

Questions for Virtual AIA Brooklyn Industry Meeting – August 13th, 2020 @ 3:00 PM

1. I am constantly encountering Schedule “A” amendment issues for 1968 and Prior to 1968 buildings where occupancy designations default to 2014 standards. I do not know why I cannot keep the CofO unchanged from earlier years for legal reasons. I am always rejected by Data Entry since they cannot enter in Old Code designations (ie: COM or RES). I have had to contact Riley of BIS to allow old designations to be entered in. The process is incredibly time consuming. Is there a better way to accomplish this?

No, because the system is set to default the current building code.

2. DOB NOW issues: I am not able to withdraw work types. Is there a way to omit a filed work type for sign off purposes?

To request a withdrawal:

- go to the online ‘Help Form’ at www.nyc.gov/dobhelp
- print out the Withdrawal Request template (link at bottom right)
- complete the Help Form and upload a scan of the Withdrawal Request (include results of Inspection if job was already permitted).

3. I have filed jobs and said “No” to Directive 14 but as per Buildings Bulletin 2018-008 the applications I have filed should be under Directive 14. Will the DOB allow me to amend the application for D14, or do I have to re-file new?

The option of DOB changing regular plan examined jobs to the D14 is no longer an option; the application has to be refiled.

4. When applying for a new connection from DEP it has been requested that the applicant of record prepare a signed and sealed letter stating the number of fixtures for each component throughout the building because DOB NOW does not have a Schedule B. This seems counterproductive as the Schedule B was eliminated by DOB NOW and is not the fault of the applicant of record. Why should the AOR have to produce yet another document when the quantity of fixtures are indicated in the DOB NOW record?

The DEP size their Tap / Sewer connection based on the number and types of fixtures in a building. The requirements are specific to the type of fixtures [e.x. Lavatories, Toilets, etc]. DOBNow only captures the total number of fixtures and not the number by type therefore DEP has their own requirement which is outside of the DOB’s control.

5. Is the email address in BB 2018-009, BKopenapp@buildings.nyc.gov, still being uses to submit the PER20 request for the final CO with open applications?

Or

Is the email address in Project Advocate Service Request form , BKopenapp@buildings.nyc.gov, still being uses to submit the PER20 request for the final CO with open applications?

And if so, what is the current service level?

BKopenapp@buildings.nyc.gov is no longer being used.

The current address is BKPAServiceRequest@buildings.nyc.gov

Currently, PER-20 request for the final CO with open applications needs to be drop off to the Borough Commissioner’s office.

- ~~6. What's being done with individuals or tenants that harass building owners with bogus 311 Buildings complaints that are not true, wasting DOB's time and resources and creating havoc for these owners?~~

~~Maybe it's time to verify who the callers are and if found that they are abusing the City's resources that they be fined for filing a false complaint(s).~~

Disregard as per Ida's follow up email.

7. As per response to last month's question regarding section 901.9.4

If both sections of the code (901.9.4.1 and 901.9.4.2) bring us to the same result of value not to exceed 30%, when exactly can we use the 60% value mentioned on section 901.9.4.1? Why at all this value (60%) is mentioned in the code, if we cannot ever use it? Can we get an example of a situation, in which we can use the "equal or exceed 60% value"?

Per BC901.9.4.1; when cost of alteration of a building (other than a building with four or more dwelling units) equals or exceed 60 % of the value of the existing building, the entire building needs to be provided with fire protection system.

Per BC901.9.4.2; If the value of alterations of a space (entire building is also a spsce) is between 30 percent and 60 percent of the **value of the existing building**, the space shall be provided with fire protection system. Per AC102.1; most restrictive section 901.9.4.2 is applicable and value of alteration equals or exceed 30% of the value of the building the fire protection system has to be provided. The 60% value may not be applied.

Please see code sections below.

Per 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.

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.

8. What is the date that local law 15 of 2020 Bird Safe Glazing takes effect: December 10, 2020, January 10, 2021 or on another date?

Can you kindly summarize/explain how the DOB will be looking for compliance to the Local Law- Bird Safe Glazing on the plans?

<https://www1.nyc.gov/site/buildings/codes/local-laws.page>

FW: Local Law- Bird Safe Glazing

§ 5. This local law takes effect one year after it becomes law and shall not apply to applications for construction document approval filed prior to such effective date, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 10, 2019 and returned unsigned by the Mayor on January 10, 2020.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL I hereby certify that the form of the enclosed local law (Local Law No. 15 of 2020, Council Int. No. 1482-B of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.

The LL is being reviewed by the DOB Technical Affairs and General Counsel office. Service Notice will be issued confirming applicability of the LL and dates when compliance with the Law required.

