

Brooklyn Industry Meeting – In person

September 28th, 2023 at 2:00 PM

Additional information

- DOB NOW Build Release Notes link below for important updates and information.

https://www.nyc.gov/assets/buildings/pdf/dob_now_build_release_notes.pdf

- New supporting documentation requirements for LNO submission in Brooklyn for one- and two-family dwellings, see attached memo dated October 2, 2023



James S. Oddo
Commissioner

Reda Shehata, R.A.
Borough Commissioner

Tina Vultaggio, R.A.
Deputy Borough
Commissioner

Ian R. King, P.E.
Deputy Borough
Commissioner

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Memo

To: All applicants and homeowners

From: Reda Shehata, R.A., Borough Commissioner, Brooklyn *PS*

Date: October 02, 2023

Re: Required supporting documentation for Letter of No Objection requests at one- and two-family dwellings

Effective immediately, as part of any request for a Letter of No Objection at a one- or two-family dwelling that was existing on January 1, 1938, and for which no records pertaining to the building in question are found at the Department of Buildings, the following documentation shall be required:

1. Historic fire insurance map records by Sanborn Map Company, E. Belcher Hyde, or other similarly reputable fire insurance map publisher, that indicate the presence, use, and general condition of the building on or before January 1, 1938, through the present.
2. Department of Finance letter or property card* indicating the use of the building prior to January 1, 1938.

Contact: Department of Records and Information Services (DORIS)
Address: 31 Chambers Street, Manhattan
Phone: 311 or 212-NEW-YORK (212-639-9675) if you are calling from outside New York City
Email: photounit@records.nyc.gov
Website: <https://dorisorders.nyc.gov/dorisorders/ui/order-property-cards>

**Note: The classification on the property card may be objected to if the property card indicates that the use or occupancy of the building was altered after January 1, 1938, and there is no corresponding Certificate of Occupancy with the Department of Buildings.*

3. A current** survey of the property.

***Note: A prior survey may be accepted with current photographs of the building confirming that there has been no change in bulk of the building since the survey date.*

The above three (3) required items are considered the minimum documentation necessary to establish the acceptable use and condition of a building as of January 1, 1938. All three (3) items must be provided and consistent with each other, otherwise an application to establish the use and/or condition of the building shall be filed with the Department of Buildings.

For buildings that were constructed or altered with respect to use and/or occupancy after January 1, 1938, a Certificate of Occupancy is required.

Brooklyn DOB Industry Meeting Q and A

September 28th, 2023

1. Do you need to file an Alt-CO for a one- or two-family building when installing a roof deck if the existing roof structure is to remain and a new steel support structure is installed over the roof (load bearing wall to wall) to support decking material? Can this be filed as an alteration GC application?

It depends, will this be a change from unoccupied to occupied?

2. DOB Code Development Unit --- recently initiated forming technical committees ----for the purpose of developing/implementing a Waterfront Building Code for NYC. Will the plan examiners @ Small Business Services, be trained by DOB Technical Staff, to conduct complete code review of applications? **Unknown - SBS to answer.**
3. Why does the DOB NOW system NOT allow a PAA filing on a legalization application? There are many instances where inspectors or auditors request additional information on the filing and the industry is unable to process a PAA.

DOBNOW Support: This is how the system currently works. Changing this functionality is currently under consideration.

4. If you filed a PL/SP combined filing in DOB NOW and the plumbing permit was issued and plumbing work inspected and completed, but the sprinkler permit was not issued and no sprinkler work will be required, how do I withdraw the SP work type of this application? I cannot withdraw the entire application since the plumbing work was permitted, inspected, and completed and the walls have been closed.

DOBNOW Support: The sprinkler permit still needs to be issued and signed off. The only other way is to withdraw the application and refile with only the plumbing work type.

5. Is parking permitted between the street line and street wall in an R6 zoning district (without a letter suffix) on a lot that is less than 35' wide?

It depends on 2 things:

1. **Whether it is Quality Housing building or a non-QH Building.**
2. **How many dwelling units?**

Per ZR 25-621(Location of parking spaces in certain districts)

If it is a QH building - Per 25-621 (d) sends you to (c): No parking spaces of any kind shall be permitted between the street line and the street wall of such buildings and their prolongations.

If it is a non-QH building, which contains not more than three dwelling units— Per 25-621 (d) sends you to (b): accessory off-street parking spaces shall be located within or to the side or rear of buildings containing residences. Accessory parking spaces may also be located between the street line and street wall of such buildings and their prolongations, provided that, for buildings on zoning lots with less than 35 feet of street frontage, such spaces are located in a driveway in the side lot ribbon [...]

