

New Development Challenge Process – Frequently Asked Questions

Information You Need to Know!

- 1. What is the new Development Challenge process?**

The Department has formalized a new 45-day formal development challenge process. This gives the public a greater voice in the development process and provides developers further clarity about when and how a project can move forward. This Development Challenge process applies to zoning approvals on all new buildings (NBs) and building enlargements that affect the exterior envelope of an existing building. The new measures go into effect July 13, 2009.
- 2. What jobs will fall under this new process?**

The new challenge process will apply to the public's challenges to construction work that affects a building's bulk – all New Buildings (NBs) and enlargements that affect the exterior envelope of an existing building.
- 3. Why does this new challenge process apply to New Buildings & enlargements?**

These construction projects raise the most community interest because they often increase a building's size and can increase a block's population density.
- 4. What content in these job filings can be challenged within this new process?**

Any items related to zoning can be challenged.
- 5. Does this change affect previously submitted applications?**

This new challenge process (and the Zoning Diagram [ZD1] requirement that supports it) will not apply where the application for a NB or enlargement is ready for initial plan review and the appropriate fees were paid before July 13, 2009. When looking on the Buildings Department website, this process will not apply to any job that's reached the status of "A/P Entire" on July 13, 2009, the Rule's effective date. Go to the Department's website for more information on the different [statuses of job filings](#).
- 6. What is a Zoning Diagram (ZD1)?**

Architects and Engineers filing applications for new buildings and enlargements that affect the exterior envelope of an existing building must submit the new [Zoning Diagram \(ZD1\)](#). The Zoning Diagram will detail critical information that the public will use to question whether a project complies with zoning requirements. The Zoning Diagrams will include the drawn-to-scale size of the project and show where the building will sit in relation to the street. The Zoning Diagrams will also include information on dwelling units, parking, and a floor-by-floor breakdown of the building's use, zoning floor area, and floor area ratio (FAR). Please read the [ZD1 Guide](#) for more information, available at nyc.gov/buildings.
- 7. What is a zoning approval?**

A zoning approval is the Department's decision that the proposed NB or enlargement application complies with zoning. Zoning approvals may also include DOB determinations on complex zoning issues. Once approved, the Zoning Diagram and relevant determinations are scanned and posted to the Department's website.
- 8. Were there any changes since the rule was initially published?**

The initial challenge period will be extended to 45 days, lengthened from the original 30 days. The revision also clarifies that the rule only applies to zoning challenges on New Buildings (NBs) or Alteration Enlargements affecting the exterior envelope of an existing building. Also, the effective date was moved to July 13, 2009.
- 9. Why was the initial challenge period extended to 45 days?**

The Department extended the challenge period to 45 days to ensure public participation in the new challenge process. This time accommodates the schedules of all Community Board committees and other local groups so they can review and discuss a challenge before submitting it to the Department.

10. How will I know that the challenge process has started?

The initial challenge period begins when the Zoning Diagram is posted on the Department's website. Members of the public can view the Zoning Diagram and the status of a job by clicking the "My Community" feature on the Department's website at nyc.gov/buildings.

Additionally, once a permit is issued, builders will be required to post the permit at the location within three days so the public is aware of the proposed development.

11. How can I find out about new jobs that are part of the new challenge process?

Jobs that are subject to the new process can be found using the Department's "My Community" website feature. All jobs marked with a zoning approval as "Granted" or "Amended" will be subject to the new challenge process.

12. Can a Zoning Diagram be amended?

Yes, applicants may amend their job and submit a new Zoning Diagram.

13. Will the challenge process start over if the zoning is amended?

When a submitted amendment changes the scope of the NB or enlargement application, its approval and Zoning Diagram posting will restart the 45-day challenge process. If the amendment is submitted solely to resolve objections issued resulting from a public challenge, the approval and posting of the Zoning Diagram will be subject to a 15-day appeal period.

14. How will I know if a zoning is amended?

Jobs with amended zoning will be marked with a zoning approval as "Amended" on the "My Community" results page.

15. How do I submit a challenge under the new process?

Zoning-related challenges must be submitted on the Department's [Zoning Challenge and Appeal Form](#), which you can find at nyc.gov/buildings. Send them to the Department's Customer Service either by fax at (212) 566-3030, by email to publicchallenge@buildings.nyc.gov or by mail to 280 Broadway, 5th floor, New York NY 10007.

16. Will challenges under the new process be made public?

Zoning-related challenges that are part of the new process will be posted on the Department's website after the Department's review and decision.

17. What response can I expect to my challenge?

The Department will post its decision with the related challenge on the Department's website at nyc.gov/buildings after the review is complete.

18. Can I appeal the decision made in response to a challenge?

If the Borough Commissioner determines that a challenge is invalid, the public will be given 15 additional calendar days to appeal to the Department's First Deputy Commissioner. Once the First Deputy Commissioner issues a determination, the decision may be appealed to the Board of Standards and Appeals.

19. What if challenge comes in late?

The Department has the authority to review any challenge at any time in order to ensure compliance with all codes, rules, and regulations.

20. Will full plans be available online?

No. The Department has begun a pilot program of scanning plans upon plan approval. These plans will be made available, upon request, at the borough office.

21. Will zoning determinations that are issued be posted online? Will they be searchable?

Yes. All applicable approved determinations will be scanned and posted online. The Department will post a spreadsheet online of jobs that have zoning determinations with applicable Zoning Resolution sections.

Questions? Email: OperationsRedesign@buildings.nyc.gov

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