CITY PLANNING COMMISSION

March 18, 2015 / Calendar No. 7 N 150167 ZRY

IN THE MATTER OF an application by the Department of City Planning pursuant to Section 200 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, pertaining to exempting floor space occupied by additional safety measures that are required by the 2014 New York City Building Code from counting towards zoning floor area.

The application for an amendment of the Zoning Resolution was filed by the Department of City Planning (DCP) on November 12, 2015, to facilitate and make effective additional safety measures that are part of New York City's 2014 Building Code for non-residential buildings that exceed 420 feet. The proposed text amendment includes a change to Section 12-10 (Definitions) in the Zoning Resolution, to exempt floor space that is occupied by the additional safety measures from counting towards zoning floor area. The area likely to be affected by this application is limited to those zoning districts without set height limits that allow a floor area ratio (FAR) of 10 or greater. These zoning districts are generally located in mid- and downtown Manhattan, downtown Brooklyn and portions of Long Island City in Queens. As stipulated in Local Law 141 of 2013, the new safety provisions, described in more detail below, will only become effective after the approval of this proposed zoning text amendment.

BACKGROUND

The New York City Construction Codes, including the Building Code, affect all aspects of construction and development in the City. The Codes establish minimum standards for design, construction and public safety, regulate the materials that may be used, set forth the procedural steps and review processes that must be followed to ensure that permits are issued only for code compliant projects, and prescribe enforcement measures for non-compliance.

After the collapse of the World Trade Center towers in 2001, the City recognized the need to comprehensively review and modernize the 1968 Building Code to bring construction requirements up to date. The work to modernize the 1968 Building Code began in 2002. It was administered by the Department of Buildings (DOB), and utilized the 2003 edition of the International Code Council's (ICC) family of codes as the basis for updating. The DOB

organized more than 400 industry stakeholders, including architects, engineers, city planners, representatives of building owners, labor, affordable housing and government, into technical, advisory and managing committees. These committees reviewed the entire 1968 Building Code and compared it with the 2003 editions of the International Building, Mechanical, Fuel Gas and Plumbing Codes to identify the "new" code provisions. This work culminated with the passage of Local Law 99 of 2005 and Local Law 33 of 2007, also known as the 2008 New York City Construction Codes. An important feature of the legislation was the mandatory three-year revision cycle, a system designed to prevent code standards from becoming obsolete for want of timely revision.

In 2011 the Department of Buildings began to work on the first Construction Codes revision mandated by Local Law 33 of 2007. Once again it was a public/private partnership involving more than 350 participants on 11 technical, advisory and managing committees. The committees reviewed the changes from the 2009 editions of the International Building, Mechanical, Fuel Gas and Plumbing Codes. In more than 48,500 hours attending more than 255 technical, advisory, and managing committee meetings the members worked together to resolve issues and craft the revisions to the code that reflect the needs of the city. The Technical Committees, by consensus, either adopted the ICC revisions, or modified the changes to fit the needs and conditions of New York City. If an impasse was reached, and the committee could not reach consensus, it was forwarded to the DOB for mediation among stakeholders. Local Law 141 of 2013, the revisions to the 2008 NYC Construction Codes, was passed by the City Council and signed by the Mayor in December 2013. These new provisions are collectively known as the 2014 NYC Construction Codes.

Included in the latest revisions are many provisions that increase safety within buildings, especially high-rise buildings. Some of these safety provisions implement the recommendations of the National Institute of Standards and Technology (NIST) World Trade Center Report that include decreasing the time it takes to evacuate an entire building in an emergency, increasing the ability of first responders to access building occupants, and providing greater redundancy in escape routes to ensure that, should one such route become unavailable for building occupants, there is still adequate capacity to exit or evacuate the building. The practice of safety procedures

during emergencies, including emergency occupant evacuation is evolving. Currently, the 2008 Construction Codes assume a "typical" firefighting strategy to shelter in place, thereby focusing on providing capacity to evacuate only one or two stories. The 2009 International Building Code, NIST and general building industry recognize an increased need for full building evacuation. These concepts were incorporated in the revisions to Section 403.5.2 of the Building Code contained in Section 1 of Subpart 4 of part C of Local Law 141 of 2013.

Briefly summarized, Building Code Section 403.5.2 is a new provision that requires that one of the following options be incorporated into the design of all new non-residential buildings greater than 420 feet in height, or any new[1] mixed-use building that contains non-residential use above a height of 420 feet:

1. Construct all passenger elevators in the building as "occupant self evacuation" type, with the safety requirements of such elevators that include connection to emergency standby power, emergency communications, and special lobby dimensions to accommodate floor occupants, including wheelchairs; or

2. Increase the required width of all "emergency" exit stairways by 25 percent above what is otherwise required **and** construct all passenger elevators as "occupant self evacuation" type **but** the standby power generating equipment must only be sized to accommodate a <u>limited</u> number of the elevators (defined by an approved timed egress analysis); or

3. Construct one additional "emergency" exit stairway than is normally required based on the number of building occupants.

The above requirements resulted from a mediation process that included all stakeholders in both the Egress and Elevator Technical Committees. The International Building Code provisions were modified during the mediation process to accommodate NYC building conditions and resulted in

[1] The additional fire safety requirements are applicable to all new non-residential buildings and certain enlargements that are subject to the 2014 NYC Building Code.

the requirements summarized above. These modifications are necessary to increase safety in high-rise buildings while also accommodating the vastly different types of development sites, and buildings, in New York City.

