

PRE-APPROVED ANCILLARY DWELLING UNITS REQUEST FOR SUBMISSIONS:

QUESTIONS & ANSWERS—ADDENDUM #1

1. Question: Does the preapproved permit require less drawings since there is no site?

Response: Please refer to the RFS Guidelines for the minimum requirements for submitted drawings. Page 5 lists the disciplines expected for the submission. The rest of the guidance document details expectations for the drawings for different disciplines.

<https://www.nyc.gov/assets/hpd/downloads/pdfs/services/250813-adu-for-you-introduction-and-dob-pre-approval-rfs-guidelines-final.pdf>

2. Question: Are engineering drawing sets (structural, MEP) expected? Engineering disciplines such as structural and foundations (geotechnical) would not be able to provide without a site.

Response: The pre-approved program allows an expedited review when used in a site-specific filing with the Department at a future date. As such, all disciplines relevant to the ADU design (except for site conditions and connections) must be part of the submission. Structural, mechanical, electrical, plumbing, fire protection drawings for the ADU dwelling should be part of the submission. See pages 4 through 13 of the RFS document.

<https://www.nyc.gov/assets/hpd/downloads/pdfs/services/250813-adu-for-you-introduction-and-dob-pre-approval-rfs-guidelines-final.pdf>

A generic foundation design should be submitted as part of the submission for proof of concept and aid in cost estimation. A note should be provided that states the foundation will be modified and reviewed during site-specific filing.

3. Question: Will a firm receive compensation if a homeowner uses their pre-approved plan?

Response: The use of and payment for a Registered Design Professional's (RDP) pre-approved ADU design will be resolved between the RDP and the homeowner, the user of the design, through an agreement for the use of the pre-approved ADU design.

Please refer to the following statement on first page of this document,

<https://www.nyc.gov/assets/hpd/downloads/pdfs/services/250813-adu-for-you-introduction-and-dob-pre-approval-rfs-guidelines-final.pdf>.

"The NYC Registered Design Professional (RDP) associated with the pre-approved designs retains ownership of their design and all associated intellectual property rights. Homeowners must enter into a separate contract with the RDP for use of the pre-approved drawing set. "

4. Question: How are unlicensed professionals meant to participate? The submission guidelines mentions designers and builders as target audiences for this program and yet it requires a licensed engineer or architect to submit the drawings.

Response: An unlicensed professional will be required to partner with a NYC DOB Registered Design Professional (RDP) in order to participate in this program. See NYC DOB Administrative Code 28-104.7, "Submittal of construction documents," for information required on ADU submitted documents:

§28-104.7.10 Preparer. Each plan or drawing shall contain the license number, seal, signature (or equivalent as approved by the commissioner) and address of the registered design professional or landscape architect who prepared or supervised the preparation of the plans.

How an unlicensed professional engages a RDP to submit ADU construction documents for NYC DOB Pre-Approval Plan Examination will be determined between those two parties.

5. Question: The guidelines require a full DOB permit set which is usually tied to a specific address and project. How are we meant to satisfy all the drawing requirements for a generic site?

Response: Use a generic site that demonstrates the design complies with required regulations and codes. Site specific adjustments, such as foundation design, NYC DEP SCP and HCP approvals, FDNY access et al., will be required when an application is submitted for a specific premises.

6. Question: Beyond compliance with zoning regulations and local laws, are there any additional criteria that designs must meet in order to be included in the pre-approved ADU program?

Response: The requirements are provided in the *The Request for Submissions* Guidelines as published and distributed: <https://www.nyc.gov/assets/hpd/downloads/pdfs/services/250813-adu-for-you-introduction-and-dob-pre-approval-rfs-guidelines-final.pdf>

7. Question: How much flexibility is allowed during site-specific adaptation (for example, minor window placement changes or material substitutions) without triggering a new approval process? The guidelines note that deviations from a pre-approved design require separate review and may revoke pre-approval.

Response: Pre-Approved ADU Designs that vary due to required site-specific generated changes will be reviewed for Zoning Regulation and Construction Code compliance during the site-specific application filing plan examination. During the plan examination process, minor variations to the pre-approved elements will be assessed to determine whether a new filing is necessary.

