COURSE 205
Filing Representative Training
for
Class 2 Code and Zoning Representatives

Includes:

• Places of Assembly
• Façade
• Special Enforcement Team
• Public Challenge Process
Places of Assembly

Ira Gluckman
Senior Borough Commissioner

Code and Zoning Representative
Training Module 9.2
Places of Public Assemblies
Overview

1. History of Place Assembly (PA) from 1925 State Code up to the 2008 / 2014 NYC Construction Code. Why PA have evolved as a special category or occupancy.

2. Occupant loads for various PA spaces. The major groups (in each code) :
   a. Fixed Seating
   b. Eating & Drinking
   c. House of Worship
   d. Outdoor spaces

3. Exit classifications and travel distance. Requirements for doors, corridors and stair. Dead ends.

4. Seating regulations, clearances for aisles and access ways within the space. When ramps are acceptable. Walking surfaces, tread & risers, aisle illumination and step lighting.

5. Lighting and exit signage requirements. Sight line.

6. When sprinklers, fire alarms and smoke protection are required.

7. PA Forms and Case Study

8. Temporary Place Assembly. Required inspections, Fire and Police Department notifications. What is a fire Guard and how do they help to protect the public in temporary Place Assembly
History
New York night clubs are safer because of two unfortunate incidents:

**Blue Angel Night Club – 1975**  Fire killed 7 persons

1. Local Law 41 of 1978
2. Cabaret defined – musical entertainment, singing, dancing in conjunction with eating & drinking.
3. Fire Guards
4. Sprinklers
5. Fire Alarms
6. This law instituted retroactive requirements.

**Happy Land Social Club – 1990**  Fire killed 87 persons

PLACE OF ASSEMBLY
1990 Happy Land Social club fire – Bronx, NY

The fire exits had been blocked to prevent people from entering without paying the cover charge. In the panic that ensued, a few people escaped by breaking a metal gate over one door. 87 people lost their lives in the fire.
Dear Ms. Turell:

I have reviewed your letter of January 26, and the accompanying advertising brochure accompanying same, and you are advised as follows:

1. Exterior rolling shutters are subject to limitations on projections beyond the street line in Article 4 of the Building Code (copy enclosed).

2. Exterior rolling shutters are not permissible over the secondary means of egress.

3. Exterior rolling shutters are subject to combustibility limitations of Article 5 of the Building Code (abstract enclosed).

If you have any questions in regard to this response and the enclosures, I suggest that you schedule an appointment with our Executive Engineer, Mr. Irving Polsky (248-8777) to pursue this matter further.

Sincerely,

Irving E. Minkin, P.E.
Deputy Commissioner

cc: Executive Engineer Polsky
1925 New York State Law
STATE STANDARD BUILDING CODE

PART III

RULES RELATING TO THE EQUIPMENT AND ARRANGE-
MENT OF PLACES OF PUBLIC ASSEMBLY HERETO-
FORE ESTABLISHED

Law. Section 2, subdivision 12: "Places of Public Assembly" shall include (1) a theatre, (2) moving picture house, (3) assem-
bly halls maintained or leased for pecuniary gain where one hun-
dred or more persons may assemble for amusement or recreation,
except (a) halls owned by churches or religious organizations, (b)
hotels having fifty or more rooms, (c) state and county fair
grounds and buildings connected therewith, (d) grounds or build-
ings of agricultural societies or associations receiving state aid, (e)
structures of unusual character, such as amusement devices, tem-
porary structure, concessions at carnivals, fairs, et cetera, unless
otherwise specified by the industrial board in its rules.

APPLICATION

Rule 300. The provisions of Part III of the State Standard
Building Code shall apply to all places of Public Assembly already
established and existing as such on the date upon which Parts I
and II become effective and shall also apply to all Places of Public
Assembly in course of construction on that date, and to places
for which plans have been filed and approved prior to that date.

