



NYC Buildings Department  
280 Broadway, New York, NY 10007

Robert D. LiMandri, Commissioner



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## BUILDINGS BULLETIN 2010-002

### Operational

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**Supersedes:** None

**Issuer:** Fatma M. Amer, PE  
First Deputy Commissioner

**Issuance Date:** February 11, 2010

**Purpose:** This bulletin establishes a protocol for the use of temporary sales offices and model apartments in buildings under construction.

**Related Code/Zoning Section(s):** AC 28-111 BC Chapter 10  
BC Chapter 9 BC 1103.1

**Subject(s):** Residential buildings, temporary sales offices; Residential buildings, temporary use; Residential buildings, Temporary Use Permit; Residential buildings, model apartments

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**A. Temporary sales office located on the ground floor.** Temporary apartment sales office located on the ground floor of a building under construction that has not yet received a Temporary Certificate of Occupancy (“TCO”) may be considered a temporary use and be issued a permit for temporary uses pursuant to section AC 28-111, provided it complies with the following:

1. There is only one such temporary sales office in the building;
2. It is located on the level of exit discharge, accessed directly from the street or through a finished lobby with means of egress in compliance with BC Chapter 10 (e.g. occupant load, exit width, number of exits etc.);
3. An Alteration Type 2 application (non-Directive 14) shall be filed for the fit out of such temporary sales office. On the PW-1 form, section 11 (Job description), indicate:

*“This application is filed for a Temporary Use Permit for a sales office pursuant to section AC 28-111 and Buildings Bulletin 2010-002.”*

<b>11</b>	<b>Job Description</b>
<p>This application is filed for a Temporary Use Permit for a sales office pursuant to section AC 28-111 and Buildings Bulletin 2010-002.</p>	

Such application shall demonstrate:

- a) Compliance with means of egress requirements for the temporary sales office per BC Chapter 10 (e.g. occupant load, exit width, number of exits etc.); and
  - b) Compliance with automatic sprinkler systems requirements for the temporary sales office per BC Chapter 9. Where the required main sprinkler system for the entire building is not yet complete, sprinkler protection for the temporary sales office may be provided off of domestic water service until the main sprinkler system is complete.
4. Accessibility in compliance with BC Chapter 11 is provided to such temporary sales office pursuant to section BC 1103.1; and
  5. Other spaces on the premises beyond the temporary sales office remain a construction site. Public access to the construction site shall be strictly prohibited unless a TCO has been issued for such spaces.

**B. Temporary sales office with one or more model apartment(s) on floors other than the ground floor.**

Temporary apartment sales office with one or more model apartments located on floors other than the ground floor of a building under construction, that has not yet received a TCO, may be considered a temporary use and be issued a permit for temporary uses pursuant to section AC 28-111, provided they comply with the following:

1. There is only one such temporary sales office with one or more model apartment(s) in the building;
2. Means of egress from inside the temporary sales office and model apartment(s) to the public way is in full compliance with BC Chapter 10;
3. At least one operational passenger elevator is serving such temporary sales office and model apartment(s), and has passed Department of Buildings' inspection and received a service equipment Certificate of Compliance per section BC 3007;
4. An Alteration Type 2 application (non-Directive 14) shall be filed for the fit out of such temporary sales office and model apartment(s). On the PW-1 form, section 11 (Job description), indicate:

*"This application is filed for a Temporary Use Permit for a sales office including model apartments pursuant to section AC 28-111 and Buildings Bulletin 2010-002."*

<b>11</b>	<b>Job Description</b>
This application is filed for a Temporary Use Permit for a sales office including model apartments pursuant to section AC 28-111 and Buildings Bulletin 2010-002.	

Such application shall demonstrate:

- a) Compliance with means of egress requirements from inside the temporary sales office and model apartment(s) to the public way per BC Chapter 10 (e.g. occupant load, exit width, number of exits etc.);
- b) Compliance with standpipe and automatic sprinkler systems requirements per BC Chapter 9. Standpipe shall be complete and operational for the entire building. Automatic sprinkler system shall be operational and cover, at a minimum, the floor above the level of the proposed temporary

spaces down to the level of exit discharge. Such systems shall pass inspection by the Department; and

- c) Compliance with fire alarm systems requirements for the building per BC Chapter 9. Where the required fire alarm system for the building is not yet inspected by the Fire Department, a fire guard(s) possessing a certificate of fitness issued by the Fire Department shall be posted during periods that they open to the general public.
5. Accessibility in compliance with BC Chapter 11 is provided to such temporary sales office and model apartment(s) pursuant to section BC 1103.1; and
6. Other spaces on the premises beyond the temporary sales office and model apartment(s) remain a construction site. Public access to the construction site shall be strictly prohibited unless a TCO has been issued for such spaces.

**C. Inspection.** Upon satisfactory approval of the application and completion of the required work pursuant to this bulletin, the owner or his/her representative shall apply to the Department of Buildings for an inspection.

**D. Issuance of a Temporary Use Permit.** Upon satisfactory completion of inspections pursuant to this bulletin, a permit for temporary use may be issued in accordance with section AC 28-111 for 30 days. However, such permit may be issued for a period of 90 days at a time until a Temporary or Final Certificate of Occupancy is issued, provided the fees are correspondingly prorated. At the discretion of the Borough Commissioner, such permit for temporary use may be renewed with demonstrated cause and payment of fees.