8. Question: Is there an anticipated permitting timeline that the DOB foresees for projects utilizing pre-approved designs?

Response: The intent of this program is to streamline DOB plan examination to accelerate the review of site-specific elements.

The time necessary for a site-specific DOB plan examination of a Pre-Approved ADU Design will vary based on the complexity of the specific site conditions and the complexity of the Pre-Approved ADU Design.

Nota Bene: final DOB plan examination approval for permitting will also depend on other NYC Agency approval(s) (e.g. NYC Department of Environmental Protection, NYC Department of Transportation, etc.).

9. Question: Is there an option for the RDP to file an amendment to the plans to change certain elements of the design, as is typical on all projects?

Response: Pre-Approved ADU Designs cannot be amended for posting in the Pre-Approved ADU Plan Library (PAPL). A change to a Pre-Approved ADU Design based on PAPL submission will be submitted as a new design, as stated in <https://www.nyc.gov/assets/hpd/downloads/pdfs/services/250813-adu-for-you-introduction-and-dob-pre-approval-rfs-guidelines-final.pdf>:

Pre-Approved ADU Designs that vary due to required site-specific generated changes will be reviewed for Zoning Regulation and Construction Code compliance during the site-specific application filing plan examination. During the plan examination process, minor variations to the pre-

approved elements will be assessed to determine whether a new filing is necessary.

After the site-specific project approval, if RDP wants to file a post approval amendment (PAA) to site-specific elements, the PAA will follow the standard PAA process

10. Question: What is meant by “Deviations from the pre-approved design require separate DOB review and may revoke the pre-approval following notice?” What will be considered a deviation? If a homeowner or builder elects to change the finish material of house siding or bathroom floor tiles, for example, are those considered deviations from the pre-approved plans?

Response: A different material selection on house sidings or bathroom floor tiles are not deviations, but variations. (Deviations refer to Pre-Approved ADU Design changes that are required due to revisions in the Zoning Regulations and/or Construction Codes.)

Pre-Approved ADU Designs that vary due to required site-specific generated changes will be reviewed for Zoning Regulation and Construction Code compliance during the site-specific application filing plan examination. During the plan examination process, minor variations to the pre-approved elements will be assessed to determine whether a new filing is necessary.

11. Question: Will DOB consider approving any general system schematics for intermediary water supply and drainage components located outside of the ADU structure as part of the PAPL? Understanding that "NYC Dept. of Environment requirements for water supply and drainage will be site specific," will DOB consider approving any general system schematics for intermediary components located outside of the ADU structure itself (such as an RPZ backflow preventer, solar panel inverter assembly, etc.) as part of this process, or will each need its own review?

Question revised for clarity: Will DOB consider approving ~~any general~~ **generic** system schematics for intermediary components located outside of the ADU structure itself (such as an RPZ backflow preventer, solar panel inverter assembly, etc.) as part of this process, or will each need its own review?

Response: The elements of a generic system under DOB's jurisdiction may be submitted in the Pre-Approved ADU Design application, however, the Applicant-of-Record should identify such elements as concept designs only and are not approved for site-specific conditions.

DOB cannot approve the elements that are out of DOB's jurisdiction, such as DEP approvals on site connection. Approvals from another city agency shall be submitted to the site-specific application as required documents.

12. Question: Will foundation changes stop homeowners from using a pre-approved plan if the foundation design doesn't work for their specific project site?

The RFS requires structural plans, including foundation plans, even though site specific conditions often dictate elements of foundation design. At the same time, the RFS Guidelines state there can be no deviations from pre-approved plans. This will result in many homeowners being unable to use pre-approved plans if the foundation design doesn't work for their specific project sit.

Consider the option of allowing pre-approved plans to include generic foundation drawings that offer flexibility based on site conditions, or multiple foundation design options so they can be used by a wider range of property owners.

Response: Pre-Approved ADU Designs must include a foundation design to demonstrate completeness of design to support current construction cost price estimate. At a minimum, a generic foundation design for a Pre-Approved ADU Design is required.

