

## **Brooklyn Industry Meeting – In person**

January 18, 2024

### **Additional information**

- Local Law 154 of 2021, see link below to January 2024 updates for DOB NOW.

[https://www.nyc.gov/assets/buildings/pdf/dob\\_now\\_build\\_release\\_notes.pdf](https://www.nyc.gov/assets/buildings/pdf/dob_now_build_release_notes.pdf)

- New Application Requirements for renewing special Inspection Agency Registration, see link to service notice below.

[https://www.nyc.gov/assets/buildings/pdf/sia\\_ele\\_renew-sn.pdf](https://www.nyc.gov/assets/buildings/pdf/sia_ele_renew-sn.pdf)

1. **Are EV chargers permitted below DFE in Flood zones? Can requirements for garages to be capable of supporting electrical vehicle charging (=future installation of EV chargers) as required by BC- 406.4.10 be waived?**

A lot of times elevating EV chargers (sometimes even this is not doable when DFE is very high) will make them not in compliance with operable parts reach accessibility requirements (15"-48").

**We are researching this issue and will have additional guidance soon.**

2. **2022 Building Code.**

BC-102.4.1 (Prior code buildings must comply with the applicable retroactive requirements of the 1968 building code)

BC-102.4.3 Alteration of prior code buildings. Except as otherwise provided in sections 28-101.4.1, 28-101.4.2, 28-101.4.3 and 28-101.4.4, prior code buildings altered after July 1, 2008 shall comply with the provisions of this code.

Same language in 2014 Building Code.

**Technically 2022 code (even though it's a separate code) doesn't have any reference to 2014 code. What are the conditions for use of 2014 code on existing building originally built under 2014 code (or 2008 code), similar to the references to 1968 code. Otherwise, 2022 code looks like just an update to 2014 code and not like a distinct code. Is it an oversight?**

**The code under which the building was built may be used, except for:**

- a) **Any work falling under the scope listed in the 2022 A.C. 28-101.4.3, will need to follow the 2022 codes.**
- b) **If the building was constructed before 1968 and the scope is not listed under 2022 A.C. 28-101.4.3, The applicant will need to check 1968 B.C. Subchapter 1 Article 4 – Alteration of existing buildings to see if the building needs to be brought up to 1968 standards because of the scope of work.**
- c) **Reductions of fire safety or structural safety of prior code buildings prohibited, 2022 A.C. 28-101.4.4.**
- d) **If the scope of work involves adding more than 110% of new floor surface area, over the amount of existing floor surface area, then the entire building shall be made to comply with the provisions of the 2022 codes as if it were a new building hereafter erected, 2022 A.C. 28-101.4.5. Please see Buildings Bulletin 2016-012 for reference only.**

3. 25-66 - Screening

(a) In all districts, as indicated, except where such districts are located in #lower density growth management areas#, all open off-street parking areas or groups of individual garages with 10 spaces or more, that are located either at natural grade or on a roof, shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by either:

1) ...

(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

23-44 - Permitted Obstructions in Required Yards or Rear Yard Equivalents

(9) Fences, not exceeding four feet in height above adjoining grade in any #front yard#, except that for #corner lots# a fence may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;

**Q: Which section should be followed for height requirements if proposed fence enclosing open parking areas is located within required front yard. Not clear which section is more restrictive in this context.**

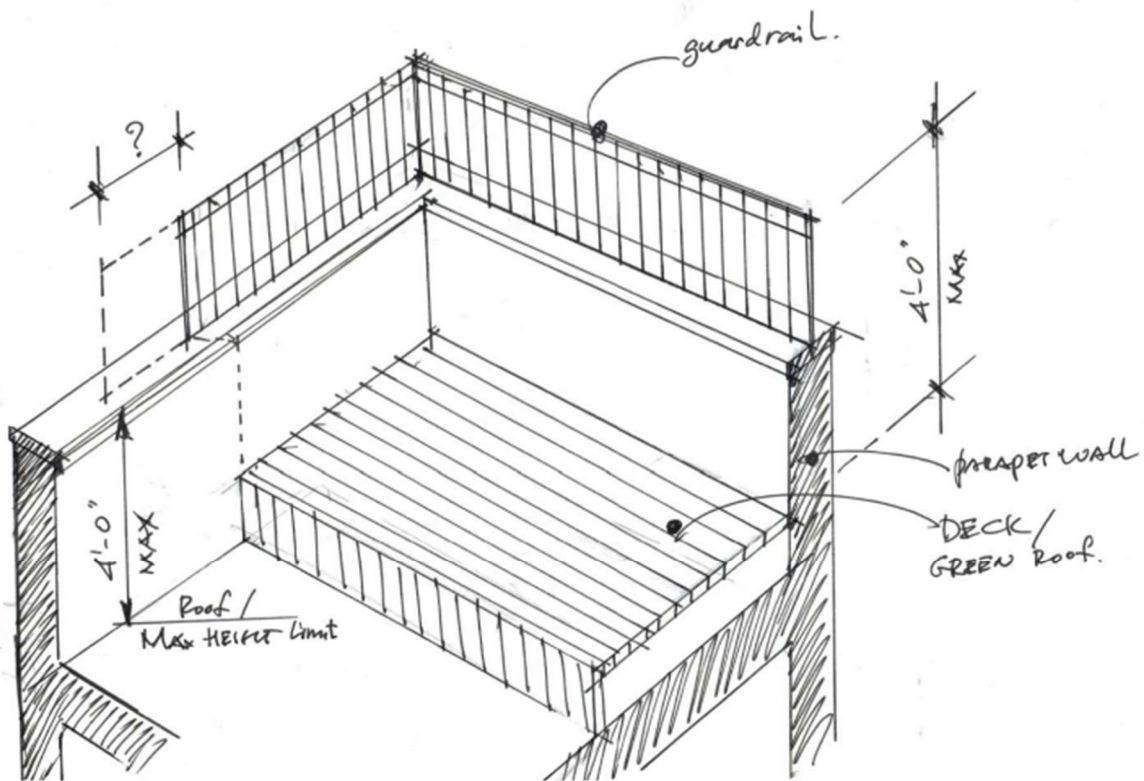
**It depends on how many parking spaces are proposed, and what zoning district. ZR 25-66 is specific to how many parking spaces will trigger screening, and ZR 23-44 does not mention screening requirements under parking spaces for automobiles, off-street, open, accessory, within a front, side or rear yard. Instead, ZR 23-44 speaks of fences in general and not specific to parking.**

