



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013
RUDOLPH J. RINALDI, Commissioner
312-8100

ISSUANCE # 413

TECHNICAL
POLICY & PROCEDURE NOTICE # 9/93

TO: Borough Commissioners/Superintendents

FROM: Richard C. Visconti, A.I.A.
Deputy Commissioner

A handwritten signature in cursive script, reading "Richard C. Visconti".

DATE: July 28, 1993

SUBJECT: Variations to Certain Requirements of Section 277
of the Multiple Dwelling Law for Interim Multiple
Dwelling Buildings

BACKGROUND:

Legal Policy & Procedure Notice (LPPN) # 4/92 informed interested parties of the amendment of Section 277 of the Multiple Dwelling Law by the New York State Legislature adding a new subdivision 16 which reads:

"16. The requirements and standards prescribed in this section shall be subject to variation in specific cases by the commissioner of buildings, or the board of standards and appeals, of such city under and pursuant to the provisions of paragraph two of subdivision b of section six hundred forty-five and section six hundred sixty-six of the New York City Charter."

PURPOSE:

This Technical Policy & Procedure Notice supplements LPPN # 4/92 to provide variations in specific cases to certain requirements of Section 277 due to practical difficulty encountered in the process of legalization of IMD buildings and bringing them into code compliance.

EFFECTIVE DATE: Immediately

SPECIFICS:

The following sections may be varied in light of subdivision 16 of Section 277.

- (1) Section 277.1 (b) - Existing lot line windows with wood framing may be retained if provided with wired or tempered glass and a sprinkler head is installed from inside over each window.
- (2) Section 277.2 (b) - Fully wet sprinklered non-fireproof buildings erected prior to 1938 of a height not exceeding 90 feet may be legalized provided a standpipe system is installed with 4" minimum standpipe riser in accordance with Article 3 of Sub-chapter 17 of the New York City Building Code. However, the building shall not exceed 7 stories.
- (3) Section 277.2 (b) - Non-fireproof buildings with a depth exceeding 100 feet may be legalized provided that the building be fully wet sprinklered with all shut-off valves equipped with tamper switches which along with a water flow alarm can each activate alarm bells located in the public halls on each floor and shall also transmit an alarm to the Fire Department via a central station. Also, all apartments shall be provided with hard wired smoke detectors.
- (4) Section 277.2 (b) - For non-fireproof buildings, an alternate two hour rated assembly may be used in lieu of the required "Fire Division", subject to the Borough Commissioner/Superintendents approval on a case by case basis.
- (5) Section 277.4 - This section shall be interpreted to require the sprinkler system in commercial or manufacturing use to be extended to and to include the entire public hallways and stairways used by both the residential and commercial or manufacturing occupancies of the building. (See Sample Figure).

Spr.	Res.	5th floor
Spr.	Res.	4th floor
Spr.	Res.	3rd floor
Spr.	Comm.	2nd floor
Spr.	Comm.	1st floor

- (6) Section 277.7 (b) - Required yards for IMD buildings subject to Section 15-026 of the New York City Zoning Resolution may be located on the adjoining lot(s), provided that in no event shall the distance between required window(s) and the rear lot line be less than 5 feet.
- (7) Section 277.7 (b) (ii) - Interior room opening into an immediately adjoining living room which opens directly on a lawful yard, court or street shall be deemed a living room, provided the area of the ventilating window(s) shall be at least 10% of the combined area of the two rooms, the height of the separating partition shall not exceed 40% of the clear ceiling height and in no event higher than the top of the operable portion of the ventilating window(s) and the clear width of the opening is a minimum of 8 feet.
- (8) Section 277.7 (d) - In Joint Living Work Quarters (JLWQ) for Artists, storage mezzanine with a head room exceeding 5 feet but less than 7 feet accessible only by a removable ships ladder, rolling stair or disappearing stair shall be permitted, provided it is counted as floor area for the purpose of calculating the maximum permitted size of a mezzanine and a copy of the Artist's Certification is submitted.
- (9) Section 277.9 (a) (i) - Where a second means of egress is required from each dwelling unit in a non-fireproof building, a crossover balcony may be constructed in accordance with Section 27-369 (g) of the New York City Building Code, in lieu of a fire escape.
- (10) Section 277.9 (h) - Where a building is served by two or more required stairs, at least one stair shall be

extended to the roof by a bulkhead, provided such stair is accessible by all occupants of the building through a public corridor.

- (11) Section 61 - In non-fireproof buildings, only ceilings of commercial or manufacturing uses located directly underneath the residential use are required to be fire retarded (one hour fire rated), provided all commercial and manufacturing uses throughout the building are protected by an approved type automatic wet sprinkler system.
- (12) In residential units, the space under a required sprinklered stair may be used as a storage closet provided, such space is protected by a sprinkler head, has a floor area less than 75 sq. ft. and the stair soffit is fire retarded.

RCV:FA:ap