Rule 301. For the purpose of this code, Places of Public Assem-
bly shall be classified as (1) Theatres, (2) Assembly Halls.
Continuing...

DEFINITIONS

Rule 302. (1) Theatres. This classification shall include all buildings or parts of buildings used or designed for theatrical, operatic or motion picture performances and exhibitions, accommodating more than 300 persons, except as provided for in paragraph 2 (b) of this rule.

(2) Assembly Halls. This classification includes: (a) All buildings or parts of buildings not included under “Theatres” in which 100 or more persons may assemble for amusement or recreation, and which is conducted for pecuniary gain. (b) An auditorium having a capacity not exceeding 500 persons in which there is no balcony, and the stage, if any, is a Class “B” type [3]
NY state law comments:

**PA Spaces Included:**

- Theaters 300 +
- Moving picture houses 300 +
- Assembly hall of 100 + for amusement or recreation

**PA Spaces did not include:**

- Halls owned by religious organizations
- Hotels with 50 + rooms
- State & county fair grounds
- Agricultural societies receiving state aid
- Unusual Structures – amusements, temporary, concessions at carnivals, etc.
PLACE OF ASSEMBLY
Local Laws, Bulletins, TPPN(s), Memorandums

Local Laws, Bulletins, TPPN(s) & Memorandums
Bulletin 2010-12 clarifies which code to use 1968 or 2008:

* Buildings designed according to the 2008 / 2014 code require Places of Assembly in those buildings to comply with the 2008 / 2004 code.

New or existing Places of Assembly in buildings subject to 1968 code:

* Provisions of Subchapter 8 of the 1968 code are applicable.

Optional use of the 2008 Code:

* Applicant may use the 2008 / 2014 Place of Assembly regulations provided it does not decrease the fire safety of the building.
BUILDINGS BULLETIN 2010-012
Operational

Supersedes: None

Issue Date: May 3, 2010

Purpose: This document clarifies the meaning of the references to "this code" in sections AC 28-117.1 and AC 28-117.2 for the purposes of issuance of certificates of operation to places of assembly and temporary places of assembly.

Related Code-Zoning
AC 28-101.3
AC 28-101.4.3
AC 28-101.4.4

Section(s): AC 28-101.4.4, BC 1024.1.4

Subject(s): Places of assembly, certificate of operation; Temporary place of assembly, certificate of operation; Outdoor place of assembly, certificate of operation; Outdoor temporary place of assembly, certificate of operation.

Background: Section AC 28-117.1 requires a certificate of operation prior to the use or occupancy of a place of assembly: "...it shall be unlawful to use or occupy any building or space as a place of assembly without a certificate of operation issued by the commissioner."

The section further provides the condition of the issuance of a certificate of operation (with emphasis):

"...The commissioner shall not issue a certificate of operation unless the department determines that the space conforms substantially to the approved construction documents and to the provisions of this code and that the certificate of occupancy authorizes such use."

Section AC 28-117.2 has similar requirements for temporary places of assembly.

The text in the above sections does not specify whether "this code" refers to the 2008 NYC Construction Codes (2008 Code) or prior codes. This bulletin serves to clarify the meaning of the references to "this code" in sections AC 28-117.1 and AC 28-117.2 for the purposes of issuance of certificates of operation.


details

I. Buildings constructed pursuant to the 2000 Code:

For buildings subject to design and constructed under the 2000 Code, places of assembly (including temporary places of assembly) in such buildings shall comply with the 2008 Code for the application of a certificate of operation.

II. Buildings constructed pursuant to the 1988 Building Code or prior codes:

A. New or existing places of assembly in buildings subject to the 1988 code or prior codes. For the purposes of the application of a certificate of operation pursuant to section AC 28-117.1, for new or existing places of assembly (including temporary places of assembly) in buildings designed and constructed under the 1988 Code or prior codes, the department shall interpret that substantial performance with relevant provisions of "this code" means the 1988 Code. In such cases, the provisions of Subchapter 9 of the 1998 Code are therefore applicable.

