

## **Expediting S. P. Associates Ltd.**

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**From:** Ida Galea <galea.arch@gmail.com>  
**Sent:** Friday, August 2, 2019 10:56 AM  
**To:** Expediting S. P. Associates Ltd.  
**Subject:** Fwd: Industry Meeting Questions  
**Attachments:** ~WRD287.jpg

### **Ida Galea, AIA**

1359 81st Street, Brooklyn, NY 11228 - Phone: 718.259.4095 - E-mail: [galea.arch@gmail.com](mailto:galea.arch@gmail.com)

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----- Forwarded message -----

**From:** Reda Shehata (Buildings) <[RShehata@buildings.nyc.gov](mailto:RShehata@buildings.nyc.gov)>  
**Date:** Thu, Jul 18, 2019 at 3:18 PM  
**Subject:** RE: Industry Meeting Questions  
**To:** Ida Galea <[galea.arch@gmail.com](mailto:galea.arch@gmail.com)>, Kazimir Vilenchik (Buildings) <[KVilenchik@buildings.nyc.gov](mailto:KVilenchik@buildings.nyc.gov)>  
**Cc:** Kazimir Vilenchik (Buildings) <[KVilenchik@buildings.nyc.gov](mailto:KVilenchik@buildings.nyc.gov)>, Frank Marchiano (Buildings) <[frmmarchiano@buildings.nyc.gov](mailto:frmmarchiano@buildings.nyc.gov)>

Hi Ida,

Please see **below**,

**Reda Shehata, AIA, NCARB**

**Deputy Borough Commissioner**

**NYC Department of Buildings**

210 Joralemon Street, Rm. 813

Brooklyn, NY 11201

Tel: 718-802-3676 or 3677

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**From:** Ida Galea [mailto:[galea.arch@gmail.com](mailto:galea.arch@gmail.com)]  
**Sent:** Wednesday, July 17, 2019 08:12 AM  
**To:** Reda Shehata (Buildings); Kazimir Vilenchik (Buildings)  
**Subject:** Industry Meeting Questions

Good morning:

I know we do not have a meeting this month but I was wondering if you would be able to answer the questions below as these answers would be helpful prior to the August or September meeting. Please let me know if you would be able to answer these, otherwise I can add them to the next scheduled Industry meeting.

1. How do we calculate the building value in regard to the (50% or 30%) requirement of sprinkler installation or H.C accessibility requirement. Was there any change recently in regard to this issue? Do we use the formula of Market value (from Dept of finance) times the total assessment value minus the land value, divided by the assessment value. can we still use this approach?

In addition, as per sec. C26 -103.5 (old code) the building value can be determined by "current replacement cost". Can we use this approach by having a building appraisal (done by a licensed appraiser) showing the replacement cost of the building, and base our calculations per this figure. can the plan examiner accept either of these two approaches to remove the objection, or he/she need a higher level acceptance?

Currently for prior code buildings the cost that triggers compliance to the 30% or 50% are based on the formula prescribed under AC 27-119.

**27-119 Alteration cost: building value.-**

*For the purpose of applying the foregoing provisions of this article, the cost of making alterations shall be determined by adding the estimated cost of making the proposed alterations computed as of the time of submitting the permit application, to the actual cost of any and all alterations made in the preceding 12-month period; and the value of the building shall be determined at the option of the applicant on the basis of one and one-quarter times the current assessed valuation of the building, as adjusted by the current State equalization rate, or on the basis of the current replacement cost of the building, provided that satisfactory evidence of current replacement cost is submitted to the commissioner.*

Based on this administrative section of the code the applicants have two options:

**Option 1: Formula**

$$BV=AV \times 1.25 \times 11.25$$

Legend:

**BV:** Existing building value

**AV:** Current assessed valuation based on DOF information

**1.25:** Multiplier based on BC27-119

**11.25:** New York State Equalization Rate for Brooklyn County

**Option 2**

Provide a detailed construction estimate from a certified professional fee estimator with supportive documentation for the replacement value of the building. Supportive documents may include construction values established by RS Means.

With respect to C26 -103.5, we have been instructed by technical affairs to only use AC 27-119 formula for prior code buildings.

2. Does the contractor have to notify the excavation unit or BEAT squad prior to starting an excavation of a 4'-0" deep footing and foundation wall for a rear extension of a 1 or 2 story? This type of excavation (depth less than 5'-0") does not require a TR1 item for excavation or shoring.