The proposed zoning text amendment would allow new non-residential high-rise buildings taller than 420 feet to exempt the floor area that would be taken up by the additional emergency egress stairway or the increased width added to required stairways, from counting as zoning floor area. This may result either in a small increase to the height or lot coverage, but no increase in usable floor area. Such increases would need to be within the permitted zoning envelope for both lot coverage and maximum height, as no additional bulk changes are proposed. The proposed text amendment would not introduce new or significantly different building forms, nor would it induce any use or development.

ENVIRONMENTAL REVIEW

The subject application (N 150167 ZRY) was reviewed pursuant the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations (NYCRR), Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 15DCP071Y. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on November 17, 2014.

PUBLIC REVIEW

This application (N 150167 ZRY) was duly referred by the Department of City Planning on November 17, 2014 to Manhattan Community Boards 1 through 8, Brooklyn Community Board 2, Queens Community Boards 1 and 2, the Manhattan, Brooklyn and Queens Borough Presidents, and the Manhattan and Queens Borough Boards, in accordance with the procedure for non-ULURP matters.

Community Board Review

Community Boards 1, 3, 4, 6, 7 and 8, in Manhattan; Community Board 2 in Brooklyn and Community Boards 1 and 2 in Queens, held public hearings on this application. Community Boards 1, 3, 4, 6, 7 and 8, in Manhattan; Community Board 2 in Brooklyn and Community Boards 1 and 2 in Queens; all adopted resolutions recommending approval of the application without conditions. Manhattan Community Boards 2 and 5 chose not to hold public hearings or provide recommendations.

Borough President Review

This application (C 150167 ZRY), was considered by the Borough Presidents of Manhattan, Brooklyn and Queens, who all issued recommendations in favor, without conditions.

Borough Board Review

This application (C 150167 ZRY), was considered by the Borough Boards of Manhattan, Brooklyn and Queens. The Borough Boards of Brooklyn and Queens issued recommendations in favor, without conditions; the Manhattan Borough Board chose not to submit recommendations.

City Planning Commission Public Hearing

On February 4, 2015 (Calendar No. 2), the City Planning Commission scheduled February 18, 2015, for a public hearing on this application (N 150167 ZRY). The hearing was duly held on February 18, 2015 (Calendar No. 24). There were two speakers in favor and none in opposition.

A Chief from the New York City Fire Department, in the Bureau of Fire Prevention, spoke in favor of the application. The Chief described the importance of providing alternate routes in the event of an emergency and the Fire Department's evolving evacuation practices that now incorporate the use of specially equipped elevators to aid in the evacuation of buildings. The use of such elevators allows for a more speedy evacuation of building occupants, especially those with disabilities.

The Executive Director for Code Development of the Department of Buildings spoke in favor of the amendment. The Executive Director explained that the extensive public engagement that was involved in the Code revision process and that after a lengthy public review, there was consensus for this amendment.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the zoning text amendment (N 150167 ZRY) is appropriate.

The proposed text amendment would modify the definition of *Floor Area* to exempt the additional fire exit stairway or stairway width from counting towards Zoning Floor Area. It would not result in new or increased development in the City, nor would it affect the type, amount or location of future development because the amendment does not change the permitted zoning floor area.

The Commission believes that the new Building Code requirements are appropriate to ensure adequate redundancy in egress paths and recognizes that the principal effects of the proposed text amendment would be the effectuation of these requirements, resulting in improved safety in new high-rise, non-residential buildings. The Commission acknowledges that the proposed text amendment could result either in a small increase to the height or lot coverage of a building, but no increase in usable floor area. Such increases in height or lot coverage would need to be within the permitted zoning envelope for the zoning district in which the building is located, as no additional bulk changes are proposed.

The Commission appreciates the level of support from the affected Community Boards and Borough Presidents. In each of the resolutions provided to the Commission, no conditions were placed on the amendment, a clear testament to the desire to adopt regulations that ensure safety in high rise buildings.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies, and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

The language of the zoning text follows. Unless it is modified by the Commission, it should be exactly as it appears in the Commission Calendar.

Matter in <u>underline</u> is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE I
GENERAL PROVISIONS

* * *

Chapter 2
Construction of Language and Definitions

* * *

12-10
DEFINITIONS

Words in the text or tables of this Resolution which are #italicized# shall be interpreted in accordance with the provisions set forth in this Section.

* * *

Floor area

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

(a) #basement# space, except as specifically excluded in this definition;

(b) elevator shafts or stairwells at each floor~~;~~, except as specifically excluded in this definition;

* * *

However, the #floor area# of a #building# shall not include:

* * *

(11) floor space within stairwells:

(i) at each floor of #buildings# containing #residences# #developed# or #enlarged# after April 16, 2008, that are greater than 125 feet in height, provided that:

~~(i)~~ (1) such stairwells are located on a #story# containing #residences#;

~~(ii)~~ (2) such stairwells are used as a required means of egress from such #residences#;

~~(iii)~~(3) such stairwells have a minimum width of 44 inches;

~~(iv)~~ (4) such floor space excluded from #floor area# shall be limited to a maximum of eight inches of stair and landing width measured along the length of the stairwell enclosure at each floor; and

~~(v)~~(5) where such stairwells serve non-#residential uses# on any floor, or are located within multi-level #dwelling units#, the entire floor space within such stairwells on such floors shall count as #floor area#;

(ii) at each floor of #buildings developed# or #enlarged# after (date of amendment), that are 420 feet or greater in height, provided that:

(1) such stairwells serve a space that is any occupancy group other than Group R-2, as classified in the New York City Building Code, that is located at or above a height of 420 feet; and

(2) such floor space excluded from #floor area# shall be limited to:

(aa) the 25 percent of stair and landing width required by the New York City Building Code which is provided in addition to the stair and landing widths required by such Code for means of egress; or

(bb) the one stairwell required by the New York City Building Code which is provided in addition to the stairwells required by such Code for means of egress. For the purposes of this paragraph (11)(ii)(2)(bb), such additional stairwell shall include the stair and landings as well as any walls enclosing such stair and landings;

(12) exterior wall thickness, up to eight inches:

* * *

The above resolution (N 150167 ZRY), duly adopted by the City Planning Commission on March 18, 2014 (Calendar No. 7), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, ESQ., Vice Chairman
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY, BOMEE JUNG, ANNA HAYES LEVIN,ORLANDO MARIN, LARIZA ORTIZ,
Commissioners

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 5, 2015

COMMITTEE OF ORIGIN: PLANNING

COMMITTEE VOTE:	13 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC MEMBERS VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused

RE: N 150167ZRY
Stairwells Zoning Text Amendment

WHEREAS: The Department of City Planning (DCP), in collaboration with the Department of Buildings (DOB) and the Fire Department (FDNY), is proposing a city-wide Zoning Text Amendment to facilitate and make effective additional safety measures that are part of New York City's 2014 Building Code; and

WHEREAS: The safety measures are intended to enhance public safety in a particular category of new high rise buildings by providing additional exiting capacity for building occupants during emergency situations that require full building evacuation; and

WHEREAS: These safety measures may be provided as designated emergency elevators, increased exit stair width, or as an additional exit stairway. The proposed text amendment consists of an amendment to the New York City Zoning Resolution, Section 12-10 (Definitions), to exempt floor space that is occupied by these additional safety measures from counting towards zoning floor area (zfa); and

WHEREAS: Such measures are required for all new non-residential buildings that are greater than 420 feet in height but do not apply to residential buildings. Buildings of this size are typically found in zoning districts without set height limits that allow a floor area ratio (FAR) of 10 or greater; and

WHEREAS: Building Code Section 403.5.2 is a new provision requiring one of the following options be incorporated into the design of all new non-residential buildings greater than 420 feet in height, or any mixed-use building that contains non-residential use above a height of 420 feet:

1. Construct all passenger elevators in the building as "occupant self-evacuation" type, including the safety requirements of such elevators, such as connection to emergency standby power, emergency communications, and special lobby dimensions to accommodate floor occupants, including wheelchairs; or

2. Increase the required width of all "emergency" exit stairways by 25 percent above what is otherwise required and construct all passenger elevators as "occupant self-evacuation" type but the standby power generating-equipment need only be sized to accommodate a <u>limited</u> number of the elevators (defined by an approved timed egress analysis); or

3. Construct one additional "emergency" exit stairway than is normally required based on the number of building occupants; and

WHEREAS: The majority of the provisions of Local Law 141/2013 (the 2014 NYC Construction Codes) took effect on December 31, 2014. However, *Section 403.5.2* of the Building Code*, Additional Exit Stairway,* states that the provisions "shall take effect the later of 18 months after the date of enactment of this local law or the date of an amendment of the definition of floor area in the New York City Zoning Resolution providing for the exclusion of the floor area of the additional exit stairway and additional exit stairway width from the calculation of floor area…". (Section 14 of Local Law 141 of 2013); and

WHEREAS: The action necessary to facilitate the project consists of a text amendment to Section 12-10 (Definitions) of the New York City Zoning Resolution. The proposed amendment would modify the definition of *floor area* to exempt the required additional stair width or the additional stair from zoning floor area (zfa), when such safety measure is provided pursuant to the Building Code. The proposed exemption would allow for the restoration of the minor loss of zoning floor area that would result from providing these safety measures. The zoning text amendment would not increase the allowable zoning floor area of any affected site and net usable square footage would remain the same as currently permitted under existing regulations. No other changes to areas that permit high-rise development are included with this action; now

THEREFORE BE IT RESOLVED THAT: CB 1 recommends approval of the Stairwells Zoning Text Amendment (N 150167ZRY) and supports all measures to make our district's buildings safer in the event of an emergency evacuation.

THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 3
59 East 4th Street - New York, NY 10003
Phone (212) 533-5300 - Fax (212) 533-3659
www.cb3manhattan.org - info@cb3manhattan.org

Gigi Li, Board Chair

Susan Stetzer, District Manager

December 29, 2014

Hon. Carl Weisbrod, Chairman
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Chairman Weisbrod:

At its December 2014 monthly meeting, Community Board 3 passed the following resolution:

VOTE: Community Board 3 Resolution to approve the Stairwells Zoning Text Amendment, Application No. N150167ZRY in order to facilitate better provision of safety in new commercial and mixed-use buildings

WHEREAS, the Department of City Planning (DCP) is proposing the Stairwells Zoning Text Amendment - Application No. N150167ZRY – in order to facilitate and make effective additional safety measures that are part of New York City's 2014 Building Code; and

WHEREAS, the safety measures are intended to enhance public safety in a particular category of new high rise buildings by providing additional exiting capacity for building occupants during emergency situations that require full building evacuation; and

WHEREAS, such measures are required for all new non-residential buildings that are greater than 420 feet in height but do not apply to residential buildings; and

WHEREAS, these safety measures may be provided as designated emergency elevators, increased exit stair width, or as an additional exit stairway; and

WHEREAS, floor space that is occupied by these additional safety measures is exempt from counting towards zoning floor area, meaning that the reconfiguration of total net floor area could result in slightly bulkier buildings; either with slightly larger floor plates, or slightly increased height; so

THEREFORE, BE IT RESOLVED, that Community Board 3 approves the Stairwells Zoning Text Amendment - Application No. N150167ZRY.