9. I uploaded a PW1 for correction via e-filing as per plan examiner request, it was received and processed but the e-filing system still shows the status as "pending" and will not allow me to upload plans for examiner review to resolve objections. I have emailed Hub Full Service, e-filing Help and borough staff but the item is still unresolved. The DOB application number is 340745625. I am having the same issue with a Manhattan application (DOB application number 140909051) as well, is there a glitch in the system or something that I need to complete on my end?
Resolved. Examiners are made aware that all jobs with pending action to be addressed accordingly.
10. There has been an influx of bogus 311 complaints harassing building owners. Below is a link to an article on this topic that persists today. Is DOB tracking bogus complaints that are wasting the departments time and resources and what is being done about it?
<http://imby.blogspot.com/2010/03/park-slope-home-owners-victims-of-311.html?m=1>
DOB is obligated to address each and every complaint made through the 311 line. The triage officer assesses the level of urgency of each complaint and assign to inspectors accordingly.
11. The biggest problem now is the L2 process for permits in buildings with "work without a permit" violations. It takes more than one month to process and takes multiple submissions to different departments in DOB.

The current process for BIS jobs is as follows:

- 1) Submit PW2 and wait for rejection (1-14 days depending on backlog) **Brooklyn's normal wait times is 2-3 days but recently had a large number which increased our wait time a bit, but we just added 3 team members to reduce the wait time.**
- 2) Submit L2 wait for approval (last one I submitted on July 23 and was approved August 5) **L2's requiring fiscal approval REDT, BFP, EWG, ECB, DUPW EWP, EXP1 and EXP2 take 3-4 additional days.**

3) Email Fee estimator wait for hold to be lifted (1-3 days depending on backlog) **Fee Estimator lifts are done same day or next day.**

4) Resubmit PW2 for permit issuance (1 – 14 depending on backlog) **1-2 days, however, it may be slightly longer due to the volume of permits that are received daily.**

This waiting time does not include rejections that were in error due to misread forms. **Please provide specific submittals that were “misread”.**

12. I submitted a tree planting application (tree permit) on 03/05/20 with follow up emails on 04/24/20, 07/01/20 & 07/20/20 with only response From Central Forestry below, is there a contact that can be provided as we are close to applying for our final C of O on this building and would like to closeout this requirement.

From: Forestry, Central (Parks) <Central.Forestry@parks.nyc.gov>

Sent: Tuesday, April 28, 2020 11:29 AM

Dear Applicant,

Your site is in queue to be inventoried. All work is completed in the order in which it is received. It is distinctly possible that this may fall beyond the 30 business day deadline, given the high volume of applicants we prioritize work historically. We are doing our best to serve our applicants with the resources at our disposal while being very under staffed. Thank you for your understanding and continuous cooperation. You will receive a correspondence from this office (Central Forestry) via email regarding this application shortly.

DOB does not have control of parks' operations.

13. **Notification prior to the commencement of demolition.**

Infraction Code B116 for failure to provide such notification references sections 27-195 (BC-1968) and 3306.3 (BC-2014).

§[C26-118.5] 27-195 requires that “at least twenty-four hours **written notice** shall be given to the commissioner before the commencement of **any work for which a permit has been issued**. Before any work is commenced on an item of construction requiring controlled inspection, all persons responsible for such controlled inspection shall be notified in writing at least seventy-two hours prior to such commencement.”

Section BC-2014-3306.3.1 states that “the permit holder shall **notify** the department **via phone or electronically** at least 24 hours, but no more than 48 hours prior to the commencement of such work.”

Not only are these two sections conflicting – the first one is obviously satisfied by PW2 application, while the second one is ambiguous in its nature, hard to control by officials and hard to prove by permit holder.

- Is the PW2 application or some other record required from the permit holder to prove they gave notification?

- If the only requirement is to call the generic customer service number (212) 393-2550, then how is the permit holder expected to prove it?

Regardless, it is unacceptably ambiguous and misdirecting if permit doesn't have clearly printed – “permitted with **CONDITION** to call 24 hours prior to commencement of work.”

BC 3306.3 supersedes 27-195 and 27-195 would only apply to jobs filed before June 2008
When the contractor calls the number for notification, the caller is given a confirmation number.
That number is tracked in DOB's database and must be kept on-site as it allows us to confirm the validity of the notification quickly.

14. **DOB NOW – Construction Fence jobs.**

a. Why does DOB NOW ask for Fence job “number of dwelling units” or “total construction floor area (square feet)”?

In regards to square footage – What square footage?

Either way, neither “number of dwelling units” nor ANY “square footage” has anything to do with a fence job.

b. DOB NOW for Fence filing is asking job “in conjunction” – does it mean we have to signoff Fence filed in conjunction with DEMO job and file new for NB job?

a. We will be revisiting this form in the future; in the meantime, list the square footage of the site.

b. No, it is not required to file a new fence filing between Demo and the NB. Note: if at time of filing the NB filing has already been submitted, then associating it to the Fence filing will lower the fees to a flat \$130.

