

Questions for Virtual AIA Brooklyn Industry Meeting – October 15th @ 3:00 PM

1. BC-1022.8.1 requires a stairway identification sign indicating each stair by alphabetic letter. Having a sign stating “A” I think kind of implies that there is more than one stair in the building. If it is the only stair in the building, do we still need to have “A” on the sign? I’m just thinking that people might be looking for another stair.
BC-1022.8.1 Stairway identification signs. A stairway identification sign indicating each stair by alphabetic letter shall be posted on both sides of each stair door.
In the case of having only one stair, alphabetic letters are not required.
2. How do I expedite the DEAR eSubmit PW1 to change an existing document? My experience is that this can take over 2 weeks, delaying approvals a long time.
All submissions are usually processed within 2-3 business days.
3. Whenever a boiler is being replaced DOB has always accepted 3 cents per btu for calculating the cost.
One of the plan examiners is objecting that this is not enough. Can we get the new acceptable per btu cost so that we can provide?
The metric for calculating boiler replacement costs will vary with capacity (btu input). Large boiler installations usually present a greater logistical challenge (i.e. excavations, temporary demolitions, rigging, etc.) and may have more system components (i.e. deaerators, surge tanks, condensate return tanks, etc.) than smaller capacity systems. In addition, overhead and profit costs will vary for boiler jobs of all capacities. If plan examiners are questioning boiler job costs, they may be justified in doing so.
4. What is the proper procedure for waving required items that are not required?
Waiver requests must be submitted to Project Advocate/ Borough Commissioner’s Office for processing.
5. What is the code section or regulation that says that roof HVAC equipment has to be mounted on non-combustible construction?
The Building Codes (1938 Code (10.12.1). §C26-670.0; 1968 BC 27-338(j); 2014 Code 1509.9) requires HVAC system be mounted on non-combustible construction. Chapter 9 of The Mechanical Code that covers SPECIFIC APPLIANCES, FIREPLACES, SOLID FUEL-BURNINGEQUIPMENT, AND NOISE CONTROL REQUIREMENTS, provides regulation for installation of all factory built mechanical systems including HVAC system. Pursuant MC 908.4 Support and anchorage. Supports for cooling towers, evaporative condensers and fluid coolers shall be designed in accordance with the New York City Building Code. Seismic restraints shall be as required by the New York City Building Code. Adequate vibration isolation shall be provided in accordance with the manufacturer’s installation guidelines and as required for the supporting structure, and in accordance with Sections 928.3.7 and 928.3.8. Pursuant to MC 102.9, Requirements not covered by this code. Requirements necessary for the strength, stability or proper operation of an existing or proposed mechanical system, or

for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the commissioner.

The following references address requirement of non-combustible supports for rooftop structures including HVAC units.

References:

BC 1502.1 Definition ROOFTOP STRUCTURE: An enclosed or unenclosed structure on or above the roof of any part of a building.

2014 MC 908 addresses COOLING TOWERS, EVAPORATIVE, CONDENSERS AND FLUID COOLERS

Pursuant MC 908.1 General. A cooling tower used in conjunction with an air-conditioning appliance shall be installed in accordance with the manufacturer's installation instructions.

Pursuant MC 908.3 Location. Cooling towers, evaporative condensers and fluid coolers shall be located to prevent the discharge vapor plumes from entering occupied spaces. Plume discharges shall be not less than 5 feet (1524 mm) above or 20 feet (6096 mm) away from any ventilation inlet to a building. Location on the property shall be as required for buildings in accordance with the New York City Building Code.

Pursuant MC 908.4 Support and anchorage. Supports for cooling towers, evaporative condensers and fluid coolers shall be designed in accordance with the New York City Building Code. Seismic restraints shall be as required by the New York City Building Code. Adequate vibration isolation shall be provided in accordance with the manufacturer's installation guidelines and as required for the supporting structure, and in accordance with Sections 928.3.7 and 928.3.8.

Pursuant MC 928.3.6 Compressors. Compressors and drives located on a floor other than a floor on grade shall be mounted on vibration isolators having a minimum isolation efficiency of 90 percent at the lowest disturbing frequency. Each isolator shall incorporate a leveling device and a resilient pad having a minimum thickness of 1/4 inch (6.4 mm).

Mc 928.3.7 Cooling towers and fluid coolers. All moving parts of cooling towers located on a roof or floor other than a floor on grade shall be installed on vibration isolators providing a minimum isolation efficiency of 90 percent at fan rotor rpm with a maximum static deflection of 4 inches (102 mm). Each isolator shall incorporate a leveling device and a resilient pad having a minimum thickness of 1/4 inch (6.4 mm). Vibration cutoff switches shall be provided.