****SEE ATTACHED DIAGRAMS FROM 2001 Quality Housing Guidelines****

6. Brooklyn Townhouse has an existing undocumented rear extension and an undocumented 2nd flr open deck; can an application for interior work only be filed and approved without filing for the legalization and/or removal of extension and deck? **No.**
7. Can an oversize roof hatch approx 3' X 7'; be acceptable for access to a roof deck for the top floor unit only, have straight run stairs, handrails, guardrails, electric operation, no bulkhead, [see photo below.]



The answer to question #7 is NO.

Pursuant BC 1006.3.2, Since this will be for occupied roof deck, complying bulkhead with stair will be required.

When roof is not occupied, Pursuant BC 1011.12.1 (exception 1) the code requires non-combustible roof hatch or trap door for roof access. The glass plate skylight will not be acceptable as roof hatch.

An ordinary roof hatch or skylight opening will require Guard railing protection.

Pursuant BC 1010.1.4.2 Power-operated doors. Proposed sole electric operation of roof access door will be prohibited, in that the door must be capable of being opened manually to permit means of egress travel or closed where necessary to safeguard means of egress.

8. Why is the option to schedule an appointment with the examiner not available after the first set of objections are written? Why doesn't the examiner see the paperwork uploaded to eFiling, unless we make an appointment using the DOB appointment system.

The Department issued a Service Notice in 2020 regarding Post Approval Amendments (PAAs). The BIS system was updated for appointment setup as well.

All PAAs for plan examined jobs submitted after October 15, 2020 will have a first review without the need for an appointment. Jobs disapproved or PAAs filed prior to October 15, 2020, must schedule an appointment. Failed audits must continue to submit a PER11 Appointment Form to request an appointment to resolve objections.

All Plan Examiners have limited time available for appointments among their other duties. The option for appointment will be released after PAA review and deemed necessary. See attached Service Notice.

9. We recently received a comment on an ALT-CO plumbing application objecting to the size of a new combined domestic / sprinkler water service. The new sprinkler system and service has been designed and calculated per code by a registered engineer, approved by the DEP, and approved in a separate subsequent plumbing application tied to that specific scope of work. How do we resolve an impasse with an examiner for something that has already been approved by another agency and another plan examiner?

If the size of the combined water service is approved under a valid application, there is no need to raise an objection under the Alt-Co application. (We will need a job # to evaluate)

25-621 - Location of parking spaces in certain districts

LAST AMENDED
2/2/2011

All #accessory# off-street parking spaces on #zoning lots# with #buildings# containing #residences# shall be located in accordance with the provisions of this Section, except that in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of Section [25-622](#) shall apply. In addition, all such parking spaces shall be subject to the curb cut requirements of Section [25-63](#) (Location of Access to the Street).

R1 R2 R3-1 R3A R3X R4-1 R4A R5A

- (a) In the districts indicated, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations only where such spaces are located in a driveway that accesses at least one parking space located to the side or rear of such #building# and no portion of such driveway is located in front of such #buildings#.

However, such parking spaces may also be located in a driveway directly in front of a garage, where such garage is within:

- (1) a #semi-detached# #building# in an R3-1 or R4-1 District; or
- (2) a #detached# #building# on a #zoning lot# with at least 35 feet of frontage along the #street# accessing such driveway, and at least 18 feet of uninterrupted curb space along such #street#.

No parking spaces of any kind shall be allowed between the #street line# and #street wall# of an #attached# or #semi-detached# #building# in an R1, R2, R3A, R3X, R4A or R5A District, or for an #attached# #building# in an R3-1 or R4-1 District.

R3-2 R4 R5

- (b) In the districts indicated, other than R4-1, R4A, R4B, R5A, R5B and R5D Districts, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations, provided that, for #buildings# on #zoning lots# with less than 35 feet of #street# frontage, such spaces are located in a driveway in the #side lot ribbon#, and provided that for #buildings# on #zoning lots# with at least 35 feet of #street# frontage and at least 18 feet of uninterrupted curb space along a #street#, either:

- (1) no more than two parking spaces located between the #street line# and #street wall# of such #buildings# and their prolongations shall be accessed from a single curb cut, and the parking area for these spaces shall not be more than 20 feet in width measured parallel, or within 30 degrees of being parallel, to the #street line#; or
- (2) a #group parking facility# with five or more spaces is provided and is screened in accordance with the requirements of Section [25-66](#) (Screening), paragraphs (a) or (b), as applicable.

