The City of New York

DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013

JOEL A. MIELE, SR., P.E., Commissioner

ISSUANCE #494

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TECHNICAL POLICY AND PROCEDURE NOTICE #2/96

TO: Distribution

FROM: Satish K. Babbar, R.A., Assistant Commissioner

DATE: February 9, 1996

SUBJECT: Earthquake Code - Local Law 17/95
Application of Side Yard Regulations for Compliance with "Building Separations" Requirement of Local Law 17/95

EFFECTIVE: Immediately.

PURPOSE: Reference Standard RS 9-6 of the Earthquake Code requires structures to be separated from adjoining buildings to diminish the effects of an earthquake which would cause a structural failure. The Zoning Resolution requires buildings in certain districts to be built either on the side lot line, or, if any opening is provided, to be built after providing a required open area. Thus, new earthquake code required "building separations" would create an opening along the side lot line and thereby a minimum required open area width would be triggered.

SPECIFICS: In certain zoning districts, as delineated by the Zoning Resolution, no side yards or open areas along a side lot line are necessary. However, if an open area extending along the side lot line is provided, it must be of a minimum width. Local Law 17/95 calls for 1 inch of separation for each 50 feet of total building height from an adjoining structure. This separation may be applied incrementally over the height of the building. When such separation not exceeding the required width is provided, the building shall be considered as being built on the side lot line and would not set off the Zoning Resolution minimum required width.

A building separation wider than five (5) inches, thus created at grade, shall be closed on all open sides to the maximum height permitted for fences in compliance with Section 27-509 to prevent unauthorized access thereto. The material used for the fence shall be code complying, securely erected, and of design that would be capable of inhibiting access to the space. A building separation of five (5) inches or less at grade requires no closure.

When a building separation wider than five (5) inches is thus created, at the roof level of the proposed new building, or at the roof level of an existing adjoining building (where there is an existing adjoining building lower than the proposed new building), the opening shall have a horizontal cover/closure that conforms with the following:

1. The material shall be non-combustible. The material used may be combustible material in accordance with Section 27-338(j) if all the material on the appropriate roof conforms to the limitations therein, there are no masonry openings in either wall abutting the building separation, and both buildings are non-combustible.

2. The cover/closure shall be capable of withstanding the roof live load of 30 psf, securely fastened to the new building, and be of a type that would be capable of preventing unauthorized or accidental access to the space.

This space shall not be used for any ducts, duct terminations, conduits, or other equipment. If the space is fully enclosed, ventilation should be provided, as determined by the applicant. If the space is only partially enclosed, adequate storm drainage shall be provided in compliance with Section P110.0 of Reference Standard RS-16.

This building separation would neither be considered floor area . nor shall it qualify as required open space for the purpose of the Zoning Resolution.

The applicant shall certify on the appropriate drawing(s) that the "building separation" cover/closure will not compromise the required accommodation of effects of pounding without collapse of the building.

SKB/AL/gt
Seismic-ppn