MC 928.3.8 Evaporative condensers. Evaporative and air cooled condensers located on a roof or floor other than a floor on grade shall be mounted on vibration isolators providing a minimum isolation efficiency of 90 percent at fan rotor rpm with a maximum static deflection of 4 inches (102 mm). Each isolator shall incorporate a leveling device and a resilient pad having a minimum thickness of 1/4 inch (6.4 mm). Vibration cutoff switches shall be provided on evaporative condensers.

MC 910.4 Clearance. The lowest portion of the floor furnace shall have not less than a 6-inch (152 mm) clearance from the grade level; except where the lower 6-inch (152 mm) portion of the floor furnace is sealed by the manufacturer to prevent entrance of water, Similar water access protection is recommended for HVAC unit above the roof.

BC 1509.1 General. The provisions of this section shall govern the construction of rooftop structures. All rooftop structures shall be subject to the roof area coverage limitations and building height requirements of Chapter 5. Rooftop structures shall be constructed with materials as required for the building, except as provided for in this section.

BC 1509.4 Cooling towers. Cooling towers in excess of 250 square feet (23.2 m²) in base area or in excess of 15 feet (4572 mm) high where located on building roofs more than 50 feet (15 240 mm) high shall be of noncombustible construction

BC 707.3.6 Incidental uses. The fire barrier separating incidental uses from other spaces in the building shall have a fire-resistance rating of not less than that indicated in Table 509.

508.4.4 Separation. Individual occupancies shall be separated from adjacent occupancies in accordance with Table 508.4.

RULES RELATING TO THE INSTALLATION OF VENTILATING AND AIR CONDITIONING SYSTEMS

(Filed with City Clerk June 1, 1959)

42 (b). Machinery on Roofs. The housing of all ventilating equipment on the roof of any structure shall be constructed of incombustible materials. The enclosure of any ventilating or air conditioning apparatus, including assembled units, exceeding five feet in any dimension, shall have one hour fire resistive rating as required by Section C26-671.0 of the Administrative Code.

1938 Code (10.12.1). §C26-670.0 Materials Required for Roof Structures and Roofing.-“All construction, other than water tanks, placed, after January first, nineteen hundred thirty-eight, above the roof of any part of any structure within the fire limits or of any structure more than forty feet in height outside of the fire limits, shall be incombustible materials, except when otherwise specifically provided for in this title”. HVAC supports are excluded, therefore the support shall be non-combustible.

ARTICLE 4

PREVENTION OF EXTERIOR FIRE SPREAD 1968

1968 BC 27-338(j) (j) Miscellaneous roof structures. – “The following roof structures may be constructed of combustible material if less than twelve feet high above the roof: antenna supports; flagpoles; clothes drying frames; duck boarding or platforms that do not cover more than twenty per cent of the roof area at that level.” HVAC supports are excluded, therefore the support shall be non-combustible.

2014 BC 1509.1 General. The provisions of this section shall govern the construction of rooftop structures. All rooftop structures shall be subject to the roof area coverage limitations and building height requirements of Chapter 5. Rooftop structures shall be constructed with materials as required for the building, except as provided for in this section.

2014 Code 1509.9 Miscellaneous combustible roof structures. “The following roof structures may be constructed of combustible material if less than 12 feet (1658 mm) high above the roof: antenna supports; flagpoles; clothes drying frames; duckboarding,

decking or platforms that do not cover more than 20 percent of the contiguous roof area at that level.” HVAC supports are excluded, therefore the support shall be non-combustible.

6. What is the process or email address to submit required items to be entered into BIS for a CO on an Alt 1 or NB application?

Required items must be submitted via eFiling for processing.

7. With respect to ADA requirements in kitchens can we still provide a dishwasher under the 30” work surface?

If we are understanding the question correctly, the applicant is asking if they can “temporary” install a dishwasher in the location of the required 30” work surface under the current code?

Reference Standard 4, 4.32.5.11 (1968 BC)

...In dwelling units where a dishwasher is provided, but where no other space otherwise is available in the kitchen for the installation of a dishwasher, one may be installed under a work surface described in subsection 4.32.5.4; provided that, at the option of a person with a disability residing in the dwelling unit, the dishwasher shall be removed, and the work surface made to conform with said subsection, by and at the sole expense of the owner of the dwelling unit.