If you have any questions, please contact the community board office.

Sincerely,

Gigi Li, Chair
Community Board 3

Linda Jones, Chair
Land Use, Zoning, Public and Private Housing Committee

Cc: Joel Kolkmann, Department of City Planning
Patricia Ceccarelli, Office of Manhattan Borough President Gale Brewer

CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

CHRISTINE BERTHET
Chair

JESSE BODINE
District Manager

February 13, 2015

Carl Weisbrod, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: N 150167 ZRY Citywide Stairwells Text Amendment

Dear Chair Weisbrod:

At the regularly scheduled Board meeting on February 4, 2015, Manhattan Community Board 4 (CB4) voted by roll call 33 in favor, 0 opposed, 0 abstaining and 0 present not eligible to recommend approval of the Citywide Stairwells Text Amendment.

Description of Proposal

The Board is grateful to representatives of the Department of City Planning and the Department of Buildings for their presentation of the proposal to its Chelsea Land Use Committee on January 20th, and for their thorough answers to questions raised.

The proposed action, initiated by the Department of City Planning, in collaboration with the Department of Buildings and the Fire Department, would amend the Zoning Resolution, Section 12-10 (Definitions) to exempt floor space used for specified safety measures from counting toward zoning floor area in new non-residential buildings greater than 420 feet in height. These measures are intended to improve safety by providing additional exiting capacity for occupants during an emergency requiring full building evacuation.

One of three options may be selected:
(1) Designate all passenger elevators as "Occupant Self-Evacuation Elevators" with sufficient emergency power to operate simultaneously;
(2) Increase the required width of all "emergency" exit stairways by 25 percent and designate passenger elevators as "occupant self-evacuation" with emergency power to operate a limited number of elevators simultaneously; or
(3) Construct one additional "emergency" exit stairway than normally required.

Analyses were conducted on office and hotel buildings with various foot-print sizes. The assessments illustrated that developers of different types and sizes of buildings likely would select different options and that the increases in bulk would be minimal. The typical increase in building height would range from a partial floor to one full floor.

CB4 Recommendation

CB4 wholeheartedly supports this proposal. Board members are very familiar with the tragic loss of life from the collapse of the World Trade Center Towers. We appreciate the need for the proposed safety measures. It is our understanding that the proposal was carefully developed over three years in consultation with a wide range of stakeholders, including the Department of Buildings, Fire Department, Building Council, engineering experts, unions, and developers.

Sincerely,

Christine Berthet Chair	J. Lee Compton Co-Chair Chelsea Land Use Committee	Betty Mackintosh Co-Chair Chelsea Land Use Committee

CC: Manhattan Borough President Gale A. Brewer
NYC Department of Buildings
Fire Department City of New York

SANDRO SHERROD
CHAIR

VICE-CHAIRS
RICHARD EGGERS, 1ST
CLAUDE L. WINFIELD, 2ND

DAN MINER
DISTRICT MANAGER

BEATRICE DISMAN, TREASURER
CHARLES BUCHWALD, ASST. TREASURER

AARON HUMPHREY
SECRETARY
KATHY THOMPSON
ASST. SECRETARY

THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD SIX
866 UNITED NATIONS PLAZA, SUITE 308
NEW YORK, NY 10017

VIA E-MAILL: cweisbrod@planning.nyc.gov

January 20, 2015

Mr. Carl Weisbrod
Chairman
New York City Planning Commission
22 Reade Street
New York, NY 10007

RE: Stairwell Safety measures text amendment as proposed by the Department of City Planning and the Fire Department.

Dear Mr. Weisbrod:

At the January 16th Full Board meeting of Community Board 6 the Board adopted the following resolution:

WHEREAS, a representative of the Department of City Planning presented a proposed text amendment to the NYC Zoning Resolution on stairwell safety at the January 2015 meeting of the CB6 Land Use & Waterfront Committee; and

WHEREAS, the zoning resolution text amendment is intended to facilitate additional safety measures already in effect in the 2014 NYC Building Code; and

WHEREAS, the 2014 building code requires additional exiting capacity for non-residential buildings over 420 feet in height; and

WHEREAS, the additional exit capacity currently is included in the definition of "floor area" under the zoning resolution; and

WHEREAS, the proposed text amendment would exempt additional floor space occupied by these additional safety measures from counting towards zoning floor area as defined in the zoning resolution; now

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the proposed text amendment to exempt floor area required for additional safety measures from counting towards zoning floor area as defined in the zoning resolution.

VOTE: 31 in Favor 3 Opposed 0 Abstention 0 Not Entitled

Yours truly,

Dan Miner

District Manager

Cc: Honorable Gale Brewer
Honorable Dan Garodnick
Honorable Rosie Mendez
Honorable Ben Kallos
Dominick Answini, DCP
Beth Lebowitz, DCP

RESOLUTION

Date: February 3, 2015
Committee of Origin: Land Use
Re: Stairwells Text Amendment.
Full Board Vote: 30 In Favor 1 Against 0 Abstentions 0 Present
Committee: 7-0-0-0. Non-Committee Board Members: 1-0-0-0.