R4B R5B R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X

- (c) In the districts indicated, #accessory# off-street parking spaces shall be located only within or to the side or rear of #buildings# containing #residences#. No parking spaces of any kind shall be permitted between the #street line# and the #street wall# of such #buildings# and their prolongations.

R6 R7 R8

(d) In the districts indicated without a letter suffix, the following provisions shall apply:

- (1) for #zoning lots# containing non-#Quality Housing buildings# or non-#Quality Housing building# #segments#, each of which contains not more than three #dwelling units#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (b) of this Section;
- (2) for #zoning lots# containing #Quality Housing buildings# or #Quality Housing building# #segments#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (c) of this Section.

Parking Regulations

Parking spaces required for Quality Housing developments (25-23)

Percent of Dwelling Units	District
50	R6 R7 R8B*
40	R8 R9 R10

* In R8B Districts in Brooklyn, parking shall be provided for at least 40% of the units.

Waiver of requirements for small number of spaces (25-26)

Maximum number of spaces waived

Spaces	District
5	R6 R7-1 R7B
15	R7-2 R7A R7X R8 R9 R10

For example, a 10-unit development in an R6B district does not have to provide any parking, since it has a parking requirement of 50% of the dwelling units, (5 spaces), and all 5 spaces may be waived.

For multiple dwellings in all districts developed pursuant to the Quality Housing Program:

Screening

(28-51)

All open accessory off-street group parking facilities shall be screened from residential units, adjacent zoning lots and streets by a strip at least four feet wide, densely planted with shrubs or trees which are at least 4 feet high at the time of planting (See Figures 2, 3, and 4).

Parking Location

(28-53)

On site accessory off-street parking shall not be permitted between the street line and the street wall of a building or its prolongation. (See Figures 2, 3, and 4). However, on through lots measuring less than 180 feet in depth from street to street, accessory off-street parking may be located between the street line and any street wall located beyond 50 feet of such street line.

For all residential buildings in R6B, R7B, and R8B Districts

25-621, 25-631, 25-632

No front yard parking. Curb Cuts must be spaced at least 34 feet apart. New curb cuts are prohibited for zoning lots with less than 40 feet of frontage along a street and existing on the effective date of establishing such district on the zoning maps.

For commercial or community facility buildings in contextual commercial districts:

(36-52b)

Parking is not permitted between the street wall of a building and any street line that is coincident with the boundary of a commercial district mapped along an entire blockfront. (See Figure 1). Where a zoning lot is bounded by more than one street line that is coincident with the boundary of a commercial district mapped along an entire blockfront, this provision need not apply along more than one street line.

Article 1, Chapter 3 imposes additional rules for Manhattan Community Districts 1 through 8.

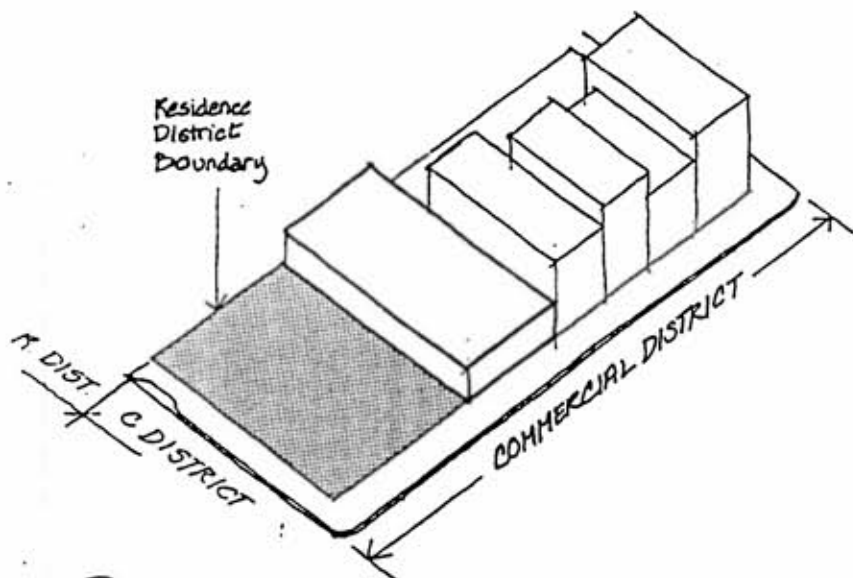
For 1, 2, and 3 family houses in R6, R7, and R8 non-contextual districts:

(25-621a2)

On zoning lots less than 35 feet wide, parking is only permitted within a side lot ribbon, within a building, or behind the building. (See Figure 5).