**Regarding zoning districts, quality housing buildings will require that all open accessory off-street group parking facilities be screened from dwelling units, adjacent zoning lots and streets in accordance with paragraph (a) of Section 25-66, see ZR 28-41.**

4. 23-62 - Permitted Obstructions

(j) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;

**Q: Can a guardrail extend horizontally more than the deck (accessible level) in plan? For safety concerns. See sketch.**



**A roof plan of the entire roof is required.**

5. PC-403.1 (Minimum number of fixtures) requires showers for child day cares /day nurseries occupancy I-4 (age groups under 6 months, 6 months to 2 years).  
Health Dept doesn't require showers, and there is no need for showers. Children this small do not take showers. Showers are not required in occupancies E.  
Can we not provide showers in child day cares /day nurseries occupancy I-4 (as required in Table PC 403.1)

NO.	CLASSIFICATION	OCCUPANCY <sup>a</sup>	DESCRIPTION	WATER CLOSETS (URINALS: SEE SECTION 419.2)	LAVATORIES	BATHTUBS/ SHOWERS	DRINKING FOUNTAIN (SEE SECTION 410 <sup>a</sup> )	OTHER
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				MALE	FEMALE	MALE	FEMALE			
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5	Institutional	I-1 <sup>k</sup>	Residential care	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
		I-2	Hospitals, ambulatory nursing home care recipient	1 per room <sup>c</sup>	1 per room <sup>c</sup>	1 per 15	1 per 100	1 service sink per floor
			Employees, other than residential care <sup>b</sup>	1 per 25	1 per 35	—	1 per 100	—
			Visitors, other than residential care	1 per 75	1 per 100	—	1 per 500	—
		I-3	Prisons <sup>b</sup>	1 per cell	1 per cell	1 per 15	1 per 100	1 service sink
			Reformatories, detention centers, and correctional centers <sup>b</sup>	1 per 15	1 per 15	1 per 15	1 per 100	1 service sink
			Employees <sup>b</sup>	1 per 25	1 per 35	—	1 per 100	—
		I-4	Adult day care and child day care	1 per 15	1 per 15	1 per 15	1 per 100	1 service sink

The requirement is already covered under the Building Code. I4 occupancy covers adults and children.

Since the request is proposing diversion from the code, A case to be exempted from this requirement could be made to the commissioner via a CCD-1 request.

6. Some buildings in Flood Zones have a Certificate of Occupancy which shows the Ground Floor as a 1<sup>st</sup> Floor. Certificates of Occupancy are issued based on CODE regulations, however according to Zoning Resolution 12-10 in a Flood Zone such stories would be considered a basement or cellar when referring to the Base Plane. **Is it correct that TPPN-04-2003 would allow a porch “below the floor level of the first story above a cellar or basement” for such building?**

**The first level of the buildings located in flood zone are allowed to be designated as Basement or Cellar as per ZR 64-11, "The “lowest usable floor” of a building is the lowest floor of such building that contains floor area, and may include basements and cellars, as defined in Section 12-10."**

**Lowest useable floor of building located in flood zone can be a basement or cellar depending on the proposed reference plane established as per ZR 64-321.**

**TPPN 04/2003 allows proposed open porches as permitted obstruction into required yards or rear yard equivalent given:**