Although Reference Standard 4 permitted removable dishwashers and rescinded TPPNs (01/92, 03/92, and 08/88) permitted removable floor cabinets to be installed under countertop work surfaces, the current / 2014 BC does not permit “ADAPTABLE” use. As a result, a kitchen counter / work surface must be provided without any obstruction (base cabinet, sink, dishwasher, etc.) below it, and the owner will have to comply with BC 1107.2.3.1.

BC 1107.2.3.1 [Kitchen counters], a kitchen counter that is required to comply with Section 1003.12.3.2 or 1003.12.4.2 (Height) of ICC A117.1 shall be permitted to be adjustable or designed to be replaceable as a unit at variable heights between 29 inches and 36 inches (737 mm and 914 mm), measured from the floor to the top of the work surface. The owner shall adjust or replace such countertop at the time a person with physical disabilities takes occupancy of the unit, or within 10 days of the date the request is made by a person with physical disabilities, whichever is later, at the owner’s expense.

8. Given that the Topographical Bureau was closed during COVID and is now only open limited hours I have a project awaiting a C of O where the Topo is the only remaining issue. A request for an appointment was made back at the beginning of September, the appointment we have been given is not until 12/8. My client is trying to refinance and is understandably upset about this added delay. Is there any way to waive the Topo requirement given the extreme delays?

Topo requirement will be waived for TCO’s, however, it is still required prior to issuance of final C/O.

9. Clarification and what is the departments position on LL92/94:

CASE IN POINT:

- ALT I is filed for addition.
- Job is approved and permitted
- Work is completed prior to LL 92/94 2019 but application is not signed off.
- Job permit lapses and job needs to be refiled because of such expiration > 2 years.

QUESTION:

Would LL 92/94 compliance be required since the work was lawfully permitted and completed (but not signed off) prior to requirement passing into law?

Still awaiting response from the Energy group.

10. **BB 2020-13**, BB 2020-17 and BB 2020-18 provide requirements for filing **Outdoor seating for restaurants** to comply with related EXECUTIVE ORDERS. For existing restaurant located at corner of 1st floor of mixed use six-story building we propose to install temporary noncombustible shelter made of light gage frame and corrugated steel roofing, less than 50% enclosed on sides as demonstrated on attached sketch. Area would be able to accommodate 60 patrons while complying with social distancing and egress requirements.

We propose to locate the structure in the Front Yard, set it no closer than 5' from the 1st Floor residential windows, with the top of adjacent edge of roof approximately at the lowest existing window sill. Thus we would provide sufficient airflow and not prevent any light from entering the existing residential windows.

a) Are we correct to assume that the subject area in the Front Yard remains **Open Space** and that we aren't interfering with the **air and light** requirements for the 1st Floor dwelling units?

b) Are we correct to assume that it's an Alt-3 job, can be Professionally Certified or Objections Professionally Certified?

c) Are there any specific procedures for this sort of filing, including fast-track for full review?

(a) It is not clear whether the cited lot is located in residential or commercial zoning district. Proposed structure is fixed to the ground with foundation and with metal frame and roof. It shall not be considered as a permitted obstruction in the yards or open space of the zoning lot (ZR23-44,23-12, 33-23). As the proposed structure is not listed as a permitted obstruction in the requires yards or open area, the area covered by the proposed structure shall not be considered as open space. Proposed structure shall be considered as an obstruction to require light and ventilation, as the height of the structure is almost as the same height of the required windows of the residential building (Please see attached drawings).

If the subjected building is a Quality housing building or subjected lot is located on Eastern Parkway or on Ocean Parkway, proposed structure shall not be permitted in the front yard.

(b) Alt-3 job will be OK if the occupant load is 74 persons or less. Professionally certified job will be OK per BB#2020-13. Objections self-certified job will be also ok as there is no restriction on it per BB#2020-13.

NO ADA access is proposed for the new structure from the existing side-walk level. It is required per BB#2020-13.

(c) Department usually reviews as first come first serve basis. Professionally Certified job is the quickest one I know so far.

11. How long does it take to receive a response to **LNO** request and what are the procedures – payment, submission and receiving the document?

Letter of No Objection (LNO) or Letter of Verification (LOV) Application

A Letter of No Objection (LNO) may be issued if no CO is available, or if the building (or part of the building) has a different use than that listed on the CO or noted in the available records. A LNO may be issued if the proposed/actual use belongs to the same Use Group (UG) as defined by the Zoning Resolution and the same Occupancy Group (OG) as defined by the 2014 Building Code and the occupancy load and egress is substantially unchanged.