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the Department of City Planning's proposed Stairwells Text Amendment.

250 West 87th Street New York, NY 10024-2706
Phone: (212) 362-4008 *Fax:*(212) 595-9317
Web site: nyc.gov/mcb7 e-mail address: office@cb7.org

James G. Clynes
Chair

Latha Thompson
District Manager

505 Park Avenue, Suite 620
New York, N.Y. 10022-1106
(212) 758-4340
(212) 758-4616 (Fax)
www.cb8m.com - Website
info@cb8m.com - E-Mail

The City of New York
Manhattan Community Board 8

January 20, 2015

Hon. Carl Weisbrod
Chair
The Department of City Planning
22 Reade Street
New York, New York 10007

Re: ULURP Application No. N 150167 ZRY, Stairwells Text Amendment for Non-residential Buildings

Dear Chair Weisbrod:

At its Land Use meeting on Wednesday, January 14, 2015 Community Board 8M **approved** the following resolution by a vote of 29 in favor, 0 opposed 0 abstentions and 0 not voting for cause.

WHEREAS, The Department of City Planning, in collaboration with the Department of Buildings and the Fire Department, is proposing a city-wide Zoning Text Amendment to facilitate and make effective additional safety measures that are part of NYC's 2014 Building Code. These safety measures are required for all new non-residential buildings that are greater than 420 feet in height. Buildings of this size are typically found in commercial and manufacturing zoning districts without set height limits that allow a floor area ratio (FAR) of 10 or greater. The proposed action consists of an amendment to the NYC Zoning Resolution, Section 12-10 to exempt floor space that is occupied by the additional safety measures from counting toward zoning floor area. The safety measures are intended to enhance public safety in high rise buildings by providing additional exiting capacity for building occupants during emergency situations that require full building evacuation, therefore

BE IT RESOLVED that Community Board 8 approves the ULURP application to facilitate and make effective additional safety measures that are part of NYC's 2014 Building Code.

Please advise this office of any decision made by City Planning concerning this matter.

Sincerely,

James G. Clynes

James G. Clynes
Chair

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Gail Brewer, Manhattan Borough President
Honorable Carolyn Maloney, 14th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 26th Senatorial District

Honorable Rebecca Seawright, NYS Assembly Member, 76th Assembly District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Daniel Garodnick, NYC Council Member, 4th Council District

CITY OF NEW YORK

Community Board No. 2

350 JAY STREET - 8TH FL.
BROOKLYN, N.Y. 11201

(718) 596-5410 FAX (718) 852-1461
cb2k@nyc.rr.com

ERIC ADAMS
Borough President

SHIRLEY A. McRAE
Chairperson

ROBERT PERRIS
District Manager

February 6, 2015

Carl Weisbrod, Chairman
New York City Planning Commission
22 Reade Street
New York, New York 10007

Dear Chairman Weisbrod:

Brooklyn Community Board 2 has reviewed and made a determination on an application (N 150167 ZRY) by the Department of City Planning to amend the regulations in the New York City Zoning Resolution for stairwells in new high rise buildings, changes made to enhance public safety for building occupants during emergency situations that require full building evacuation.

On December 17, 2014, the Land Use Committee of Community Board 2 voted unanimously (10-0-0) to recommend approval of the text amendment. The community board voted unanimously (38-0-0) on January 14, 2015 to ratify this recommendation.

Thank you for the opportunity to comment.

Sincerely,

Shirley A. McRae

cc: Hon. Eric Adams
Brooklyn Borough President
Hon. Stephen Levin
Hon. Laurie Cumbo
New York City Council
Winston Von Engel, Brooklyn Borough Director
Department of City Planning

SAMC:RP

City of New York
Community Board #1, Queens
The Pistilli Grand Manor
45-02 Ditmars Boulevard, LL, Suite 1025
Astoria, N.Y. 11105
Tel: 718-626-1021, Fax: 718-626-1072
E-mail: qn01@cb.nyc.gov

RECEIVED
2014 DEC 29 P 11
CAL. NO.

Melinda Katz,
President, Queens
Barry Grodenchik
Dir. of Community Boards
Vinicio Donato,
Chairperson
Lucille T. Hartmann,
District Manager

EXECUTIVE BOARD
Vinicio Donato
Chairperson
George L. Stamatiades
First Vice Chairperson
Norma Nieves-Blas
Second Vice Chairperson
Jean Marie D'Alleva
Third Vice Chairperson
Joseph Risi, Jr
Executive Secretary
Edward Babor
Sergeant-at-Arms
COMMITTEES & CHAIRPERSONS
Airport Access
Rose Marie Poveromo
Access and Disability Concerns
Daniel Aliberti
Capital/Expense Community Development
Norma Nieves-Blas
Consumer Affairs
Joseph Risi Jr.
Education
Linda Perno
Environmental Protection
Joan Asselin
Health & Social Services/ Senior
Judy Trilivas
Housing
Mary O'Hara
Industrial/Commercial
Thomas Ryan
Parks & Recreation/ Cultural Affairs
Richard Khuzami
Public Safety
Antonio Meloni
Street Festivals
Ann Bruno
Transportation
Robert Piazza
Youth
Jose Batista
Zoning & Variance
John Carusone