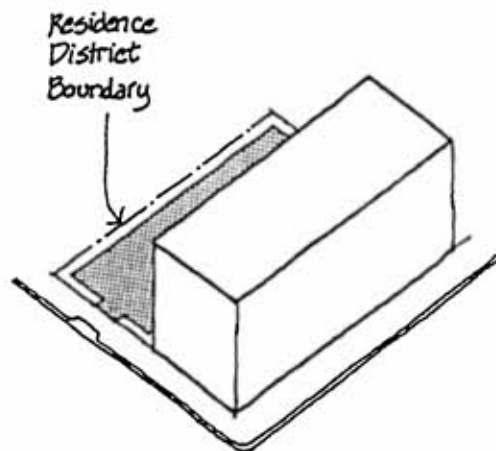
(25-621b2) & (25-631b2)

For rowhouse developments on single zoning lots, curb cuts must be spaced at least 16 feet apart to allow for on-street parking. The maximum width of a single curb cut is 10 feet, and of a paired curb cut is 15 feet. (See Figure 6).



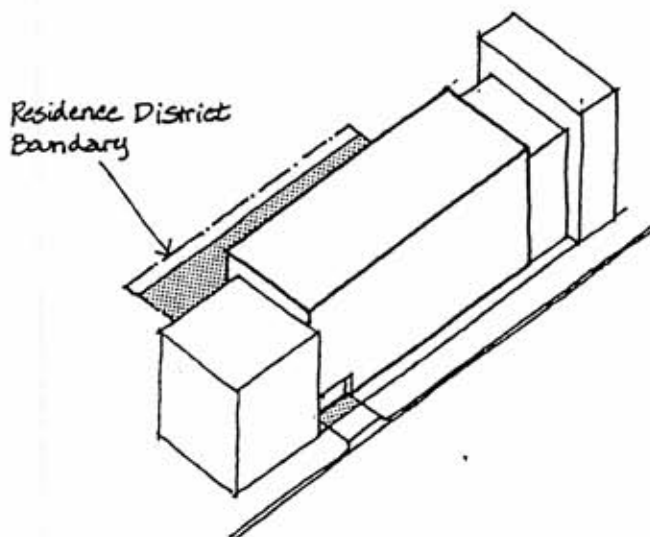
1. COMMERCIAL & COMMUNITY FACILITY BUILDINGS

Parking is not permitted between the streetwall of a building and any streetline that is coincident with the boundary of a commercial district mapped along an entire blockfront.



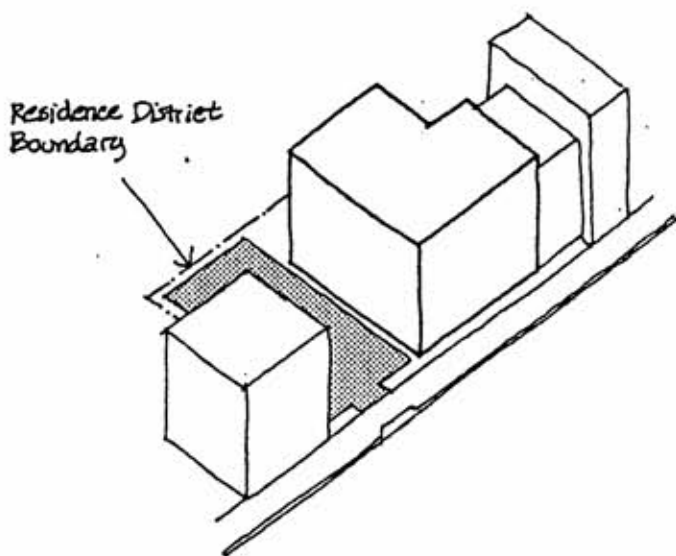
2. MIXED BUILDINGS

Parking is not permitted between the streetline and the streetwall of any building and its prolongation. Screening is required along R District boundaries, streetlines, & residences.