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The use requested on the LNO **must** be consistent with a use described or defined in the Building Code and/or Zoning Resolution

The LNO process takes approximately 3 weeks from submission if all pertinent information (depending on the status of building) is provided per page two of the form.

The following is a step-by-step process:

- The customer completes the LNO form and submits along with documentation collected, by the applicant, from all agencies including the DOB (e.g. Certificate of Occupancy, property profile, HPD printout, Department of Finance classification, Sanborn maps, city archive records, floor plans, etc.)
- Payment is made in the Borough office (by cashier or check/money order drop off)
 - \$25.00 for 1, 2 and 3 family residential buildings
 - \$100 for 4 families or more, commercial businesses, churches, schools or mixed-use buildings
- Request is assigned to a Plan Examiner for review and response.
- Plan Examiner forwards response letter, application and attachments to the BC/DBC for review and signature.
- Once signed the LNO/LOV is entered in BIS (under Actions) by Borough administrative staff
- Approved letter is sent by email if email address is provided. If no email provided, customer is phoned to advise them to pick up LNO/LOV. All letters are also mailed out to address provided by customer.

Some LNO/LOV requests may be denied until the sign-off of related applications are provided.

No LNO/LOV may be issued if:

- An open Alteration Type 1 application is on record or;
- There are any open applications related to issues of “life & safety”, Hazardous or Work Without Permit violations.

12. It seems that having e-Submit and email options is more than sufficient to cover all submissions. It’s inconceivable that in light of COVID risk the Department still insists on

using **drop off procedures** for certain submissions. In rare cases when originals are required mail should be the preferred option. Can something be done to change this?
Currently, the only options available for submitting documents are via e-submit or drop-off.

13. Why does it take more than a week or even 10 days for any DEAR processing? (PAA's, initial permits, corrections, etc). Same with processing required items prior to LOC or C of O. My paperwork is on the Esubmit in "pending" status for two weeks.

All submissions are usually processed within 2-3 business days.

14. What happened to the Local Law 92/94 Sustainable roof zone questions submitted 4-6 month ago that were transferred to Technical Affairs and since than just disappeared.

Still awaiting response from the Energy group.

15. How can we get a copy of an issued Letter of Completion from the DOB NOW portal?

The Letter of Completion can be viewed in either the Industry Portal (log into DOB NOW as normal) and search and open job (must be in 'LOC Issued' status) and click "Print Letter of Completion" button at top:



OR, the Letter of Completion can be viewed in the Public Portal (no log in required) and search address and open job (must be in 'LOC Issued' status) and click the printer icon in the PW7 section.

| Letter of Completion (PW7) | | | | |
|----------------------------|------------|--------------------|--------------|------------|
| LOC Number | LOC Status | Requester | Created Date | View/Print |
| M0022033E-11-LOC | LOC Issued | PRODUCTION SUPPORT | 2019-08-31 | |

16. During a plan exam appointment, an objection regarding egress was being discussed. The plan examiner was not sure if my egress through the parking/ driveway area was acceptable. They mentioned that they were going to discuss it with their ACPE to see if it was acceptable. At the next appointment, the examiner told me that the ACPE said to submit an AI1 for a second plan review so that the ACPE would get credit for the time.

We used to be able to receive input from the ACPE and resolve issues without having to file AI1s and cause delays and unnecessary work for the applicants and DOB personnel. Is this standard protocol for all objections when the plan examiner is the one questioning whether it is acceptable?

It is a normal practice for plan examiners to consult with their ACPE to resolve certain complex issues during their respective plan examination appointments. If the question comes from the plan examiner to the ACPE, there will be no need for an AI-1. The egress issue raised by the PE on application #322046200 was discussed and determined to be a valid concern.

If the applicant is still in dispute with the objection, the standard protocol is to email an AI-1 to BKobjectionreview@buildings.nyc.gov for ACPE review and response. A ZRD-1 or CCD-1 might be filed in case of the objection is being upheld by the ACPE.

17. Required Fire Ratings, limitation on materials used, and distances from property lines for walk in freezer located inside or rear yard that is used by food service establishment for storage of foods and food materials. Where can I find code references?

Client used wood and received a violation. Client was told that all materials of construction had to be non-combustible and could not even clad the wood in stainless steel.

Please provide clarification and references.

Proposed walk-in-freezer constructed by owner is Low-hazard storage, Group S-2- occupancy. The structure is required to comply fully with the Building Code requirements including related equipment, as well as Zoning Resolutions. On the other hand, a prefabricated walk-in freezer will require BSA/MEA OTCR approval and will have to follow the manufacturer location instructions as approved.