The Applicant-of-Record should, and the DOB will, identify all generic systems as concept designs only and are not approved for site-specific conditions. When the site-specific application is submitted, the Applicant shall make necessary adjustments to the foundation design according to site conditions, and DOB plan examination process will review.

13. Question: Can the City provide any estimates of DOB/partner agency review timeline savings or

filing fee savings directly attributable to plans' inclusion in the PAPL?

Response: The intent of this program is to make DOB plan examination of a site-specific Pre-Approved ADU Design as fast as possible. Nota Bene: final DOB plan examination approval for permitting will also depend on other NYC Agency approval(s) (e.g. NYC Department of Environmental Protection, NYC Department of Transportation, etc.).

The time necessary for a site-specific DOB plan examination of a Pre-Approved ADU Design will vary based on the complexity of the specific site conditions and the complexity of the Pre-Approved ADU Design.

The intent of this program is to provide a current and as accurate as possible estimated cost of construction for a pre-approved ADU design so the Owner can make an informed decision about pursuing the realization of an ADU for her/his site-specific One- or Two-Family lot.

Filing fees for a Site-Specific application are governed by the NYC DOB 2022 Administrative Code.

The cost for an Owner, with any associated professional Design and Construction Administration Service cost savings, to use a specific design selected from the Pre-Approved ADU Plan Library will be based on the individual agreement between the Owner and Architect of Record for Professional Services.

14. Question: Will companies with plans accepted have the opportunity to provide contact information to be listed in the PAPL (such as email address/phone number)?

Response: Yes.

15. Question: Will the City require strict compliance with the cost estimates quoted in the PAPL?

Response: No.

The intent of this program is to provide a current and as accurate as possible estimated cost of construction for a pre-approved ADU design so the homeowner can make an informed decision about pursuing the realization of an ADU for her/his site-specific One- or Two-Family lot.

16. Question: May joint ventures, with members that include companies submitting other plans, also submit plans for approval? For example, could Company A submit its own plans, alongside distinct plans submitted by joint ventures of Companies B and A, and Companies C and A? This would – of course – be in an effort to deliver a dynamic set of offerings to the City, rather than to overwhelm the process with many lookalike proposals.

Response: A NYC DOB Registered Design Professional (RDP) can submit up to 3 PAPL RFS designs for the current RFS. However, one PAPL RFS design can only be submitted by one RDP.

Each submission will require its own separate DOB OTCR filing application. How a RDP generates her/his PAPL submission is the RDP's prerogative.

17. Question: Should applicants expect the City to approve any and all applications that meet the minimum technical standards and code? Or should questions such as "Sustainability Features" in the Design Questionnaire be interpreted as tacit project requirements, the lack of which may cause disapproval even if plans meet code?

Response: Applications meeting the RFS requirements and all applicable code provisions will be approved.

Applications must meet the Zoning Resolution (ZR) and Building Construction Codes (BCC) requirements. The Energy Construction Code (ECC) applies. What the Registered Design Professional includes the Pre-Approved ADU Design beyond ZR and BC (e.g. the ECC) is the RDP's choice.

Additional sustainability features and certifications outlined in page 6 of the submission guideline are not mandatory, if the design complies with NYCECC.

18. Question: "Attached ADUs" are not clearly defined in LL127 or the Zoning Resolution. Could you provide further clarity on what constitutes being "adjoining" to the primary dwelling?

Response:

An ADU adjoined to the primary dwelling unit is a new dwelling unit that is physically attached to the primary dwelling while separated from the primary dwelling unit by a NYC DOB Construction Code-compliant Fire Wall separation. In the context of Zoning Resolution, the "attached ADU" means "abutting".

19. Question: For the required cost estimation, must this be prepared by third parties, or can design professionals provide a rough order-of-magnitude estimate?

Response: A Construction Cost Estimate shall be submitted by the Registered Design Professional (RDP) who submits the ADU RFS OTCR application. How the RDP elects to generate the estimate is the RDP's prerogative. The Current Construction Cost Estimate should be as accurate as possible.

20. Question: Do designs need to be submitted by an architect registered in the state of NY?

Response: Pre-Approved ADU Designs must be submitted by a NYC DOB Registered Design Professional--a NY State registered Architect or Engineer.