15. **BIS BPP E-filing required items uploading doesn't work**

I submitted BPP filing in conjunction with one-family NB in R3-1 district, flood zone.

I uploaded required "NYS DEC TIDAL WETLANDS MAP" and "NYS DEC COASTAL EROSION HAZARD MAP" by two options:

- I tried to click "UPLOAD DOC" to upload under their specific names listed in "7 TOTAL ITEMS REQUIRED FOR JOB" column,

- I also tried to select in UPLOAD TYPE "Upload Required Items" and selected DOCUMENT TYPE "BPP - SUPPORTING DOCUMENTATION"

Unfortunately, in both cases I can't proceed to review and continue receiving messages:

- RA0220 : UPLOAD NYS DEC TIDAL WETLANDS APPROVAL AS A REQUIRED ITEM

- RA0224 : UPLOAD NYS DEC COASTAL EROSION HAZARD APPROVAL AS A REQUIRED ITEM

I've submitted a help form and haven't received any help.

How can I resolve this?

BPP Job #340750280

These are system generated required items at time of initial filing in E-Submit. However, these items are related to BIN, but not required for such work type, typically Plan Examiner will waive these items at time of approval.

16. **Keeping applicants informed about procedures.**

There is no clear way to verify the status of a specific job and/or action, which is especially troubling because of limited access to the offices and multiple changes of operations without clear notifications to applicants.

a) – For example, on 07/08/2020 in response to my email to HubSelfService@buildings.nyc.gov about PAA submission, I received response stating “Hello no email is necessary job appears on the Borough queue when you submit thru E-filing.”

Job # 540142353

PAA approved, no further action required.

b) – On the other hand my notification sent on 07/01/2020 to HubFullService@buildings.nyc.gov was completely ignored and only after my email sent on 07/21/2020 to HubFSPProjectAdvocate I got an answer that *“There has been a number of changes in e-filing. One of those changes is that the option to request a department action has been removed from the queue. We ask applicants to let us know once they have submitted their job for review to ensure it is added to the plan examiner’s queue for review. From today, your job will be reviewed in the order it was received.”*

As of today, 5 weeks after the submission and more than two weeks after the Project Advocate’s response, my turn to be reviewed hasn’t come and I have no idea when to expect it even approximately.

Job #340727271 – still awaiting response to my submission re very simple objections;

This is a HUB Full Service Job. Applicant shall reach out to CPE Barry Stein, since HFS function had been impacted with the new changes. Job was in Audit Status, applicant had uploaded responses in E-Submit, still pending action.

c) – Another example: it has been 5 weeks since my Alt.1 interior alteration job was placed in “DISAPPROVED (J)” status, which previously meant that we can get objections in a day or two. But in this case I still don’t have objections – how can I know what’s going?

Can I be certain that the objections list wasn’t lost in the mail?

I’ve sent several emails and haven’t received an answer to this concern.

Job #340740899 – still “under review”.

Plan examiner (Krzysztof Bajda) has been made aware and objections will be uploaded through the e-submit portal shortly. Plan examiner also removed the toggle in BIS.

Accordingly, I feel the necessity to reiterate a July meeting request – we need a clearly organized CHART with all typical procedures and a list of CONTACTS to resolve ALL related issues.

17. We hope that someone in the DOB can explain what the intended process is for notifying the department that a document has been uploaded and requires action. It is understandable that the system is undergoing an overhaul and some processes may be in flux, but from our perspective there is no consistency in the interface.

For example, for a recent application pre-filed in May of 2020 in HUB Full Service, we were given the option to request department action for a DEAR change. In another application filed in HUB Self Service we were given an option to request department action for a fee adjustment, however, once the PW3 was submitted it took over two months for the document to appear in BIS.

Further, though it was in the system as of July 18th, the total project cost was not updated within BIS, leaving us unsure how to request the fee adjustment. Our questions to HUB Self Service and through the new online help form have yet gone unanswered.

Another project, filed in HUB Full Service, for which the owner is anxiously awaiting a permit, has no such submit button. If, for instance, we only submitted four of the required five items, does the system know that it is waiting for another document before someone is alerted to review? Without the simple button that says “this is ready for DOB Processing,” it is unclear how projects are supposed to move forward. Even with the button, in the case of the PAA noted above, it would seem that the time required to file a simple DEAR change is inconsistent. After notifying the Project Advocate that there was no visible way to alert the plan examiner that this was ready for review, we were told to submit all

questions through the new online help portal. The online help portal has zero accountability, and offers no notification that the question has been received and is pending review.

The eFiling Expansion Training offers no help, and the FAQ (updated June 19th) only states that service levels will be assessed in the coming weeks.

All concerns have been forwarded to the e-filing unit.