B. Optional use of the 2000 Code. Pursuant to section AC 28-101.4.4, the applicant may elect the 2000 Code, provided they elect the 2000 Code, provided that such election does not result in a decrease in the fire safety of the building, otherwise, the 1988 Code must be utilized. The applicant must perform a comparative analysis of the relevant fire and egress safety provisions under both codes. If, for instance, the analysis found that the maximum travel distances in the 2008 Code are longer (more generous) than those in the 1988 Code, the 2008 Code may still be used if the occupants were affected by other safety measures found in the 2008 Code, including the exit to the street (for instance, under stair width, the addition of smokeproof enclosures, emergency generators, additional sprinkler protection, NFPA 72 fire alarm upgrades, etc.). Such an analysis shall be provided by the applicant to the permit examiner for review and approval.

III. Outdoor places of assembly

New outdoor temporary or permanent places of assembly such as tents, stages, outdoor assembly seating, etc. shall comply with the 2008 Code pursuant to section AC 28-101.4.4, including provisions related to places of assembly. Certificates of operation issued to outdoor places of assembly prior to the issuance of this bulletin may be renewed under the code with which the certificates were originally filed.
Building Code

- 1938
- 1968
- 2008 / 2014
(1.109). § C26-116.0 Place of assembly. The term "place of assembly" shall mean a room or space which is occupied by seventy-five or more persons and which is used for educational, recreational or amusement purposes, and shall include assembly halls in school structures; dance halls; cabarets; night clubs; restaurants; any room or space used for public or private banquets, feasts, socials, card parties or weddings; billiard and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; bowling, and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; markets; recreation rooms; concert halls; broadcasting studios; school and college auditoriums; and all other places of similar type of occupancy. Nothing in this section shall be construed to apply to instruction rooms, libraries, lecture rooms, recreation rooms, lunchrooms or classrooms in elementary or high schools, as defined in section C26-132.0 of this code, or in colleges which are licensed to operate by the state board of regents, when such rooms are used solely and exclusively by the students of such schools or colleges.

The term "licensed place of public assembly" as used in this article shall mean any room or space which is used or occupied as a "place of assembly" as defined in this section, when the lawful use, occupancy or operation of such place is contingent upon the issuance of a license by the fire department, the police department or the department of licenses.

Whenever the words "place of assembly" are used in this chapter, such words shall be construed as if followed by the words "or any room or space which is occupied for or is intended, arranged, or designed to be occupied for such use."

Nothing in this section shall be construed to apply to any room or space used exclusively for dwelling purposes in a private dwelling as defined in section C26-122.0 of this code or used exclusively for dwelling purposes as defined in subdivision one of section four of the multiple dwelling law, nor shall this section be applicable to places of incarceration, an asylum, a convent, a monastery, a church, a synagogue, or a theatre, motion picture theatre, opera house or concert hall subject to and complying with the provisions of article thirteen of this code and which are required to obtain a license as a "licensed place of public assembly." (Section repealed and re-enacted by Local Law 29 of 1943 in effect July 24, 1943.)
1938 code comments:

Place of Assembly Applies to:
• A room or space occupied by 75 +

Not Applicable:
Instruction Rooms, Libraries, Lecture Halls, Recreation Rooms, Lunch Rooms, Class Rooms in Elementary, H.S. & Colleges.
Private Dwellings, Jails, Asylums, Convents, Monasteries & Churches.
As per this DOB memo PA permits are not required for certain uses in 1938 code buildings.
PLACE OF ASSEMBLY.-An enclosed room or space in which seventy-five or more persons gather for religious, recreational, educational, political or social purposes, or for the consumption of food or drink, or for similar group activities or which is designed for use by seventy-five or more persons gathered for any of the above reasons, but excluding such spaces in dwelling units; or an outdoor space in which two hundred or more persons gather for any of the above reasons or which is designed for use by two hundred or more persons gathered for any of the above reasons.