21. Question: How much detail from the approved plan sets will be made publicly visible in the city's ADU library? Will homeowners see only high-level descriptions and renderings, or will full plan sets be accessible prior to contacting a registered design professional?

Response: The only publicly visible materials are what applicants submit as part of the required and optional representational requirements section of the RFS. In this RFS, required materials include an exterior rendering, diagrammatic floor plan(s), a digital 2D object of building mass, and information listed in the Design Questionnaire. DOB Plan Examination Approved Construction Documents will not be posted.

22. Question: When should applicants anticipate another solicitation to update the plan library after this first round is completed?

Response: DOB will accept submissions of backyard ADU after the submission windows closes. Applications submitted after 9/26 will not be included as part of the initial launch of the Pre-Approved Plan Library (PAPL). The timeline for updating the PAPL with accepted pre-approved designs submitted after 9/26 has not yet been finalized.

23. Question: How will pre-approved plans be arranged, listed, and ordered by default on the website?

Response: The default arrangement of pre-approved designs on the Pre-Approved Plan Library website has not yet been finalized. The information on the Design Questionnaire will inform the filters available to homeowners including, but not limited to, characteristics like square footage, number of bedrooms, and sustainable features.

24. Question: Will the city allow for updates to the cost estimates over time through the same modification/update process listed?

Response: Applicants are not expected to provide updated cost estimates after the initial

submission. The Pre-Approved Plan Library (PAPL) will include a disclaimer about the fluctuation of construction cost overtime and the variance of site-specific construction costs. The PAPL may include an additional mechanism for interested homeowners to account for an increase in costs.

25. Question: Will DOB accept HUD-compliant manufactured homes or do these manufactured homes need to be designed to meet NYC Construction Codes in addition to HUD Codes? Please clarify the NYC Construction Codes requirements for HUD-compliant manufactured homes and how they may be used in the construction of Ancillary Dwelling Units. We submitted a request for clarification on this topic prior to the public hearing for the ADU-related DOB proposed rule.

Response: HUD compliant manufactured homes used as ADUs under similar criteria established in TPPN 6/88 for NYS compliant manufactured homes will be accepted. TPPN 6/88 establishes NYC compliant criteria and clarifies what elements require compliance with NYC Construction Codes. <https://www.nyc.gov/assets/buildings/ppn/tppn688.pdf>

26. Question: Will there be additional submission rounds in the future? We understand that the current deadline for the pre-approved ADU submission is set for September 26th. Our team has a Florida-approved modular ADU design that we are eager to submit, but we may need additional time to fully review and align with New York building code requirements. Knowing whether future rounds are planned would help us prepare accordingly.

Response: There will be other opportunities to submit an ADU design for pre-approval either in the form of a Request for Submission with a limited submission period or an ongoing rolling application.

27. Question: “Modular manufactured homes”, “HUD approved modular ADUs”, and “Modular ADU” should not be used interchangeably. The terminology used in the Guidelines is inconsistent and confusing. Page 1 of the RFS Guidelines uses the term “US Department of Housing and Urban Development (HUD) or NYS-certified manufactured home”, while Page 4 of the RFS Guidelines uses the terms “modular manufactured homes”, “HUD approved modular ADUs”, and “Modular ADU”. The term “HUD manufactured home” is distinctly different from “modular home”, and there is no publicly available definition for a “HUD approved modular home”. Manufactured homes are built according to HUD Code, whereas modular homes are built according to local construction codes. As such, these terms should not be used interchangeably.