References

Pursuant 2014 BC 311.3 Low-hazard storage, Group S-2. Include, among others, buildings used for the storage of noncombustible materials such as products on wood pallets or in paper cartons with or without single thickness divisions; or in paper wrappings. Such products are permitted to have a negligible amount of plastic trim, such as knobs, handles or film wrapping. "Storage uses shall include, but not be limited to, storage of the following:Food products; Foods in noncombustible containers, Fresh fruits and vegetables in non-plastic trays or containers; Frozen foods..."

BC 602.1 General. Buildings and structures erected or to be erected, altered or extended in height or area shall be classified in one of the five construction types defined in Sections 602.2 through 602.5. The building elements shall have a fire-resistance rating not less than that specified in Table 601 and exterior walls shall have a fire-resistance rating not less than that specified in Table 602. Buildings constructed or altered inside the fire district shall further comply with Appendix D.

BC 702.1 definitions-FIRE SEPARATION DISTANCE. The distance measured from the building face to the closest interior tax lot line, to the centerline of a street or other public space, or to an imaginary line between two buildings on the same tax lot. The distance shall be measured at right angles from the face of the wall.

18. How long is the wait for an ACPE to respond to an Objection Appeal, and who do we contact after that time expires?

Incoming requests will be distributed and reviewed in two weeks. After that, the Chief Plan Examiner is the contact.

19. Curb cut for Warehouse (M1-1): I have a project with 3 different tax lots but owned by one owner, there is only one building in one of those lots, the rest of the space is a loading area and parking area. We want to add one more curb cut in front of the lot without a building,

and the curb cut will span two separate lots. Please see the sketch attached. Is that allowable? If so, how many applications do we need to file since it is two tax lots?

It is not mentioned whether three tax-lots are located within the same zoning lot. As all the tax-lots are owned by the same owner, we may assume it as one zoning lot. Curb cut is mostly zoning issue and subjected zoning lot is located in M1-1 zoning district. Pursuant to zoning section 44-47 and 36-58(c), For zoning lots with 100 feet or less of street frontage, only two curb cuts shall be permitted. For every additional 50 feet of street frontage, one additional curb cut shall be permitted. A minimum distance of 18 feet from any other curb cut on the same or adjacent *zoning lots* shall be maintained. New curb cut will be permitted if it satisfies all the requirements mentioned in zoning section 36-58(c).

The width of the street frontage or location of existing curb cuts is not mentioned on the submitted drawing.

If all three tax-lots are considered as separate zoning lots, then joint curb cut will not be permitted for M1-1 zoning district.

One job application will be permitted if all three tax-lots are considered as one zoning lot.

20. As per TPPN 3/97 is there a limitation to the number of apartments that may be combined under each Alt 2 filing or how many different Alt2 applications to combine apartments may be filed in a building? The TPPN does not refer to the number of apartments that can be combined but it is understood that the final count of apartments after the combination must maintain the building as a multiple dwelling.

The intent of TPPN 3/97 is to address growing families in need for additional space, not for landlords to combine apartments for other reasons. Requests will be addressed on case by case basis.

21. If there is a self cert application that has an open PAA to add TR1 items, how can the dates for these items be added before the amendment is approved?

The PW1 for the PAA should indicate that the PAA is being filed to add required items. The TR1 should be uploaded when the PAA is uploaded. All documents should be uploaded separately.

22. ADA Bathroom Layout - See attached bathroom detail, page 1. The bathroom is 7 inches narrower than the typical detail accepted by the DOB.

Page 1 is the one we want to use which complies with all the clearances required.

Page 2 is the standard detail accepted by the DOB

Future swing doors are not permitted under the 2014 BC, see page 2 of the attached marked up drawing. In addition, the DOB standard detail for the depth of a bathroom shown on page 2 is 6'-8" for a door that swings out of the bathroom and 7'-2-1/2" for a door that swings into the bathroom. Also, take note of the other comments on the marked up drawings.

Although the applicant did not explain how the proposed bathroom dimension was made "narrower," the drawings show that the applicant relocated the toilet roll dispenser below the grab bar; instead of placing it between 7" to 9" from the front of the toilet as shown on the DOB standard detail. But, in compliance with ICC / ANSI A117.1- 2009, the applicant must provide compliant horizontal placement dimensions of the toilet dispenser location.

