

Questions for Virtual AIA Brooklyn Industry Meeting – July 16th, 2020 @ 3:00 PM

1. Since TOPO is close until further notice, see attached notice, can the House number requirement be waived for ALT I applications on existing buildings?

It will be required prior to sign off.

2. New Building applications for a garage that is accessory to a one- or two-family house. In the past we would file a PL worktype on the NB for the roof gutter and leader. The leader would connect to the house sewer connection, drywell or have a splash block that would drain to an area drain. The plumbing division would provide the sign off.

Can the roof leader be shown on the construction drawing for the construction inspector to inspect?

Can it be filed as an LAA? Or do we have to file a plumbing application on DOB NOW for this one fixture?

Yes, roof gutter and leader can be filed on an LAA.

3. Section 909.1.4 Fire protection requirement based on value of the Alteration.
There are two sub sections to this requirement: 901.4.1 and 901.4.2
904.1.1 is for when a complete alteration throughout the building occur, and the value exceed 60%.

901.1.2 is for when spaces or areas within the building are being altered, but not the whole building, and the value is between 30%-60%.

Why do some of the plan examiners refer to a complete Alteration throughout the building as altering spaces within the building, and as so the value of the alteration cannot exceed 30% of the building value?

The code differs so simply between the two cases: Either a complete gut renovation (904.1.1), or a partial renovation of some spaces within the building (901.1.2).

Why is renovating the whole building considered (by some plan examiners) the same as renovating all the spaces in the building, and as such required to comply under 901.1.2?

Administrative code mentions that fire protection systems for prior code buildings have to comply with Chapter 9 of BC 2014.

Above mentioned both sections of code shall be used calculated the percentage of cost of alteration with respect to the value of the existing building.

BC901.9.4.1: This code section is applicable when the alteration works are performed for the entire building.

BC901.9.4.2: This section is applicable when alteration works are performed within a space of a building.

When works are performed for the entire building, the entire building shall also be considered as a space & the BC section 901.9.4.2 is also applicable for that instance. So both sections will be considered when alteration works are performed within the entire building and the most restrictive one will be applicable per AC28-102.1

BC 901.9.4 Additional requirements based on value of alterations. Fire protection systems shall be provided to buildings and spaces in accordance with the provisions of Sections 901.9.4.1 through 901.9.4.3.

901.9.4.1 Alterations requiring fire protection systems throughout a building. If the value of alterations to the building equals or exceeds 60 percent of the value of the existing building, or, in the case of a building containing 4 or more dwelling units, 50 percent of the value of the existing building, the entire building shall be made to comply with the fire protection requirements of this chapter as if it were hereafter erected.

901.9.4.2 Alterations requiring fire protection systems in the space being altered. If the value of alterations of a space is between 30 percent and 60 percent of the value of the existing building, or, in the case of a building containing 4 or more dwelling units, if the value of alterations of a space is between 30 percent and 50 percent of the value of the existing building, those portions of the building being altered shall be made to comply with the fire protection requirements of this chapter.

901.9.4.3 Additional requirements for buildings containing 4 or more dwelling units. For buildings containing 4 or more dwelling units, if the value of alterations to an existing space classified in Occupancy Group R-1 or R-2 exceeds 50 percent of the value of the space, such space shall be made to comply with the fire protection requirements of this chapter.

AC§28-102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, **the most restrictive shall govern.** Where a general requirement conflicts with a specific requirement, the specific requirement shall govern. Where British and metric units of measurement conflict, the British units shall govern.

4. I have a NB project, we never submitted the PW1-C. Should we submit it via the PAA process?
Please upload the PW1-C via e-submit. A PAA is not necessary.
5. I submitted a PER11 for reinstatement two weeks ago and have not received a response. How long is it taking to process reinstatements?
More information needed
6. BC G102 APPLICABILITY
G102.1.10. Other alterations to pre-FIRM construction.