**Local Law 23-1990.**

Repealed- See next slide
Local Law 23/1990 repealed on July 1, 2008

PLACE OF ASSEMBLY
Repealed Local Law

BUILDING CODE AMENDMENTS
The following is a listing of the Local Laws amending the Building Code during the period from December 6, 1968 through July 1, 2008.

For the date of the Mayor’s approval of the Local Laws listed below, see “Dates of N.Y.C. Local Laws approved by the Mayor,” in this index.

Title 26: Housing and Buildings

<table>
<thead>
<tr>
<th>Old Section Number</th>
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<td>33-2007 107-1995</td>
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<td>125(b)</td>
<td>33-2007 90-1985 17-1982</td>
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<tr>
<td>[11.0(c)]</td>
<td>125(c)</td>
<td>33-2007 16-1984</td>
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<td>[11.0(e)]</td>
<td>125(e)</td>
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<td>125(g)</td>
<td>33-2007 77-2005</td>
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<td>126(a)</td>
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<td>[12.1(a)]</td>
<td>126(b)</td>
<td>53-2007 03-1989</td>
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<tr>
<td>[12.1(b)]</td>
<td>126.1(b)(d)</td>
<td>33-2007 37-2007</td>
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<tr>
<td>[12.1(c)(d)]</td>
<td>126.1(c)(d)</td>
<td>55-2007</td>
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<tr>
<td>[12.2(b)(c)(d)(e)]</td>
<td>126.2(b)(c)(d)(e)</td>
<td>33-2007</td>
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<td>33-2007 77-2005</td>
<td></td>
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</tbody>
</table>

build safe live safe
• You will not find the definition of PA in BC chapter 2, section 202 (definitions)

• Refer to Occupancy Classification, BC section 303.1
Assembly with fewer than 75 persons
PLACE OF ASSEMBLY
Assembly fewer than 75 persons

Buildings Bulleting 2008-001
Code Interpretation

The provisions of Section BC 303.1, Exception 1, provides that:

“A room or space used for assembly purposes by fewer than 75 persons and accessory to another occupancy shall be included as part of that occupancy.”

Therefore, such rooms or spaces shall not be classified as Group A, but are instead classified as the occupancy group of the main occupancy. Accordingly, the provisions of Section 508.3, Mixed Occupancies, are inapplicable, because the occupancy group for the assembly uses and the non-assembly uses are the same.

EXAMPLE: An apartment building includes the following two common use spaces: an indoor swimming pool occupying substantially all of the 10th story, and a recreational roof garden on the roof above the swimming pool. In this case, both the swimming pool and the roof garden are for the use of the residential building tenants – and are therefore subsidiary and accessory to the R-2 occupancy. If the occupant load of the accessory indoor swimming pool is less than 75, then the pool is not classified as A-3 but rather R-2. Similarly, if the occupant load of the roof garden is less than 75, the roof garden is classified as R-2 and not A-3. The effect of their designations as R-2 occupancies is that they are not treated as “Mixed Occupancies” per Section BC 508.3, meaning that they are not subject to the 10% per story limitation of Section 508.3.1 and are not subject to Group A code requirements.
Occupancy Classifications
ARTICLE 4. CLASSIFICATIONS

Sub-Article 1. Classification by Occupancy

(3.1). § C26-235.0 General.—For the purposes of this title all structures shall be classified, with respect to occupancy, as follows:

(3.1.1). a. Public Buildings.—Public buildings are structures or parts of structures in which persons congregate for civic, political, educational, religious or recreational purposes, or in which persons are harbored to receive medical, charitable or other care of treatment, or in which persons are held or detained by reason of public or civic duty, or for correctional purposes, including among others, court houses, schools, colleges, libraries, museums, exhibition buildings, lecture halls, churches, assembly halls, lodge rooms, club houses with more than five sleeping rooms, dance halls, theatres, bath houses, hospitals, asylums, armories, fire houses, police stations, jails and passenger depots.
ARTICLE 8 OCCUPANCY GROUP F-
ASSEMBLY