BOARD MEMBERS (cont.)
Rose Anne Alafogiannis
George Alexiou
Gus Antonopoulos
Juanita Brathwaite
Gerald Caliendo
Joanna D'Elia
Dolores DeCrescenzo
Mary Demakos
Antonella DiSaverio
Elizabeth Erion
Mackenzi Farquer
Dean O. Feratovic
Anthony Gigantiello
Evie Hantzopoulos
Amy Hau
Pauline Jannelli
John C.V. Katsanos
Nancy Konipol
Jerry Kril
Vincent G. Marsanico
Frances Luhmann-McDonald
Prabir Mitra
Kevin Mullarkey
Stella Nicolaou
Gus Prentzas
Yawne Robinson
Taryn Sacramone
Rudolfo Sarchese
Nancy Silverman
Danielle Tharrington
Marie Torniali

December 22, 2014

Ms Margery Perlmutter
Chairperson
Board of Standards and Appeals
250 Broadway, 29th Fl.
New York, NY 10007

Dear Chairperson Perlmutter:

RE: Cal. N 150167ZRY
Stairwells Text Amendment
(Citywide)

Community Board 1 held a Public Hearing at our December 15, 2014 full Board meeting on the above referenced text amendment.

Following our hearing a motion was made to approve the application and passed by a vote of 32 in favor, 1 against 0 abstentions.

Sincerely,

Vinicio Donato

Vinicio Donato

cc: Hon. Michael Gianaris
Hon. Aravella Simotas
Hon. Melinda Katz
Hon. Costa Constantinides
Hon. Jimmy Van Bramer
Mr. Irving Poy, BPO
Mr. John Young, DCP

The City of New York

Community Board No. 2

43-22 50th Street, 2nd Floor
Woodside, New York 11377
(718) 533-8773
Fax (718) 533-8777
Email qn02@cb.nyc.gov
www.CB2Queens.org

Melinda Katz
Queens Borough President

Patrick A. O'Brien
Chairman
Debra Markell Kleinert
District Manager

February 6, 2015

Mr. Carl Weisbrod
Director
Department of City Planning
22 Reade Street
New York, New York 10007

RE: **ULURP Application N150167ZRY**
Proposed Stairwells Text Amendment for Non-Residential Buildings

Dear Mr. Weisbrod:

On February 5, 2015, Community Board 2 held a public hearing on the above ULURP Application Number N150167ZRY, Proposed Stairwells Text Amendment for Non-Residential Buildings.

Following the public hearing, at Community Board 2's regular monthly meeting of the full Board, a motion was made and seconded to approve the application.

With a quorum present, the motion carried with 30 In favor of the motion; 0 Opposed; 0 Abstention and the Chairman of Community Board 2 present and not voting.

If you have any questions, please contact Community Board 2.

Sincerely,

Debra Markell Kleinert
District Manager, Community Board 2

DMK/mag

cc: Honorable Joseph Crowley, US Congress

Honorable Carolyn B. Maloney, US Congress
Honorable Grace Meng, US Congress
Honorable Nydia M. Velazquez, US Congress
Honorable Michael Gianaris, NY State Senate
Honorable Michael DenDekker, NYS Assembly
Honorable Margaret Markey, NYS Assembly
Honorable Catherine T. Nolan, NYS Assembly
Honorable Elizabeth Crowley, NYC Council Member
Honorable Jimmy Van Bramer NYC Council Member, Majority Leader
Honorable Daniel Dromm, NYC Council Member
Honorable Melinda Katz, Queens Borough President of the Borough of Queens
Irving Poy, Queens Borough President's Office
Yoni Bokser, Queens Borough President's Office
John Young, Department of City Planning
Penny Lee, Department of City Planning
Ronald Spadafora, FDNY
Patrick A. O'Brien, Chairman, Community Board 2
Lisa Deller, Chair, Land Use Committee CB 2

OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
163 West 125th Street, 5th floor, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

January 26, 2015

Carl Weisbrod, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: Stairwells Text Amendment, N 150167 ZRY

Dear Chair Weisbrod:

I write in support of the application by the Department of City Planning (DCP) for an amendment to Section 12-10 (DEFINITIONS) of the Zoning Resolution ("ZR") to modify the definition of floor area to exempt floor space to be occupied by additional safety measures related to egress from zoning floor area calculations. This amendment will facilitate and make effective additional safety measures that are part of New York City's 2014 Building Code.

The Building Code was updated pursuant to a mandate from Local Law 33 of 2007 which requires regular updates to the Building Code. The 2014 revision reflects evolving firefighting strategy from one of sheltering in place to full building evacuation. There are three potential options for meeting the new requirements of Building Code Section 403.5.2 which deals specifically with this new strategy. These options are: (1) construct all passenger elevators as occupant self-evacuation; (2) increase the width of all emergency exit stairs by 25% above what is otherwise required and construct all passenger elevators as occupant self-evacuation to be powered on an approved timed egress analysis or (3) construct one additional emergency exit stairway that is in addition to what is normally required based on the number of building occupants.

The floor area exemption proposed in the text amendment applies to non-residential buildings above a height of 420 feet which would be required to provide one of these three options. These types of buildings are permitted by zoning in C4-7, C5, C6, and M1-6 Districts in portions of Community Boards 1 thru 8 in the Borough of Manhattan and in Zones B and C Subdistricts in the Special Battery Park City District in Manhattan Community Board 1.

I find this text amendment to be appropriate. It clearly serves the needs of the Borough of Manhattan and the broader city by improving the safety and welfare of those working here. Revising the City's Construction Codes and the Zoning Resolution on a regular, cooperative basis ensures consistency amongst requirements. In addition, these code updates guarantee buildings that will be safer by incorporating up-to-date innovations in emergency evacuation practice.