Response: HUD compliant manufactured homes used as ADUs under similar criteria established in TPPN 6/88 for NYS compliant manufactured homes will be accepted. TPPN 6/88 establishes NYC compliant criteria and clarifies what elements require compliance with NYC Construction Codes. <https://www.nyc.gov/assets/buildings/ppn/tppn688.pdf>

28. Question: Clearly specify all tangible benefits NYC homeowners can expect to realize by using plans from the PAPL. Consider offering incentives including expedited approval times and lower filing fees. While the stated goal of establishing the PAPL is to streamline the permitting and approval process, the language in the RFS is vague and non-committal. Page 3 of the RFS states, “Plan exam review will focus on site-specific elements such as zoning, foundation design, exterior walls, and site utility connections,” but this statement offers no guarantee or commitment by the Department to fast-track site-specific pre-approved ADU plan filings. In fact, Page 3 of the Guidelines further states that “Site-specific construction document plan filings must still be submitted, reviewed and approved through standard DOB approval and permitting processes”, which seems to indicate that homeowners may receive no benefit from using plans from the PAPL. In contrast, homeowners in San Diego experience a 50% reduction in permit approval time and lower filing fees when using the city’s pre-approved ADU plans.

Response: DOB Plan Examination for site-specific applications will already have approval for the ADU design; thus, inherently, the DOB Plan Examination will be faster. Site-specific filing fee are

governed by NYC DOB Administrative Code §28-112.2 Schedule of permit fees..

29. Question: To create a robust PAPL with many options for homeowners, consider allowing RDPs to file a generic ADU drawing set alongside a site-specific ADU drawing set filed for a particular client. The RFS Guidelines for submissions to the PAPL are very burdensome and will require RDPs to commit a substantial amount of time and resources to their submission, including the preparation of structural, plumbing, sprinkler, electrical and mechanical drawings, by MEP engineers who may not be affiliated with the RDP. Additionally, the timeline for accepting submissions is very short, and we are skeptical that many RDPs will elect to submit their plans.

Response: Observation noted.

30. Question: How are such backyard shacks going to accommodate bathing and toilets?

Response: Alterations to existing structures to convert into an ADU must comply with NYC Zoning Regulations and Building Construction Codes.

31. Question: Are ADU's limited to residential dwellings?

Response: ADUs are only permitted for 1 and 2 family dwellings. See the NYC Zoning Regulations and the requirements of the PAPL RFS:
<https://www.nyc.gov/assets/hpd/downloads/pdfs/services/250826-adu-for-you-introduction-and-dob-pre-approval-rfs-guidelines-final-q-a-update.pdf>

32. Question: Can an ADU be a garage?

Response: Yes, for:

- 1) A new garage with ADU above, must be filed as a DOB New Building application-- pending compliance with specific site requirements and constraints; and
- 2) An existing garage can be converted to an ADU as an Alteration-CO DOB application-- pending compliance with specific site requirements and constraints. Parking may be eliminated or relocated if permitted by zoning.

33. Question: What type of DOB filing is required and how much is the cost?

Response: See the ADU for You Pre-Approved Request for Submission guidelines:
<https://www.nyc.gov/assets/hpd/downloads/pdfs/services/250826-adu-for-you-introduction-and-dob-pre-approval-rfs-guidelines-final-q-a-update.pdf>.

34. Question: Is the ADU exempt from ADA accessibility requirements such as the bath and kitchen?

Response: NYC One- and Two Family residential dwelling units are exempt per Chapter 11 of the NYC DOB BC.

35. Question: Can they [licensed structural engineers] submit a design that would not be tied to a specific building/home or would their submittal need to be for a specific ADU?

Response: See the requirements provided in the ADU for You PAPL Request for Submission Guidelines: <https://www.nyc.gov/assets/hpd/downloads/pdfs/services/250826-adu-for-you-introduction-and-dob-pre-approval-rfs-guidelines-final-q-a-update.pdf>. Licensed structural engineers may submit a design but must follow the submission guidelines and submit a complete submission package, which includes drawings for the various disciplines outlined, not just structural.

36. Question: How would the plan library submittal be able to include MEP since each site will be different?

Response: MEP is required for the NYC DOB ADU Pre-Approval application. See Request For Submissions Guidelines: <https://www.nyc.gov/assets/hpd/downloads/pdfs/services/250826-adu-for-you-introduction-and-dob-pre-approval-rfs-guidelines-final-q-a-update.pdf>

DOB ADU Pre-Approved construction documents will not be posted in PAPL.

See previous RFS question re: submission of MEP requirements. The ADU design must comply with NYC Zoning Regulation and Building Construction Code requirements. Use approvable generic systems that will be revised per site-specific conditions.