*§[C26-307.1] 27-254 Classification.-Buildings and spaces exclusive of dwelling units shall be classified in the assembly occupancy group when they are designed for use by any number of persons for religious, recreational, political or social purposes, or for the consumption of food or drink or for similar group activities, or when occupied by seventy-five people or more for educational purposes. When such occupancies are enclosed and contain or are designed for use by seventy-five or more persons or are outdoor spaces and contain or are designed for use by two hundred or more persons, they shall comply with the requirements of subchapter eight of this chapter for places of assembly.


§[C26-307.2] 27-255 Occupancy group F-1.-Shall include those buildings and spaces in which, during the major period of occupancy, the persons assembled comprise a seated or otherwise passive audience to a performance or presentation, and have their attention focused in a common direction or at a common subject. Occupancy group F-1 consists of two subdivisions F-1a and F-1b.
(a) Occupancy group F-1a.-Includes buildings and spaces in which scenery and scenic elements are used.
(b) Occupancy group F-1b.-Includes buildings and spaces in which scenery and scenic elements are not used.

§[C26-307.3] 27-256 Occupancy group F-2.-Shall include all outdoor structures and spaces.

§[C26-307.4] 27-257 Occupancy group F-3.-Shall include buildings and spaces in which the persons assembled are physically active and do not have a common center of attention.

§[C26-307.5] 27-258 Occupancy group F-4.-Shall include buildings and spaces in which persons assemble for dancing or for the consumption of food or drink, or for any combination of dancing, eating, drinking, or entertainment.
TABLE 3-2 TYPICAL OCCUPANCIES FOR OCCUPANCY CLASSIFICATION

<table>
<thead>
<tr>
<th>Occupancy Group</th>
<th>Designation</th>
<th>Representative Occupancies</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ASSEMBLY]</td>
<td>F-1a</td>
<td>Theaters; playhouses; opera houses</td>
</tr>
<tr>
<td></td>
<td>F-1b</td>
<td>Churches; lecture halls; court rooms; convention halls; concert halls; sports arenas; planetariums; motion picture theaters</td>
</tr>
<tr>
<td></td>
<td>F-2</td>
<td>Grandstands; bleachers; stadiums; drive-in theaters; amusement attractions and devices; bandstands; skating rinks</td>
</tr>
<tr>
<td></td>
<td>F-3</td>
<td>Exhibition halls; galleries; gymnasiums; museums; passenger terminals; bowling alleys; billiard parlors; skating rinks</td>
</tr>
<tr>
<td></td>
<td>F-4</td>
<td>Restaurants; night clubs; cabarets; dance halls; ballrooms; banquet rooms; cafeterias; snack bars; taverns; coffee houses</td>
</tr>
</tbody>
</table>

*This list of occupancies is representative only and is not complete. See reference standard RS 3-3 for additional listings.

**See article ten of subchapter seven of this chapter.

***Copy in brackets not enacted but probably intended.
303.1 Assembly Group A. Assembly Group A occupancy includes, among others, the use of a building or structure or a portion thereof, excluding a dwelling unit, for the gathering together of any number of persons for purposes such as civic, social or religious functions, recreation, food or drink consumption, awaiting transportation, or similar group activities or when occupied by 75 persons or more for educational or instructional purposes.

Exceptions:

1. A building or nonaccessory tenant space used for assembly purposes with an occupant load of fewer than 75 persons shall be classified as a Group B occupancy, except that the number of plumbing fixtures for such a building or space is permitted to be calculated in accordance with the requirements for assembly occupancies.