This appendix shall apply to alterations or repairs to pre-FIRM buildings and structures, including installation of new components, materials, finishes and equipment, that increase the degree of noncompliance with this appendix.

Question: What is a "component" in this context? A component that can increase a degree of noncompliance.

For example, I have an existing pre-firm commercial or habitable space below DFE with one toilet room or bathroom, can more toilet rooms / bathrooms be added?

Can existing habitable space be rearranged (new or more bedrooms for example)?

The "Component" word is used for materials, elements, devices, equipment, parts etc. For example, boiler is a component. When there is no existing boiler below DFE for a pre-FIRM building but the owner now wants to install a new boiler below DFE which will be considered as increase in degree of non-compliance. If there is an existing boiler below DFE for a pre-FIRM building, he may install a new similar boiler, he may replace an existing one with a similar new one, which will not be considered as increase in degree of non-compliance when the alteration work is not a substantial improvement .

Non-habitable space below DFE can't be changed to habitable space. If there is a toilet or bathroom below DFE, a new bathroom or toilet may be installed when alteration work is not a substantial improvement .

Habitable space may be rearranged complying with applicable codes, new bedroom may be added complying with codes but alteration work shall not be a substantial improvement .

Please see the code sections below:

G102.1.10. Other alterations to pre-FIRM construction. This appendix shall apply to alterations or repairs to pre-FIRM buildings and structures, including installation of new components, materials, finishes and equipment, that increase the degree of noncompliance with this appendix. The following alterations or repairs, other than substantial improvements, shall not be deemed as an increase in the degree of noncompliance:

10.1. Where the alteration or repair comprises the replacement of pre-FIRM components, materials, finishes or equipment;

10.2. Where the alteration or repair comprises the installation of new components, materials, finishes or equipment in a space within the structure where similar pre-FIRM components, materials, finishes or equipment already exist; and

10.3. Where such alteration is a change in use, occupancy or how such space is used, provided that such change would not increase the degree of noncompliance with requirements of this appendix. The conversion of any space below the design flood elevation from non-habitable space into habitable space shall be deemed an increase in the degree of noncompliance.

7. The following two questions are related to NB filed. AI-1's got denied. What can I do short of submitting CCD1's. These conditions (a) single exits due to small buildings size and b) elevators opening directly into apartments) are very common in NYC, I think they're spelled out pretty well in the code and I don't believe these type of issues should elevate to the CCD1 level especially these days with very limited communication between AOR and a plan examiner.

- a. Single Exits in mix use buildings.

Proposed New Building is a six story (no cellar) mixed use building. 1st floor is a community facility (Ambulatory diagnostic or treatment health care facility, UG4A), 2,3,4,5th and 6th floors are occupied by apartments (8 dwelling units, UG 2A).Residential portion is served by stair extending from 1st floor/grade to

roof and discharging directly to exterior, and 1st floor community facility discharges directly to exterior.

Egress from residential portion (2,3,4,5 and 6th floors) complies with BC-1021.1 Exits from stories, Exception 2 (As modified by Section BC-1021.2) See BC-1021.2 Single exits, item 5 (for Buildings of Group R-2 occupancy of construction Type I or II not exceeding six stories and not exceeding 2,000 square feet per story, only one exit is required. Proposed residential portion is R-2, 6-story, 1,251.83 sf per story. Proposed residential portion meets criteria and qualifies for one exit).

Egress from community facility portion (1st floor) complies with BC-1021.2 Single exits. (Only one exit shall be required in buildings or from stories of buildings as described below: 3. Single-level buildings with the occupied space at the level of exit discharge provided that the story or space complies with Section BC-1015.1 as a space with one means of egress).

Examiner's objection: "BC 1021.1 Two means of egress are required for each floor". Examiner indicated that BC sections for single exits only apply if the entire building is purely occupancy R-2 or purely occupancy B.

