

The Board of Standards and Appeals may issue a Letter of Substantial Compliance (“LSC”) to approve minor modifications or corrections to previously approved projects.

The issuance of an LSC is pursuant to the Board's Rules of Practice and Procedures (“Board's Rules”) [§ 1-12.11 Minor Amendment of Previous Approvals](#). To request an LSC, the applicant must submit the below listed items to the Board's staff at bsafilings@bsa.nyc.gov. The applicant must submit **all required materials** to request an LSC.

Procedure

If the term of the grant, the time to complete construction, or the time to obtain a certificate of occupancy has expired, then the site is ineligible for an LSC, and the applicant must instead file the appropriate extension application, with a combined amendment application, to request the proposed modifications or corrections to the prior approval.

After the applicant files a complete application, the Board's staff will send an email to the applicant with an attached billing and payment form, and instructions on how to submit the form and pay the required fees for the LSC application (\$930.00) and the City Environmental Quality Review (“CEQR”) Type II application (\$110.00). After the applicant pays the required fees, then the Board's staff, Vice-Chair, and Chair will internally review the request. This review may take approximately 60 days, but the review period may vary depending upon the complexity of the request and the volume of requests that the Board's staff is currently processing.

Note: The Board's staff may require the applicant to provide additional information and/or materials at the time of filing, or during the review period, to consider the request.

If the Chair determines that the requested modifications or corrections are minor and substantially comply with the previous approval, then the Board's staff will issue an LSC to the Department of Buildings (“DOB”) and to the applicant. If the Chair decides that the request is ineligible for an LSC, then staff will send a letter to the applicant explaining the denial. Examples of requests that are ineligible for an LSC and would require the filing of an amendment application (or, in some cases, a new variance or special permit) include: modifications of Board conditions; increases in the degree of non-compliance or non-conformance; or changes that impact aspects of the project that were material to the Board's determination, including but not limited to any changes that would affect any findings of the grant or CEQR determination.

List of Items to Submit for an LSC Request

For all LSC requests, the following items must be submitted to bsafilings@bsa.nyc.gov. Links to fillable PDFs of the relevant documents are embedded in the underlined text below and may be accessed at BSA's [Application Guidelines & Forms](#) webpage.

- A completed, signed, and notarized [Letter of Substantial Compliance Application Form](#).
- A completed, signed, and dated [City Environmental Quality Review \(“CEQR”\) Type II Checklist](#) (for more information about CEQR procedure and the Type II Checklist, see [CEQR Type II Checklist Form Instructions](#)).
- A completed, signed, and notarized [Affidavit of Ownership and Authorization](#).
- All prior Board resolutions, the most recent set of BSA-approved plans, and, if applicable, previous letter(s) of substantial compliance and/or letter(s) of no objection.

- Two sets of signed and sealed plans:
 - Bubbled set: a set of proposed plans on which the applicant must use revision clouds to bubble, or otherwise clearly indicate, all proposed modifications and/or corrections to the most recent BSA-approved plans, if the applicant seeks changes to plans.
 - Clean set: a set of proposed plans without bubbles or revision clouds.
- A completed, signed, and notarized [Certification of Statements Made in Applications](#). Note: Every preparer of LSC application materials must submit a certification of statements.
- A written statement identifying the proposed changes and the reason for the request. The statement must include:
 - Descriptions of all submitted materials and their relevance to the request, including any previously approved and proposed plans, and the exact dimensions of the proposed changes, if the request is seeking changes to BSA-approved plans; and
 - An explanation of why the proposed changes substantially comply with the Board's previous approval and would not affect any aspects of the project that were material to the Board's approval, including but not limited to the findings of the underlying variance (e.g., Z.R. § 72-21 (a) through (e)) or special permit (e.g., Z.R. § 73-03 (a) through (h) and the findings of the particular special permit section), the Board's CEQR determinations, and any Board concerns raised in prior hearings.

If you have any questions about LSC requests, you may contact the Board office at (212) 386-0009.