2. A building or space used for assembly purposes with an occupant load of fewer than 75 persons and accessory to another occupancy shall be classified as a Group B occupancy or part of that occupancy, except that the number of plumbing fixtures for such a room or space is permitted to be calculated in accordance with the requirements for assembly occupancies.
Assembly occupancies shall include the following:

**A-1** Assembly uses, usually with fixed seating, intended for the production and viewing of the performing arts or motion pictures including, but not limited to:

- Motion picture theaters
- Symphony and concert halls
- Television and radio studios admitting an audience
- Theaters
A-2 Assembly uses intended for food and/or drink consumption including, but not limited to:

- Banquet halls
- Cabarets
- Cafeterias, except as provided for in A-3
- Dance halls
- Night clubs
- Restaurants
- Taverns and bars
### A-3 Assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A including, but not limited to:

<table>
<thead>
<tr>
<th>Assembly Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement arcades</td>
</tr>
<tr>
<td>Art galleries</td>
</tr>
<tr>
<td>Bowling alleys</td>
</tr>
<tr>
<td>Cafeterias for children up to and including the 12th Grade.</td>
</tr>
<tr>
<td>Classrooms and instructional rooms with 75 persons or more; such rooms with fewer than 75 persons shall be classified as Group B or E</td>
</tr>
<tr>
<td>Community halls</td>
</tr>
<tr>
<td>Courtrooms</td>
</tr>
<tr>
<td>Custodial care facilities with 75 or more persons, providing care to persons over the age of 2, where no more than four occupants are incapable of responding to an emergency situation without physical assistance from staff.</td>
</tr>
<tr>
<td>Dance studio or instruction (not including food or drink consumption)</td>
</tr>
<tr>
<td>Exhibition halls</td>
</tr>
<tr>
<td>Funeral parlors</td>
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<tr>
<td>Gymnasiums (without spectator seating)</td>
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<tr>
<td>Houses of worship</td>
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<tr>
<td>Indoor swimming pools (without spectator seating)</td>
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<tr>
<td>Indoor tennis courts (without spectator seating)</td>
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<tr>
<td>Lecture halls</td>
</tr>
<tr>
<td>Museums</td>
</tr>
<tr>
<td>Waiting areas in transportation terminals</td>
</tr>
<tr>
<td>Pool and billiard parlors</td>
</tr>
<tr>
<td>School auditoriums</td>
</tr>
</tbody>
</table>
A-4 Assembly uses intended for viewing of indoor sporting events and activities with spectator seating including, but not limited to:

- Arenas
- Skating rinks
- Swimming pools
- Tennis courts

A-5 Assembly uses intended for participation in or viewing outdoor activities including, but not limited to:

- Amusement park structures
- Bleachers
- Grandstands
- Stadiums
303.2 Certificate of Operation. A Certificate of Operation shall be required, as per Section 28-117.1, for the following places of assembly:

1. Indoor places of assembly used or intended for use by 75 persons or more, including open spaces at 20 feet (6096 mm) or more above or below grade, such as roofs or roof terraces.

2. Outdoor places of assembly used and intended for use by 200 persons or more.

Comment:

Outdoor spaces (rooftop dining) where the occupancy must pass though interior spaces such as (stairs and corridors) are considered PA spaces when the occupancy reaches 75 persons.
PLACE OF ASSEMBLY
Occupancy Load

1968 Code – Table 6.2
2008 / *2014 Code – Table 1004.1.2 / *Table 1004.1.1

...Number of persons per square foot is provided
Occupancy Load
greater than 300 persons
1024.2 / *1028.2 Assembly with occupant load greater than 300.

Buildings or spaces occupied by Group A that have an occupant load of greater than 300 shall be provided with a main exit. Such main exit shall be of sufficient width to accommodate not less than one-half of the occupant load, but such width shall not be less than the total required width of all means of egress leading to the exit. Where the main use or dominant occupancy of the building is classified as Group A, the main exit shall front on at least one street or an unoccupied space of not less than 10 feet (3048 mm) in width that adjoins a street or public way. Other additional exits shall provide an egress capacity for at least one-half of the total occupant load served by that level and comply with Section 1014.2.