Sincerely,

Gale A. Brewer

E-mail/ Fax transmittal

TO: Distribution	**FROM:** Borough President Eric L. Adams
DATE: January 28, 2015	**CONTACT:** Richard Bearak – Director of Land Use Phone: 718-802-4057 E-Mail: rbearak@brooklynbp.nyc.gov
ULURP Recommendation: Stairwells Text Amendment 150167 ZRY	**NO. Pages, Including Cover:** 4

Attached is the recommendation report for ULURP application 150167 ZRY.
If you have any questions, please contact Richard Bearak at 718-802-4057.

Distribution

NAME	TITLE	FAX	E-MAIL
Carl Weisbrod	City Planning Commission Chair	212-720-3356	ygruel@planning.nyc.gov
Hon. Melissa Mark-Viverito	City Council Speaker	212-788-7207	mviverito@council.nyc.gov
Winston Von Engel	Director DCP Brooklyn	718-596-2609	wvoneng@planning.nyc.gov
Jackie Harris	DCP - Director of Land Use Review	212-720-3356	jharris@planning.nyc.gov
Raju Mann	Dir. City Council Land Use Division	212-788-7207	rmann@council.nyc.gov
Stephen Levin	Council Member, District 33	718-875-5200	kcarroll@council.nyc.gov
Laurie Cumbo	Council Member, District 35	718-260-9191	LCumbo@council.nyc.gov
Shirley McRae	Chair, CB 2	718-596-5410	cb2k@nyc.rr.com
Robert Perris	District Manager, CB 2	718-596-5410	cb2k@nyc.rr.com
Beth Lebowitz	Director, DCP Zoning Division	212-720-3262	blebowl@planning.nyc.gov
Richard Bearak	Director – Land Use	718-802-4057	rbearak@brooklynbp.nyc.gov

Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
CalendarOffice@planning.nyc.gov

INSTRUCTIONS
1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: 150167 ZRY

In the matter of an application submitted by the Department of City Planning, in collaboration with the Department of Buildings and the Fire Department, is proposing a city-wide Zoning Text Amendment to facilitate and make effective additional safety measures that are part of New York City's 2014 Building Code:

To facilitate public safety measures for all new non-residential buildings, greater than 420 feet in height, by providing additional exiting capacity during emergencies, in zoning districts located in Midtown and Downtown Manhattan, Downtown Brooklyn and portions of Long Island City in Queens.

COMMUNITY DISTRICT NO.2 BOROUGH OF BROOKLYN

RECOMMENDATION

■ APPROVE
☐ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

BOROUGH PRESIDENT

January 28, 2015
DATE

RECOMMENDATION FOR THE PROPOSED STAIRWELL TEXT AMENDMENT

The Department of City Planning (DCP), in collaboration with the Department of Buildings and the Fire Department, is proposing a city-wide Zoning Text Amendment to facilitate and make effective additional safety measures that are part of the City's 2014 Building Code.

On January 15, 2015, the Borough President held a public hearing on the proposed zoning text change application. The representative for DCP noted that these safety measures are required for all new non-residential buildings that are greater than 420 feet in height, which are permitted in downtown Brooklyn. One such building exists, though it would not be required to be modified due to this text as it is compliant with the Building Code in place when it was constructed. The amendment exempts floor space that is occupied by the additional safety measures from counting toward zoning floor area. The safety measures are intended to enhance public safety in high rise buildings by providing additional exiting capacity for building occupants during emergency situations that require full building evacuation. It would promote more rapid building evacuation while enhancing first responder access. Such measures would not apply to residential buildings.

These provisions were developed with the participation of the technical committee to the City's Building Code pertaining to egress. As stipulated in Local Law 141 of 2013, the new safety provisions will only become effective after the approval of this text amendment.

Subsequent to the hearing the Borough President's office received a letter of support from the Urban Design Committee Chair of AIA Brooklyn.

Consideration

Community Board 2 approved the application.

It is the Borough President's policy to support land use actions that promote the health, safety and welfare of those who occupy buildings in Brooklyn. The Borough President believes that this proposal adequately compensates developers of such non-residential towers for the added cost associated with complying with the added exiting capacity by exempting such area from zoning floor area calculations.

The Borough President supports the recommendations of the National Institute of Standards (NIST) and Technology World Trade Center Report (2005), including decreasing the time it takes to evacuate an entire building in an emergency, increasing the ability of first responders to access building occupants, and providing greater redundancy in escape routes to ensure that, should one such route become unavailable for building occupants, there is still adequate capacity to exit or evacuate the building.

He further supports the 2009 International Building Code, NIST and general building industry recognition for an increased need for full building evacuation. These concepts were incorporated in the revisions to Section 403.5.2 of the Building Code contained in Local Law 141 of 2013. Section 403.5.2 of the Building Code, Additional

Exit Stairway, states that the provision "shall take effect the later of 18 months after the date of enactment of this local law or the date of an amendment of the definition of floor area in the Zoning Resolution providing for the exclusion of the floor area of the additional exit stairway and additional exit stairway width from the calculation of floor area..."

The proposed text amendment would exempt from zoning floor area the required additional stair width and the additional stair, when such safety measure is provided pursuant to the Building Code. Exemption would allow for the restoration of the minor loss of zoning floor area that would result from providing these safety measures. Net usable square footage would remain the same as currently permitted.

The amendment would extend the list of what does not count towards zoning floor area:

1) 25 percent enlargement of the stairwells whereby the added width of the stairs and landings is exempted.
2) Additional stairwell structurally separate from the stairwells already required, whereby the floor area of the additional stairwell's stairs, landings and enclosing structural wall is exempted.

