

1. We failed the gas inspection because of the location of the gas valve.

A new rule was implemented in October that the gas valve cannot be located behind a stove/oven even though the stove/oven is movable.

The valve must be located next to the stove to be accessible directly.

Brooklyn plumbing unit is not aware of such new rule. Please forward permit number to look into the failed inspection.

2. Do SOE & Underpinning plans get filed under DOB NOW or DOB BIS?

From reading the Service Notice since the SOE & Underpinning are in contact with soil / earth the SOE & Underpinning plans would be filed under DOB BIS, please clarify.

Correct. These types of filings can be filed in BIS as "OT" and indicate the details included in the scope.

3. Does Home Occupation require a change to the Certificate of Occupancy?

For example, a job filed to show area to be used as Home Occupation for an accountant and affects only one partition.

Home occupation is considered as an accessory to a residential use. C of O of a building need not to be changed for home occupation, DOB memo: July 25, 1968 and DOB Letter, March 8, 1985. Alt-II is need for any proposed work needed to establish a home occupation. Home occupation has to comply with all applicable conditions mentioned on ZR12-10, Definition of "Home Occupation". Please see below.

ZR12-10: Definition: Home occupation (2/2/11)

(a) A "home occupation" is an **accessory use** which:

(1) is clearly incidental to or secondary to the **residential use of a dwelling unit or rooming unit**;

(2) is carried on within a **dwelling unit, rooming unit, or accessory building** by one or more occupants of such **dwelling unit or rooming unit**, except that, in connection with the practice of a profession, one person not residing in such **dwelling unit or rooming unit** may be employed; and

(3) occupies not more than 25 percent of the total **floor area** of such **dwelling unit or rooming unit** and in no event more than 500 square feet of **floor area**.

(c) **Home occupations** include, but are not limited to:

*fine arts studios*

*professional offices*

*teaching of not more than four pupils simultaneously, or, in the case of musical instruction, of not more than a single pupil at a time.*

(d) However, **home occupations** shall not include:

4. We are splitting an existing unit into two apartments.

The unit is on the first floor but is located up a half of flight of stairs from the main lobby.

The building has elevators, but these are not located in the main lobby and can only be reached by ascending a half flight of stairs.

Do we need to provide an accessible route to the new apartment?

If yes, can this be accomplished with a platform lift (per Exception 3 of 1109.7 Lifts)?

Drawings of the lobby + new apartment location attached as PDF.

It's an elevator building with four or more units. All levels and all units have to be accessible per BC1107.6.1.2.



Use of Lift/ wheelchair Platform is questionable. Code didn't mention "Yes or No" for existing building. CCD1 request may be needed. LULA elevator is not permitted per BC1109.6.1.1. Please see below:

**1109.6.1.1 Prior code buildings.** *In prior code buildings, LULA elevators shall be permitted to be a part of the required accessible route where the total floor area of the entire building is less than 10,000 square feet (929 m2) provided such LULA elevator is limited to a maximum rise of not more than 25 feet, serves not more than three contiguous levels, and elevators are not otherwise required by Chapter 30.*

**1109.7 Lifts.** *Platform (wheelchair) lifts shall not be a part of a required accessible route in new construction except as indicated in Items 1 through 9. Platform (wheelchair) lifts shall be installed in accordance with Chapter 30 of this code, Section 410 (Platform Lifts) of ICCA117.1 and ASME A1 8.1. Platform (wheelchair) lifts are permitted to be part of a required accessible route in new construction as follows:*

*6. An accessible route where existing exterior site constraints make use of a ramp or elevator infeasible as determined by the commissioner pursuant to the rules of the department.*

#### MIH Area

Projects in MIH areas cannot apply for an NB permit without the permit notice from HPD.



### Questions regarding L2 application

1. Can an owner of a one & two family dwelling submit a L2 request for a no relationship to violation (NRV)?

**No.** Space is defined as a particular location, area, section of a building.

2. Is an NRV applicable where all the tenants are renters in a residential apartment building?

**No.** The landlord controls the entire building and is the responsible party.

33. What proof is required with an NRV if the L2 override is being requested by a condominium owner?

- **The deed or the declaration of condominium documents.**

4. What proof is required with an NRV if the L2 override is being requested by a cooperative owner?

- **Non-ownership (referred to as non-equity or continuing articles of incorporation document)**
- **Ownership (referred to as equity or strata articles of incorporation document)**

5. What proof is required with an NRV if the L2 override is being requested by a tenant/lessee?

- **The tenant or lessee building lease agreement**