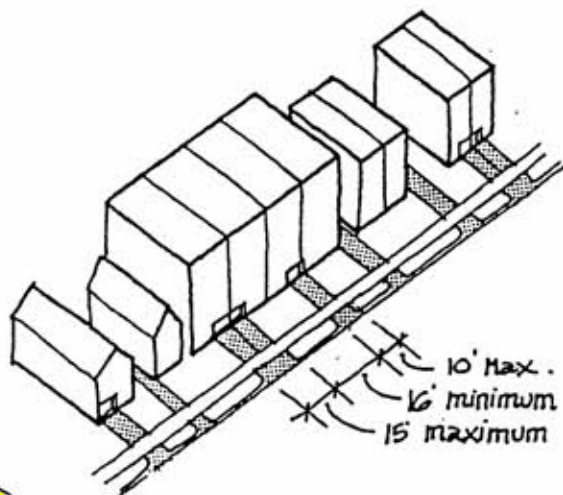
3. ALL BUILDINGS, INTERIOR LOT

Parking permitted within the building, to side, or in rear.



4. ALL BUILDINGS, INTERIOR LOT

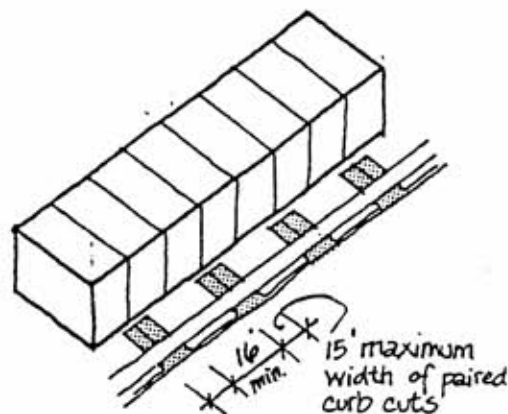
Parking permitted within the building, to side, or in rear.



5. NON-CONTEXTUAL DISTRICTS

1-2-3 UNIT DWELLINGS (NON-QH)

Side lot ribbon rules apply for narrow zoning lots; curb cut spacing rules apply; front 'yard' parking permitted.



6. NON-CONTEXTUAL DISTRICTS

1-2-3 UNIT DWELLINGS (NON-QH)

Side lot ribbon rules apply for narrow zoning lots; curb cut spacing rules apply; front 'yard' parking permitted.

SERVICE NOTICE

Appointments for Disapproved BIS Jobs and PAAs

Beginning October 15, 2020, disapproved BIS jobs, resubmissions and Post Approval Amendments (PAAs) reviewed by Department of Buildings plan examiners may not require an appointment.

Disapproved Jobs

For BIS jobs disapproved on or after October 15, 2020, applicants will receive in eFiling marked-up drawings with objections uploaded by a plan examiner, and one of the below messages will be displayed in the Buildings Information System (BIS) and eFiling indicating whether the plan examiner has determined if an appointment is required:

Resubmission will be reviewed without an appointment

Request Department Action ([show help](#))

Resubmission will be reviewed without an appointment

☐ **Plan Review**
All and Complete Plan

☐ **Minor Plan Change**
All and Complete Plan

☐ **Forms/Required Items Only**

☐ I acknowledge that all documents requested for review by DOB have been uploaded. Once I submit these documents by clicking "Ready for Next Review" I will not be able to upload any additional documents until DOB has completed the review of these documents.

Ready for Next Review

- Applicants must resubmit revised drawings and other documents with a detailed **AI1: Additional Information** form listing drawing numbers and response to objections.
- Applicants must upload resubmissions and select **Ready for Next Review** in eFiling for plan examiner review. **No appointment will take place.**

Appointment required to resolve objections

Request Department Action ([show help](#))

Appointment required to resolve objections

☐ **Plan Review**
All and Complete Plan

☐ **Minor Plan Change**
All and Complete Plan

☐ **Forms/Required Items Only**

☐ I acknowledge that all documents requested for review by DOB have been uploaded. Once I submit these documents by clicking "Ready for Next Review" I will not be able to upload any additional documents until DOB has completed the review of these documents.

Ready for Next Review

- Applicants must schedule an appointment with a plan examiner via the **DOB Appointment System**.
- Prior to the appointment, applicants must resubmit revised drawings and other documents with a detailed **AI1: Additional Information** form listing drawing numbers and response to objections.
- Applicants must upload resubmissions and select **Ready for Next Review** in eFiling.
- Plan examiners will review resubmissions during the scheduled meetings.

Post Approval Amendments (PAAs)

All PAAs for plan examined jobs submitted after October 15, 2020 will have a first review without the need for an appointment.

Jobs disapproved or PAAs filed **prior to October 15, 2020**, must schedule an appointment. Failed audits must continue to submit a [PER11](#) Appointment Form to request an appointment to resolve objections.

For more information on how to schedule an appointment, see the [Scheduling an Appointment](#) page.