Lastly, the narrower bathroom room dimension may be reconsidered if all the required clearances, maneuvering dimensions, and dimensioned locations of all the components (grab bars, toilet dispenser, etc.) comply with the related provisions of Chapter 11, Appendix P and ICC / ANSI A117.1- 2009.

23. Equipment Use Cards – We were told at the July meeting that they are to be dropped off, to be processed and scanned. Are the cards stamped prior to upload in the virtual folder?
Yes, the cards are stamped prior to being uploaded to the virtual folder.

24. The relationship between Open Space and Lot Coverage. As per ZR. 12-10 “ Lot Coverage”; certain obstructions permitted pursuant to section 23-44 (Permitted Obstructions in Required Yards and Rear Yard Equivalents) shall not be included in lot coverage. I assume that a non-commercial greenhouse would, therefore, not be considered lot coverage. However, am I correct in thinking that even though it is not considered lot coverage the footprint of such a structure is not to be considered (conversely) as Open Space? Should I conclude that any “footprint” of any structure to be considered as open space must come under the listing of section 23-12; Permitted Obstructions in Open Space. Then would an accessory storage shed or an air conditioning condensation unit (in other than for a one or two family residence)although not permanently affixed to the land, would still have its footprint as obstructing the open space.

Per ZR12-10, definition of “**Lot Coverage**”, obstructions permitted pursuant to **ZR23-44** shall not be considered as lot coverage. But for development or enlargement or alteration all other applicable zoning sections shall be applicable. when such obstructions are located in the required open space, then such obstructions must be permitted per **ZR23-12** (Permitted obstruction in the required open space).

For example, “**Green House**”; which is permitted in the required rear yard or required rear yard equivalents. If green house is located within the required front yard or side yard, then it shall not be permitted. Similarly, Green House is not a permitted obstruction in the required Open Space of the zoning lot per **ZR23-12**. If green house is located within the required open space but not in the required rear yard or rear yard equivalents, then it shall not be considered as a permitted obstruction and it shall not be permitted.

25. We have a two family , two story and basement residence with a certificate of occupancy stating that the basement has a boiler room and a laundry in conjunction with the first floor apartment (via an interior stair connecting into the first floor apartment and the second floor is stated as the second apartment. The total floor area conforms to the current FAR for the current zoning district. The owner wishes to install an accessory kitchenette (summer kitchen) in the basement in conjunction with the first-floor apartment which already has a kitchen. He wishes to also install a small two fixture toilet adjacent to the laundry room. Would this be allowed and could this be filed under an Alteration 2; without changing the existing C of O. Please see attached copy of AIA Clarification of Zoning and Code Issues posted November 11, 2006 regarding “Brooklyn Plan Exam-Borough Practices as of October 10, 2006”.

As per current Department regulation, summer kitchen is not permitted any more in a dwelling unit except on special consideration for religious purposes.

Kitchenette is not defined as a living room by the Housing Maintenance Code Building Code and Multiple Dwelling Code but is regarded as part of the living area. If proposed basement is exempt from Floor areas per ZR 12-10 definition with restriction to be use for customary uses, the kitchenette and two fixture bathroom will be prohibited in the basement because they are not recognized as customary uses in a basement that is not included as zoning floor area. They will be regarded as an extension of living area to the basement. Since livable spaces are not exempt from zoning floor area.

If proposed Kitchen and bathroom were complying as of right, an Alteration Type-1 for New C of O. will be required to change basement and 1st floor as Duplex apartment if existing C of O indicate existing use of basement as accessory uses. Otherwise, An Alt-2 will be required.

KITCHENETTE. A space with less than 80 square feet (7.4 m²) of floor area which is intended, arranged, designed or used for cooking or warming of food.

ZR 12-10 Definitions:

A "dwelling unit" contains at least one room in a residential building, residential portion of a building, or non-profit hospital staff dwelling, and is arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which dwelling unit includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

"Floor area" is the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings. In particular, floor area includes:

(a) basement space, except as specifically excluded in this definition;

However, the floor area of a building shall not include:

(9) except in R1-2A, R2A, R2X, R3, R4 and R5 Districts, the lowest story (whether a basement or otherwise) of a residential building, provided that:

(i) such building contains not more than two stories above such story;

(ii) such story and the story immediately above it are portions of the same dwelling unit;

(iii) such story is used as a furnace room, utility room, auxiliary recreation room, or for other purposes for which basements are customarily used; and

(iv) such story has at least one-half its height below the level of the ground along at least one side of such building, or such story contains a garage;

