Comments received for ACEC New York Code Committees on DOB NOW: Build

a. Design Professionals must spend more time to complete the filing process than before. It is no longer a review-then-sign/seal process. The Design Professional has to input information and there is a great deal of back-and-forth with the expeditor. Please review ways to be more efficient with this.

b. It is unclear which information is to be provided by the expeditor and which information is to be provided by the Applicant of Record, again leading to more time spent in back-and-forth communications with the expeditor.
   1. Can DOB clearly delineate and publish the rules and responsibilities of the Design Professionals vs Exeditors?
   2. Please clarify what a Delegated Associate can do that a Filing Representative cannot do.
   3. When the Professional Engineer goes to sign off, numerous red error boxes pop up. Can the expeditor preview these objections (and review the red boxes) before the Professional Engineer is asked to sign off? This would expedite the process.

c. Mechanical and Plumbing filings were previously filed together. Two separate applications are now required. Can this be restored to the previous solution? Can the common areas of both applications be broken out into a separate section that can be referenced by all applications and completed by a qualified entity?

d. Mechanical filings now require that zoning information be included. Previously, this information was not provided by the Mechanical Design Professional and is not readily available to the Mechanical Design Professional.

e. Unable to submit: under an energy model option. Only “Tabular”, “REScheck” and “COMcheck” options are available.

f. Unable to submit: Lighting COMcheck calculations in a mechanical filing.

g. There are not enough characters available in the “comment” box.

h. Can the scope of filing (mechanical, plumbing, sprinkler, etc.) be indicated in the “My Jobs” list to make it simpler to identify which job we are editing?

i. Does the DPL-1 form have to be re-uploaded for a project that extends beyond the 1-year that the DPL-1 form is valid?

j. It is unclear where staff from each design discipline must go on DOB NOW to perform their respective filings. It is not standard among design firms and is causing confusion (e.g. one firm filed architectural lighting with mechanical filing drawings). Can DOB clarify the upload process, trade by trade (each firm now files as opposed to the expeditor gathering and submitting at once).

k. The identification of special and progress inspections components in DOBNOW should be updated to allow for applicants to have more control and flexibility of inspections required for their respective plan submittals and a waiver request function for inspections that auto-populate in the system should be added to the system. The conditional logic currently utilized for inspection requirement declarations in DOBNOW should be removed. The applicants should be given the whole list of possible special and progress inspections to select from so they can identify any and all inspections they deem required.

l. Representatives from ACEC New York and SEAO/NY participated in a call on September 5th with NYCDOB (Marc Wollemborg and Shawn Donohue) to review concerns with DOB NOW. Some of the items discussed included:
1. Requirements for structural design professionals to sign for items which they do not have responsibility for and may be held liable for (e.g. TR8 form for the energy code, asbestos on the PW1 form, an Anti-Harassment Form)

2. The new system will no longer accept subsequent applications. If there was an architect (and MEP engineer) on board, they could file the project along with all the appropriate forms (TR8 etc), signed by the correct parties and the structural engineers’ application would be considered subsequent with the end result that none of the forms for which the structural engineer has no legal responsibility for would be needed from them. We would like action taken to eliminate this issue entirely.


Thank you for scheduling the Feedback sessions!

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In general, it seems that not only has the DOB NOW system changed the process by which structural drawings are filed (which we generally believe is a commendable goal), it has also inadvertently changed the intent of the structural filing. This change to the intent is something that was not anticipated by the members of our structural codes committee nor likely by the structural engineering community at large. The members of our committee generally do not believe it is correct to change the intent of structural filings in this manner and respectfully request that the DOB revert to the prior intent as soon as possible. Please see below for our general comments:

1. Please revise the DOB NOW system so that it does not force structural engineers, who are intending to file as “subsequent applicants” to an Architect or other professional who is the head of a multidisciplinary team, to sign for items which are outside the scope of structural engineering, in effect forcing them to become “primary applicants”. This would include items such as Asbestos forms, Tenant Protection Plans, non-structural information in the filing, etc.

2. Please revise DOB NOW system so that it does not force structural engineers to sign for items which they have no control, for instance the signing statement related to inspections is different than that on the TR-1, is overly broad, and includes a statement that the inspector should sign – not the design applicant.

3. Please correct the DOB NOW system to include correct technical items. For instance the triggers for peer review do not match the building code, nor do they account for alterations as opposed to new buildings.

4. Please include in the DOB NOW system provision for all the potential items related to structures – for instance the TR2/TR3.

5. Please include in the DOB NOW system provision for foundation drawings, currently they are being inexplicably forced to file separately a whole additional set of drawings the “old fashioned way”.

