get approval contrary to the required 7' separation between curb cut and street tree (per NYCDOT 6.0.1) or the only option is removal?

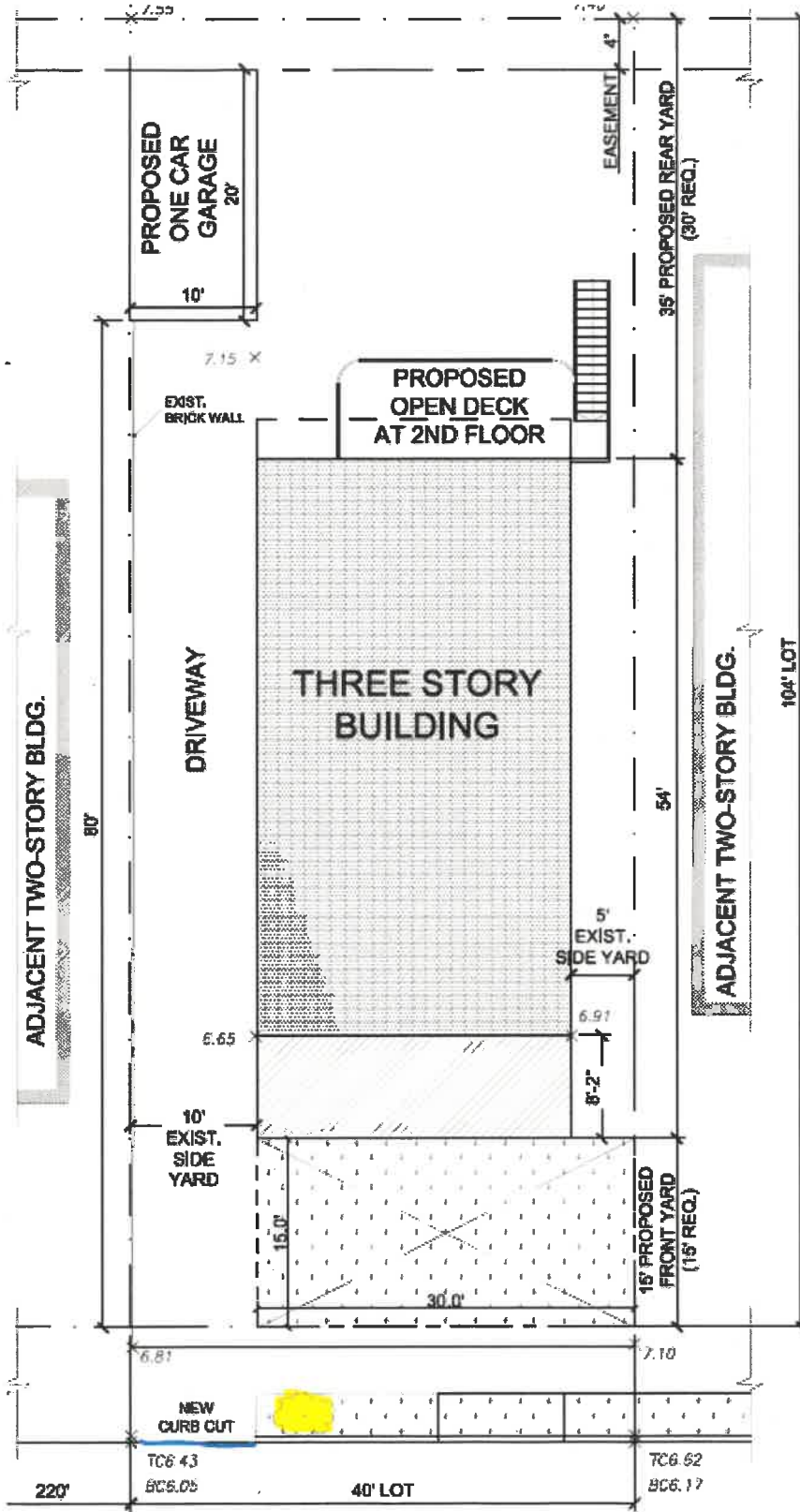
The DOB cannot alter the rules and regulations of the DOT. As a result, the 7' required minimum distances between edge of a driveway splay and the tree will be required unless approved otherwise by the DOT.

Moreover, regarding removing the tree, the DOT's INSTRUCTIONS FOR FILING PLANS & GUIDELINES FOR THE DESIGN OF SIDEWALKS, CURBS, ROADWAYS AND OTHER INFRASTRUCTURE COMPONENTS states that, "No tree shall be planted in or removed from the public right-of-way without a written permit from the Department of Parks and Recreation (DPR)."

This is confirmed by BC 3309.11 {Protection of trees} that states, "No trees outside the property line within the public right-of-way shall be disturbed or removed without the permission of the commissioner of the department of parks and recreation..."

- b. If it's impossible to save the tree, then is any compensation involved in addition to planting a tree per 25' of street frontage?

The answer to this question must be addressed by the Department of Parks and Recreation.



13. I submitted HUB "Consultation" request online a couple of weeks ago to initiate Alt.1 job – no response. I submitted the same again a week ago – complete silence. What shall I do?

14. How are EUP cards processed at sign off? Since these are physically placed at the equipment, yet all paperwork is meant to be submitted digitally I'd like to know how the process works.

EUP cards should be dropped off in the Borough Office.

15. How are required items indicated with 'T' or plan examiner review required supposed to be processed for required sign off items.

For required items indicated with "T" on a TR1 & TR8 upload via e-submit and it will be processed accordingly

For required items that have to be received by a Plan Examiner, upload the document via e-submit and schedule an appointment with the examiner for the item to be received.