Office and hotels are the primary types of high-rise development affected by the proposed change. The amount of floor space taken up by the 25 percent increase in width of the current stairways might be 52 square feet per office stairway and 47 square feet per hotel stairway, using typical floor to floor heights. Residential buildings would not be affected by the proposed zoning text amendment.

The Borough President believes that it is an appropriate balance to impose additional construction cost in the name of promoting public safety with such additional space not counting towards floor area. Overall modification to building bulk would essentially be undetectable when floor plates are ever so lightly increased to accommodate the nominal space that promotes public safety.

RECOMMENDATION

Be it resolved that the Brooklyn Borough President, pursuant to Section 200 of the New York City Charter, recommends that the City Planning Commission and City Council, approve the land use action requested.

Queens Borough President Recommendation

APPLICATION: ULURP # N150167 ZRY **COMMUNITY BOARD: Citywide**

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of City Planning, Department of Buildings and the Fire Department of New York, pursuant to Section 200 of the New York City Charter, proposing zoning text changes that would facilitate and make effective safety measures that are now part of the New York City 2014 Building Code.

PUBLIC HEARING

A Public Meeting was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Tuesday, February 10, 2015 at 5:30 P.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public meeting, the following issues and impacts have been identified:

- The proposed zoning text amendment would affect any non-residential building in districts which allow an Floor Area Ratio of 10 or above. Buildings with non-residential space above 420 feet would be mandated to provide emergency evacuation measures (designated emergency elevators, increased exit stairwell width or additional exit stairways) in the event of an incident requiring safe and orderly exiting from the building. The proposed zoning text amendment would exempt space occupied by such safety measure from zoning floor area calculations;

- In the wake of the 2001 attack on the World Trade Center, the Departments of Buildings, City Planning and Fire Department have been working on making changes and modernization of city regulations that would address many of the building and construction code, safety and evacuation issues that had been identified as problematic. Making emergency evacuations of non-residential high-rise buildings quicker, safer and more efficient has been identified as a major issue that must be addressed;

- The proposed zoning text amendments, affecting zoning districts that allow such buildings over 420 feet, are necessary to accommodate the requirements of the NYC 2014 Building Code which was enacted and in effect now;

- In Queens, Community Districts 1 and 2 are the only districts that are affected by the proposed zoning text;

- Community Board 1 approved this application by a vote of thirty-two (32) in favor with one (1) against and none (0) abstaining at a public hearing held on December 15, 2014;

- Community Board 2 approved this application by a vote of thirty (30) in favor with none (0) opposed or abstaining at a public hearing held on February 5, 2015;

- With a quorum present, the Queens Borough Board voted to approve the proposed zoning text amendment by a vote of eleven (11) in favor with none (0) opposed or abstaining at a public meeting held on February 10, 2015.

RECOMMENDATION

Based on the above consideration, the Queens Borough Board hereby recommends approval of the proposed zoning text amendments that would make floor area occupied by emergency evacuation measures exempt from zoning floor area calculations.

PRESIDENT, BOROUGH OF QUEENS

2/12/15
DATE

Queens Borough Board Recommendation

APPLICATION: ULURP # N150167 ZRY **COMMUNITY BOARD: Citywide**

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of City Planning, Department of Buildings and the Fire Department of New York, pursuant to Section 200 of the New York City Charter, proposing zoning text changes that would facilitate and make effective safety measures that are now part of the New York City 2014 Building Code.

PUBLIC HEARING

A Public Meeting was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Tuesday, February 10, 2015 at 5:30 P.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public meeting, the following issues and impacts have been identified:

- The proposed zoning text amendment would affect any non-residential building in districts which allow an Floor Area Ratio of 10 or above. Buildings with non-residential space above 420 feet would be mandated to provide emergency evacuation measures (designated emergency elevators, increased exit stairwell width or additional exit stairways) in the event of an incident requiring safe and orderly exiting from the building. The proposed zoning text amendment would exempt space occupied by such safety measure from zoning floor area calculations;

- In the wake of the 2001 attack on the World Trade Center, the Departments of Buildings, City Planning and Fire Department have been working on making changes and modernization of city regulations that would address many of the building and construction code, safety and evacuation issues that had been identified as problematic. Making emergency evacuations of non-residential high-rise buildings quicker, safer and more efficient has been identified as a major issue that must be addressed;

- The proposed zoning text amendments, affecting zoning districts that allow such buildings over 420 feet, are necessary to accommodate the requirements of the NYC 2014 Building Code which was enacted and in effect now;

- In Queens, Community Districts 1 and 2 are the only districts that are affected by the proposed zoning text;

- Community Board 1 approved this application by a vote of thirty-two (32) in favor with one (1) against and none (0) abstaining at a public hearing held on December 15, 2014;

- Community Board 2 approved this application by a vote of thirty (30) in favor with none (0) opposed or abstaining at a public hearing held on February 5, 2015;

- With a quorum present, the Queens Borough Board voted to approve the proposed zoning text amendment by a vote of eleven (11) in favor with none (0) opposed or abstaining at a public meeting held on February 10, 2015.

RECOMMENDATION

Based on the above consideration, the Queens Borough Board hereby recommends approval of the proposed zoning text amendments that would make floor area occupied by emergency evacuation measures exempt from zoning floor area calculations.

PRESIDENT, BOROUGH OF QUEENS

2/12/15
DATE