Pursuant to BC 3304.3.1 Exception 2, no soil or foundation work within the property line shall commence unless permit holder notifies the department at 24 hours, but more than 48 hours prior to commencement unless excavation work is done by hand and extends five feet or less in depth and is two feet or more from an existing footing or foundation.

Therefore, proposed rear extension requires Department notification since not two feet or more from existing footing or foundation.

### **3304.3.1 Notification of the Department**

No soil or foundation work within the property line shall commence unless the permit holder, or where there is no permit holder the person causing the soil or foundation work to be made, notifies the department, via phone or electronically, at least 24 hours, but no more than 48 hours prior to the commencement of such work. The notification shall state the date that such soil or foundation work is to commence. Should the notification date fall on a weekend or official holiday, the permit holder shall notify the department on the last business day before the commencement date.

In the event that the soil or foundation work does not begin on the date provided in the notification to the department, the permit holder, or where there is no permit holder the person causing the soil or foundation work to be made, shall notify the department of its cancellation not more than 24 hours prior to but no later than the date for which the soil or foundation work was scheduled. Should the cancellation date fall on a weekend or an official holiday, the permit holder, or where there is no permit holder the person causing the soil or foundation work to be made, shall notify the department on the next business day after the intended commencement date. The permit holder, or where there is no permit holder the person causing the soil or foundation work to be made, shall notify the department of a new intended commencement date pursuant to the provisions above.

The commissioner may issue a stop work order if there is a failure to provide notice as required in this section and if the work is found to violate any of the provisions of this code, the New York City Zoning Resolution, or other applicable laws or rules. Upon the issuance of such stop work order, the work shall be stopped for a minimum of three business days to enable the department to take any other appropriate action to ensure that the earthwork is being performed in a safe manner. The earthwork shall not recommence until the stop work order has been lifted.

**Exceptions:** Notification to the department is not required for the following:

1. Hand excavation work that extends 5 feet (1524 mm) or less in depth and is 2 feet (610 mm) or more from an existing footing or foundation. This exception shall not apply to any hand excavation work performed anywhere in existing or demolished basements or cellars that adjoin existing foundations.
2. Excavations for a geotechnical investigation that do not exceed 10 feet (3048 mm) in length, width, or diameter, and that are conducted under the supervision of a registered design professional.
3. Emergency work performed by the Department of Housing Preservation and Development (HPD) or other agency as directed by the commissioner or work on unsafe buildings performed by HPD or other agency pursuant to a precept.
4. Soil or foundation work related to gardening or landscaping work, provided no excavation occurs to a depth greater than 5 feet (1524 mm); and either:
  1. The excavation occurs more than 5 feet (1524 mm) from all footings and foundations; or
  2. Where the excavation occurs within 5 feet (1524 mm) or less from a footing or foundation, such excavation does not occur below the level of the footing or foundation.

3. Owner of a multiple dwelling(6 family, 3 stories and non elevator), wants to install 2 washers and 2 electric dryers in the cellar for use by building tenants. Can this be filed as an Alt II, and what regulations need to be complied with?

If the building has CO & CO describe cellar as “ordinary use or accessory use or mechanical” then new washer & dryer may be installed under Alt-II job, as cellar will still remain as accessory use.

If the description of the cellar use on existing CO is needed to be changed for installation of new washers & dryers, then Alt-I job shall be needed.

When the building is without CO, the cellar is considered as accessory for the building, the cellar will still remain as accessory for the entire building after installation of new washers and dryers. No new CO will be need and Alt-II job is ok for that.

#### 4. Follow up from last month...

Can I get a clarification on Section 113-55 for Height and Setback Regulations?

*The height and setback regulations of a building or other structure in the subdistrict shall be those applicable to R4A Districts in Section 23-631, except that paragraph (b) (2) shall be modified as follows:*

*Each perimeter wall of the building or other structure **may have one or more apex points** directly above it on the 35 foot high plane. (see section 23-631, Figure B)*

If you are allowed more than one apex point per perimeter wall, then it seems like if you place enough apex points you can extend the entire wall above the allowable perimeter wall height of 21'. Attached is an example of multiple apex points.

We will follow up with an explanation to last month's response.

As always thank you for your time.

Best

Ida



**Ida Galea, AIA**

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