



NYC Department of Buildings
280 Broadway, New York, NY 10007
Patricia Lancaster, FAIA, Commissioner
(212) 566-5000, TTY: (212) 566-4769

Robert LiMandri
First Deputy Commissioner for Operations
Phone: (212) 566-3103
Fax: (212) 566-3784
E-mail: robertl@buildings.nyc.gov

Fast Track Initiative

TO: Distribution

FROM: Robert LiMandri

DATE: Originally Issued March 30, 2006 – Updated July 11, 2006

SUBJECT: Open Applications and Issuance of Certificates of Occupancy
Pilot Initiative – **Expanded Citywide**

Purpose:

The “Open Applications” pilot program will be implemented Citywide to facilitate the timely issuance of a final Certificate of Occupancy (C of O). The expansion of the pilot program to all five boroughs will offer the Department an opportunity to review the process of issuing a final C of O, assess its current requirements, and consider its issuance notwithstanding the fact that the building has certain types of applications open.

Effective Period: 4/3/2006 - 3/30/2007

Authority:

Administrative Code §27-214, §27-215, and §27-217

Scope:

The initiative will include only the issuance of a final Certificate of Occupancy for new and altered buildings. The Department will consider issuing the final C of O for buildings notwithstanding the fact that there are open alteration applications, so long as such applications are not related to the base building life safety systems, egress or sidewalks.

The Department will thus consider issuing a final C of O notwithstanding the fact that there are open certain alteration applications, including Alt-2 and Alt-3 applications, filed by the building’s occupants or certain alteration applications, including Alt-1, Alt-2, and Alt-3 applications, filed prior to the demolition of the building that pre-existed the new building for which the final C of O is requested.

Qualifications:

1. The pilot program shall apply to buildings in all five boroughs.
2. The program shall be limited to applications other than those involving base building life safety systems: standpipe, sprinklers, fire alarms, egress or other safety systems, structural and mechanical alterations, or sidewalks.
3. All sign-offs relating to construction, electrical, elevator or plumbing must have been obtained.

Borough Office Contact for the Pilot:

The following staff in the borough offices will serve as the primary contacts for all applicants and their representative(s) with respect to buildings eligible for this initiative:

Borough	Contacts	Phone	E-mail
Manhattan	Krystyna Grebski Richard Rosen	212-566-0042	MNopenapp@buildings.nyc.gov
Bronx	Tomasz Bielecki	718-579-6920	BXopenapp@buildings.nyc.gov
Brooklyn	Mathew Kane Jih-Yeuan Hwang	718-802-3675	BKopenapp@buildings.nyc.gov
Queens	Frank Giglia	718-286-0600	QNopenapp@buildings.nyc.gov
Staten Island	Neil Adler	718-816-2300	Slopenapp@buildings.nyc.gov

Process:

Applicants or their representative(s) seeking consideration under this initiative must submit a request in writing to the contact(s) in the appropriate Borough Commissioner's office. The submission must include pertinent details of problems or issues that impact the issuance of a final C of O for their building, and copies of relevant documents.

Following the submission, the contact in the borough office will coordinate a review of the request with the necessary technical and inspection units, and recommend a disposition to the Borough Commissioner. Thereafter, based on these reviews, the Department will compile proposed changes to the Guidelines set forth below.

Guidelines¹:

Example I: C of O requested in connection with an Alt-1 for an existing mixed-use building (residential and ground floor commercial). The building has a C of O as well as the following open applications:

- a) An active Alt-1 application to increase the number of apartments.
- b) Multiple active (not signed-off) Alt-2 and Alt-3 applications, not relating to the Alt-1 for which the new C of O is requested.
- c) An active Place of Assembly (PA) application pertaining to an existing commercial space.
- d) Active Alt-2 and Alt-3 applications relating to the Alt-1 for which the C of O is requested.

Probable disposition under the Open Application Initiative:

- Issue an amended C of O notwithstanding the fact that the item "a" is open so long as the work that is the subject of the C of O application does not exceed 20% of the total floor area of the building.
- Issue the requested C of O notwithstanding the fact that item "b" is open.
- Review details of open applications in item "c" to determine whether they relate to base building life safety systems, egress, or sidewalks.
- However, open applications under item "d" need to be completed prior to the issuance of the C of O (these applications relate to building life safety systems).

Example II: C of O requested in connection with an Alt-1 for an existing commercial office building. The building has a C of O as well as the following open applications:

- a) An active Alt-1 not relating to the space for which the C of O is requested.
- b) Multiple active (not signed-off) Alt-2 and Alt-3 applications not relating to the space for which the C of O is requested.

¹ The examples listed here are intended to serve as guidelines for the disposition of requests under the Open Application Initiative and are not meant to be exclusive or exhaustive.

- c) An active PA application related to an existing PA space, which does not require any work to be done and not affecting the space for which a C of O is requested.
- d) Active Alt-2 and Alt-3 applications relating to the Alt-1 for which the C of O is requested.

Probable disposition under the Open Application Initiative:

- Issue an amended C of O notwithstanding the fact that item “a” is open so long as the work that is the subject of the C of O application does not exceed 20% of the total floor area of the building.
- Issue the requested C of O notwithstanding the fact that item “b” is open.
- Review details of open applications in item “c” to determine whether they relate to base building life safety systems, egress, or sidewalks.
- Open applications under item “d” need to be completed prior to the issuance of C of O, if these applications relate to the building life safety system.

Example III: C of O requested in connection with a new, residential, mixed use, or commercial building. The building has a temporary C of O for the entire building as well as the following open applications:

- a) Multiple active (not signed-off) Alt-1, Alt-2 and Alt-3 applications filed for and prior to the demolition of the building that pre-existed the new building for which the C of O is requested.
- b) Active Alt-2 and Alt-3 applications relating to the New Building (NB) for which the C of O is requested, which do not impact base building’s life safety system.
- c) An active demolition application for the building that pre-existed the new building for which the C of O is requested.
- d) An active Alt-1 application

Probable disposition under the Open Application Initiative:

- Issue the requested C of O notwithstanding the fact that applications under items “a” and “b” are open.
- Refuse to issue the requested C of O until item “c” is signed-off.
- Issue the requested C of O notwithstanding the fact that item “d” is open but show as vacant the floor(s) on which the work that is the subject of the Alt-1 is being performed.

Use of the Open Application Initiative:

The Borough Commissioner, Deputies and Inspection staff of the following divisions in the Borough and Central Offices will participate in the review to examine and assess the impact on their respective units both during and subsequent to the pilot’s initiative:

Borough Inspection Units

- Construction Unit
- Plumbing Unit
- Electrical Unit

Central Inspection Units

- Boilers and Elevators
- Facades
- Local Law Enforcement Unit

Through this Initiative, the Department will look at every phase of its C of O process and examine all open applications brought to its attention for the purposes of determining whether a C of O may be issued despite the fact that these applications remain open. Under no circumstances will a C of O be issued if open applications involve base building life safety systems or sidewalks.

Distribution:

Executive Staff, Assistant Commissioners, Borough Commissioners, R. Patur