- 1. There shall be no useable building or storage space underneath.**
- 2. Projection does not exceed eight feet beyond the face of the building, except that steps leading from a porch or deck may be located beyond this unit.**

**Since proposed open porches are not part of building gross area (useable floor) and are exterior components of proposed building located in flood zone that is a permitted obstruction as per TPPN 04/2003 requirements, proposed porches shall be allowed regardless of whether the lowest level is established as a basement or cellar as per ZR 64-321.**

7. I am working on a gut renovation of an existing 2 family townhouse that is 5 stories (Cel,B,1-3,Attic) and built in the 1900s. We would like to make the building a single family and file under 2022 code (add sprinklers and make it non-combustible). If we file under 2022 code, the building would require an elevator because it is 5 stories. The building footprint is small, 25' x 46' and adding an elevator is difficult. **Is there a way to avoid an elevator in a project like this?**

**Pursuant to BC 3002.4 Elevator is required in buildings five stories in height or more and buildings with four or more stories below grade plane, at least one elevator shall provide access to all floors. Regarding the building being a one family, BC 3002.4.3 [Elevator serving individual dwelling unit], elevators provided in individual dwelling units in buildings in Occupancy Groups R-2 and R-3 shall comply with Section 3002.4.3.1 [maximum rise of 60 feet] through 3002.4.3.3, as applicable. The only exception is that the elevator, in a single dwelling unit, does not have to comply with BC 3002.4.2 [Elevator car to accommodate ambulance stretcher].**

**8. Where in the Building code or Fire code can I find the requirements on when dunnage beams for mechanical equipment are required?**

Dunnage beams are proposed when the existing roof cannot support the proposed loads or to avoid the transfer of sound and vibration to the existing roof. They typically span from bearing wall to bearing wall, and they transfer the new loads to the bearing walls, or they span over the roof to where they can be supported by structural elements (beams or columns).

However, when the dunnage is installed from party wall to party wall, they interrupt the FDNY fire access path, see SECTION FC 504 [BUILDING AND ROOFTOP ACCESS]. As a result, the 6' path will be required to continue over the dunnage to the rear roof. Resulting in a 6' wide stair (on both sides) and platform with railings being constructed over the dunnage.

**9. How do we submit a request to waive TR2 and provide a concrete core report with an engineer evaluation letter for a permitted job in dob now?**

If concrete strength tests indicate that the poured concrete does not meet the minimum required strength as specified in the approved construction documents, the results shall be investigated (BC 1905.6.5.)

DOB NOW has an established process to submit a concrete testing exception report pursuant to BC 1905.6. When the applicant selects the second statement on TR2 (box 8), a concrete testing exception report required item is populated. The document submitted is reviewed by the BC Office.

If the design applicant determines that the structure as constructed may be accepted considering the low breaks results without any further testing, coring, repairs, or modifications to the structure, the applicant may submit a concrete testing exception report under the design applicant's sign and seal meeting the following requirements:

1. The author of the report shall be the applicant of record and the report must signed and sealed by them.
2. A statement to the effect of one of the following should be present in the report:
  - a. The concrete meets the strength requirements specified in the design documents, or,
  - b. The concrete does not meet the strength requirements specified in the documents, however the equivalent concrete strength was found acceptable based on structural analysis of the affected areas"
3. Supporting documentations should accompany the report (e.g., test reports, calculations, etc.)

If additional testing is required for one reason or another (e.g., that the testing or the lab's qualifications have been called into question and/or additional coring is recommended or necessary to determine the in-situ strength, refer to BB 2009-14) and/or if repair, modification, or re-design of the structure is necessary as a result of the low strength of the in situ concrete, a CCD1 must be submitted and approved. The CCD1 shall as a minimum include a plan showing where cores are taken, the core break test results, any pertinent design calculations, and signed and sealed drawings depicting any necessary repairs or modifications to the structure. BB 2009-14, though prospectively rescinded, shall be used as guidance. An approved CCD1 may be uploaded in response to the concrete testing exception report.

10. Will we receive overview and training on the revised carbon neutral zoning text change? Will we receive overview and training on the proposed economic opportunity zoning text change?

**Response:** Technical Affairs is aware that industry wants training.

For now, see slides below from City Planning's website:

**Carbon Neutrality zoning text amendment (adopted 12/6/2023)**

<https://www.nyc.gov/assets/planning/download/pdf/plans-studies/city-of-yes/carbon-neutrality/042423-slides.pdf>

**and for Economic Opportunity zoning text amendment (not yet adopted):**

[https://www.nyc.gov/assets/planning/download/pdf/plans-studies/city-of-yes/economic-opportunity/cpc\\_referral\\_presentation\\_economic\\_opportunity.pdf](https://www.nyc.gov/assets/planning/download/pdf/plans-studies/city-of-yes/economic-opportunity/cpc_referral_presentation_economic_opportunity.pdf)

<https://www.nyc.gov/assets/planning/download/pdf/plans-studies/city-of-yes/economic-opportunity/project-description.pdf>