That is not how the code is construed. Residential portion meets exit requirements and community facility meets exit requirements.

b. Elevators opening directly into apartments

Examiner's objection: "BC-1014.4 Proposed elevator shall not open into the private units directly on second and sixth floor. Provide required intervening hall on every floor" Intervening public hall in R-2 occupancies referred to in section BC-1014.4 is in connection with exit access (Section BC 1014). BC=1014.4 is not applicable to elevators, as in this case it is not a component of a required means of egress (BC-1003.7) Elevator lobby is not required even in high-rise buildings for R-2 occupancy. As per BC-708.14.1 Elevator lobby, Exception 5: "Enclosed elevator lobbies are not required on Group R-2 occupied floors" Elevators opening directly into apartments is a commonplace in New York City (to limit the amount of common area).

A CCD-1 is required for further review.

8. Tenant Protection Plan

Since our last discussions in May/June with the DOB, has there been any update regarding the "new" requirements for the Tenant Protection Plan and TPP1 Form, specifically how to submit these items to the DOB? There has been no consistency across the various Borough Offices...and Plan Examiners and Administrators are not on the same page.

The Alteration drawings by the AOR will have a statement on the Title Sheet ... "A Tenant Protection Plan will be submitted in accordance with the requirements of Article 120 of Title 28 of the Administrative Code prior to issuance of a permit (Local Law 106 of 2019)".

My understanding is that the TPP drawing is the responsibility of the Contractor to provide; signed and sealed by an Engineer or Architect retained by the Contractor. This TPP drawing and TPP1 form is submitted when the work permit is requested, similar to a Demolition drawing/DS-1 Form.

Is this correct?

That is correct, however, TPP notes on the construction documents are still required by the AOR. DOB is in the process of setting up a centralized portal for TPP review during permit phase. A new form is available to download online to be submitted (pre-permit) by the contractor (or the engineer hired by the contractor) and it must be signed by the owner. Additional information and updates to follow. Service notice to be issued soon.

9. Equipment Use Cards / Certificates of Compliance

The FDNY has been requesting Equipment Use Cards for Mechanical Units while work is still ongoing for the alteration. They are issuing violations even if we show them the DOB approved drawings.

On an Alteration Type 2 Filing, once the Mechanical Unit is installed and inspection completed, can the Equipment Use Cards be requested/issued prior to requesting the Letter of Completion?

For A2/A3 filing EUP cards are issued upon issuance of LOC. For NB/Alt1 they can be issued by 1st TCO issuance

What is the current DOB administrative procedure to submit and pick up the "original" Equipment Use Cards?

Drop off at the borough office & check in required items to see if the "Equipment Use Permit" is received or if there is a rejection. All cards should have B-scan stickers so they can be uploaded in the virtual folder incase customer loses original.

10. I recently had to withdraw an application that had an open plumbing permit that required the Plumbing Division to inspect.

We were given a 10 AM appointment. The inspector didn't show up until 3:30 PM. We called the Plumbing Division during the wait time and they could not tell us the whereabouts of the Inspector or give us an updated show-up time.

Needless to say the building owner was upset that he had to take the whole day off from work and in addition pay us for all the extra time we were there waiting for the Inspector.

Why give an exact time for an appointment when the Inspectors will show at any time during the day? Not fair to the building owners.

Please provide the permit number so the matter can be investigated. It is possible the original time was 10am and it was rescheduled for a later time and the LMP did not check his emails as they are sent automatically by the system.

11. What is the status of all the questions submitted with respect to Local Law 92/94 of 2019 regarding the green roof/ solar panels?

The FAQs for LL92/94 are still in draft form with the Technical Affairs unit. We don't yet have a date of when these FAQs will be published on DOB's website.

12. Does the required item: VERIFY TAX LOT, require a certified tax map for sign off? If so, what is the procedure during COVID 19 for obtaining one.