6. Please revise the instructions given to plan examiners, as they are given what seem to be inappropriate and overly broad comments to structural engineers on their drawings. Please also provide a method to contact the examiner, as it stands now, there is no ability to communicate directly with the examiner, despite the implied purpose of bringing the profession and examiners closer together.

On the following pages are detailed comments received from our members on the topics noted above. Thank you for your assistance with this issue.
Item #1

Many of the PW-1 items which are for the primary applicant to fill out are replicated in the DOB NOW system even though the structural engineer is not the primary applicant. For instance, almost all of the items under the heading “Additional Considerations, Limitations, or Restrictions” are non-structural. Please delete all the non-structural items from the DOB NOW structural filing.

There are more non-structural items in the “site Characteristics”, please delete:

Here is an example of a project where the system requires asbestos forms, please delete mention of asbestos from the structural application:
There are non-structural items in the “Zoning Information” – zoning should be done by the primary applicant Architect, no: the structural engineer, please delete the non-structural parts. Please also clarify what is meant by “structural footprint”, and seismic design category for existing buildings:

<table>
<thead>
<tr>
<th>Building Characteristic</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Story System of the building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Store (Stories)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structural Occupancy Risk Category</td>
<td>Category B</td>
<td>Category B</td>
</tr>
<tr>
<td>Seismic Design Category</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the 2014 Code designation apply</td>
<td>Yes &amp; No</td>
<td>Yes &amp; No</td>
</tr>
<tr>
<td>Occupancy Classification</td>
<td>B-1 Residential Buildings</td>
<td>B-1 Residential Building</td>
</tr>
<tr>
<td>Does the 2014 Code designation apply</td>
<td>Yes &amp; No</td>
<td>Yes &amp; No</td>
</tr>
<tr>
<td>Construction Classification</td>
<td>4 Engaged Structures</td>
<td>1 Engaged Structure</td>
</tr>
<tr>
<td>Multiple Dwelling Classification</td>
<td>Class A Home Rental Service</td>
<td>Class A Home Rental Service</td>
</tr>
<tr>
<td>Building Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>elevator/escalator</td>
<td>Yes &amp; No</td>
<td>Yes &amp; No</td>
</tr>
<tr>
<td>Elevator/escalator</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Number</td>
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</tr>
<tr>
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</tr>
<tr>
<td>Stories</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Here is an example of a project of ours in a residential building where the DOB NOW system is requiring a Tenant protection plan, see below, project X00219470-11. I believe we have requested a waiver. For this project there is an Architect who should be concerned with the tenant protection plan as primary applicant. Please delete reference to tenant protection plan in structural filings.
Item #2:

The first statement requires design applicant to ensure that the special inspection and approved agencies engaged by the owner to supervise the work...are acceptable and if not acceptable will notify the department. This is significantly more strident than the current statement on the TR-1 form and incorrect. Design applicant cannot ensure the owner does something, nor should he or she be responsible to notify the department perhaps in the future - what they should do is, by virtue of their sign and seal, accept the inspector at the point in time of the signing and sealing. Please revise to have same words as on the actual TR-1 form. Please also revise word “supervise” to “inspect” – inspector is not supervising the work - he or she is inspecting the work.

Also, the second sentence “I hereby certify that all the work indicated herein has been performed in accordance...” - this is a statement for the inspector to sign at the end of the job after work is completed, not for design applicant to sign nor at beginning of project before the work is done. Please delete and add to the inspector’s signing statement prior to completion. Also, the words are different and more strident than the words on the current TR-1. TR-1 says “substantially conforms”. Please revise to be the same as the words on the TR-1.

Item #3:

The triggers for peer review are incorrect – see BC section 1617.2 for the actual triggers (there are 7 of them). Note that the triggers apply to new buildings with the triggered characteristics and are not meant to apply to subsequent alterations of those buildings. I suggest either copying verbatim the code language here, or, better, just have a single box which the engineer can check is peer review is required or not, and delete the embedded logic in the DOB NOW system.

Is the building greater than 600 feet (183m) in height?*  
○ Yes  ○ No  
Is the building’s gross floor area more than 1,000,000 square feet (92,903 square meters)?*  
○ Yes  ○ No  
Are all aspect ratios six or less?*  
○ Yes  ○ No
Item #4:

We have had some projects where there did not seem to be a place to call for TR2 and TR3 forms. Please revise the DOB NOW system to do so.

Also, please note the following:

Concrete testing: The concrete testing inspection exemptions in the DOB Now system do not seem to require R-3 occupancy as it does in the related code section 1704.4:

- 2. Testing required by Table 1704.4, Item 6, may be waived by the registered design professional who prepared the structural construction documents when such waiver is specifically indicated on such construction document in the following cases:
  - Where the total concrete placement on a given project is less than 50 cubic yards (38 m³).
  - Isolated spread concrete footings of R-3 buildings three stories or less above grade plan that are fully supported on earth or rock.
  - Continuous concrete footings supporting walls of R-3 buildings three stories or less above grade plan that are fully supported on earth or rock where the structural design of the footing is based on a specified compressive strength, \( f'_{c} \), no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), and the compressive strength used in the footing construction is at least 4,000 psi.