13. The DOB "Drawing Standards for Plan/Work Applications" is a 10-year old document. I am wondering what the plan is especially in light of the enhanced digital submission to revise them to be in line with current national standards. there are two main points that I would like addressed. Drawing numbers, the US national CAD standard v6, and international standards have all adopted a 4 digit drawing number. our firm typically issues drawing sets well beyond 300 sheets and following the 4 digits initial standard would allow NYC projects to be in line with submission for the rest of the country (and world). The second item is that drawings should be allowed to be in color, this has been an international standard for a while allowing the drawing to be much clearer and easier to read (only dimensions and text are colored making them clear and easy to read). since all submissions are digital pdf this should not be an issue. Can the DOB revise their document to allow 4 digit numbers and colored drawings?

DOB is looking into it. An update will be issued prior to BUILD GC Release.

14. I submitted PAA to amend interior renovation job for two-story two-family semidetached house, initially filed with HUB Self Service, approved and not permitted yet. It took me more than a month to change a single item in section 9 of PW1, "*Structural Stability affected by proposed work*" to be "No", in order to avoid Superintendent's requirement for PW2.

I was completely ignored on all levels until I elevated to Brooklyn Borough Deputy Commissioner and HUB Project Advocate.

Even after that it took me another week , because HUB approved drawings and "forgot" to approve the document itself.

The main problem I experienced is a lack of response to my submissions. – Neither a confirmation that it was received nor whether something was wrong with the submission or how it could be submitted correctly. I find it unacceptable that there is NO list of emails and phone numbers for design professionals for every possible issue.

I find that the messages about procedures from the Department are disorganized and confusing. Moreover, procedures themselves are not systematized and chaotic.

All above isn't new but has become much more painful since 7/1/2019 due to disorder with

BIS and DOB NOW and worsened by covid-19 situation.

Now it is absolutely necessary that somebody with good professional and expediting experience puts the procedures in a clearly organized **CHART** and compiles a list of CONTACTS to resolve ALL related issues.

Extensive time to correct section 9L is noted and is being investigated and was forwarded to the HUB to avoid future reoccurrence.

15. Local Law 94 of 2019 requires to install Green/Solar PV/Sustainable roof systems beginning November 15, 2019. One of my projects a small two-family three-story attached building will be producing 10 KWT, which is much more than it requires. My understanding is that Con Edison does not have infrastructure available to collect the excess power. How does the city intend to solve mass problems with Con Edison refusals?

Although DOB is not involved in regulating utilities, we did reach out to City Hall for feedback. The following is their response:

In New York State, there are programs in place to allow buildings to receive credit for excess power they generate but don't use on site, including net metering and Value of Distributed Energy Resources. If local infrastructure upgrades are required to safely inject excess power, those costs are born by the project developer to avoid raising costs for other rate payers. Con Ed has a hosting capacity map to help people see which areas are most ready to host DG projects. <https://www.coned.com/en/business-partners/hosting-capacity>

The DPS Interconnection Policy Working Group is a forum to improve these processes, and the City participates:

<http://www3.dps.ny.gov/W/PSCWeb.nsf/ArticlesByTitle/0D7596DBBEF0380885257FD90048ADFA?OpenDocument>

For specific questions to Con Ed, their site is <https://www.coned.com/en/save-money/using-private-generation-energy-sources/contact-us>

16. DOB NOW is asking "Structural Footprint (Sq. Ft.)" question for small mechanical job at apartment in multifamily building – see below screenshot – what do they really mean?

Zoning Information

Building Characteristics

	Existing	Proposed
Does the 2014 Code designations apply?*	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Occupancy Classification*	RES-Old Code-Residence Buildings	R-2-Residential (Apartment Houses)
Does the 2014 Code designations apply?*	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No
Construction Classification*	1 Fireproof Structures (Old Code)	1 Fireproof Structures (Old Code)
Multiple Dwelling Classification*		
Class A-NL-New Law Tenement		
Building Type*		
Other		
Mixed use building**	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Dwelling Units*	70	70
Structural Footprint (Sq. Ft.)*		

“Structural Footprint (Sq. Ft.)” referred to on the DP {Design Professional} interface is the foot print of the building into which the unit is to be placed.