Let me know if the above needs any further clarification.

Item #5

As requested, here are my issues related to DOB Now in addition to the non-structural scope forms that you’ve already covered:

Foundation filings: As I mentioned in our meeting, on a few of our projects with foundation (FO- prefixed) drawings, we are being told by the expeditors and the DOB Now techs that foundation scope cannot be filed under DOB Now, but those sheets must be filed separately under the old BIS system. When it is filed in BIS, it needs to reference the DOB Now application for the rest of the building in order that the two applications can be linked. Because it is a separate filing, we have the same issues where we’re being asked to sign for items for which we have no expertise (PW-1 Energy Compliance, TPP1 Tenant Protection Plan) but within the BIS system.

The trigger seems to be the Footing and Foundations Progress Inspection. It is not clear in the code when it can be excluded, but is usually included for smaller scope projects, making the separate filings especially onerous. It’s not clear what the DOB’s intent is in separating these filings.
110.3 Required progress inspections. The inspections set forth in Sections 110.3.1 through 110.3.8 shall be made during progress of work to verify substantial compliance with the code and with approved construction documents.

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footing complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM, the concrete need not be on the job.

Two projects where this has come up: 156 W10th St in Manhattan, 11 Cranberry St in Brooklyn.

Item #5 and 6:
The following comments pertains to plan reviewers and how they are implementing the new DOB NOW filing process:

1. In general, the plan reviewers are trying to separate Foundations and Superstructure into two independent parts of the building which is obviously impossible and illogical.
   a. Asking for General Notes sheets for Superstructure and Foundation to be on separate drawings.
      i. General notes covering construction practice, use of drawings, applicable codes, loading are applicable to both.
      ii. General notes on materials used are also applicable to both
      iii. Now we would have to duplicate them and create the opportunity for discrepancies
   b. We would have to duplicate typical details that are applicable to both Superstructure and Foundation, e.g. reinforcement development length tables, any slab reinforcing details when the foundation level utilizes a framed slab, etc...
   c. We were instructed to separate cover sheets and drawing lists for Superstructure and Foundation

2. We had an examiner instruct us to put the note “FOR STRUCTURAL WORK ONLY” on every plan. (So why do we have FO- and S- drawings?)

3. We were instructed to reference applications for NB, Mechanical, Plumbing, SP/SD, Underground Pl, Temp. SD. This was never required previously, and we have nothing to do with these other trades.

4. We are now de facto expeditors. The DOB has created more work for designers who already struggle with fees. We will now have to ask for more fees from owners while the actual expeditors are still employed and charging their own fees.

5. Recent instructions from a plan examiner requesting items be noted on the plans that are non-structural (e.g. zoning, architectural roof assemblies), and notation that otherwise was never part of a structural drawing:

   General Comments received:
   • Please provide a clear and detailed scope of work on the drawings
- Please provide the following note “Foundation, General Construction, and Support of Excavation are all being filed under NB application Number 123692334”
- Please provide the following note “Structural work to be done under DOB Now Job #M00208147”
- Please provide the following note “Mechanical work to be done under DOB Now Job #M00210512”
- Please provide the following note “Plumbing work to be done under DOB Now Job #M00210582”
- Please add a plot plan to the drawings that include Block, lot and Zoning district information.
- Show seismic category and building’s seismic separation from adjacent buildings as per BV 1613.7. Include related notes and details on drawings
- Please confirm this project is going to have a structural peer review, if yes please provide, if no I will update the PW1. Please advise S-190.00:
- Please provide reference to architectural drawings for roof Assembly details indicating the materials used in assembly.

**Item #6:**

Examiners are making comments which seem overly broad, and which reference non-structural items, such as “comply with requirements of AC 28-104.7”. Seems like the comments may be expecting a complete, multi-disciplinary set of drawings, which the structural drawings are not intended to be. Please revise the comment making process to be more relevant to structural issues. Despite intending to be just a subsequent structural filing, we were forced to include occupancy protection plan notes. The examiner’s name is listed on the DOB NOW comments, but there is no link to contact them with questions to clarify their comments. It would be helpful to be able to contact the examiner to clarify what they are looking for. In the below example, we went through three rounds of back and forth comments with the examiner, before resolution.
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October 28, 2019

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Construction documents submitted for review are incomplete and do not comply with requirements, as per AC 28-104.7 - Clarify the occupancy of this building during construction. Provide occupancy protection notes on plan if building will be occupied during construction.