Exception: In assembly occupancies where there is no well-defined main exit or where multiple main exits are provided, exits shall be permitted to be distributed around the perimeter of the building provided that the total width of egress is not less than 100 percent of the required width.

1024.2.1 Exit classification. Where the net floor area of an assembly space, exclusive of stage area, is less than 12 square feet (1.1 m²) per person, such spaces shall also comply with Section 1024.17 / *1028.17
Studies have indicated that in any emergency, occupants will tend to egress via the same path of travel used to enter the room and building. Therefore, a main entrance to the building must also be designed as the main exit to accommodate this behavior, even if the required exit capacity might be more easily accommodated elsewhere. The main entrance (and exit) must be sized to accommodate at least 50 percent of the total occupant load.
Group A with occupancy over 300 persons
Exit Classifications
§[C26-801.10] 27-534 Exit openings. - Exit openings from assembly spaces shall comply with the following:

(a) Capacity. - The capacity of exit openings shall be listed as in table 8-1, based on the number of occupants for whom the opening satisfies the primary travel distance requirement.

(b) Width. - Exit openings shall be at least thirty-six inches wide for single doors and at least sixty-six inches but not more than eighty-eight inches wide for doors swinging in pairs, except that in assembly spaces having an occupant load of over three hundred persons, single door openings shall be at least forty-four inches wide.

(c) Classification. - Exit openings from assembly spaces shall be classified as follows:

Class 1. Exit openings that are used for normal entry to the assembly space, and that open directly to a safe area or to an open exterior space.

Class 2. Exit openings that are not used for normal entry to the assembly space, and that open directly to a safe area or to an open exterior space.

Class 3. Exit openings that open from the assembly space into corridors, exit passageways, or vertical exits.

(d) Distribution of classes. - The required exit capacity from F-2 places of assembly, and from all other assembly spaces in which the net floor area, exclusive of stage area, is twelve square feet or more per person, may be provided by exit openings of any class. The required exit capacity from assembly spaces in which the net floor area, exclusive of stage area, is less than twelve square feet per person shall be distributed so that exit openings of each class are provided to comply with the following requirements:

1. For assembly spaces in which the mean floor level is not more than fifteen feet above or below the adjoining grade elevation, the exit capacity shall be distributed as follows:

   - Class 1 - not less than forty percent
   - Class 2 - not more than sixty percent
   - Class 3 - not more than forty percent

2. For assembly spaces in which the mean floor level is more than fifteen feet, but not more than thirty feet, above or below the adjoining grade elevation, the exit capacity shall be distributed as follows:

   - Class 1 - not less than sixty percent
   - Class 3 - not more than forty percent

3. For assembly spaces in which the mean floor level is more than thirty feet above or below the adjoining grade elevation, the exit capacity shall be distributed as follows:

   - Class 1 - not less than one hundred percent
1024.17 / *1028.17 Places of assembly with an occupant load of less than 12 square feet per person. Places of assembly in which the net floor area, exclusive of stage area, is less than 12 square feet (1.11m²) per person shall have special egress provisions in accordance with this section.

1024.17.1 / *1028.17.1 Classification of exit openings. For the purposes of‡ Section 1024.17, exit openings shall be classified as follows:

1. Class 1—Exit openings that are used for normal entry to the assembly space, and that open directly to a safe area or to an open exterior space.

2. Class 2—Exit openings that are not used for normal entry to the assembly space, and that open directly to a safe area or to an open exterior space.

3. Class 3—Exit openings that open from the assembly space into corridors, exit passageways or vertical exits.
Safe Area
Safe Area:
An interior or exterior space that serves as a means of egress by providing a transitional area from, and that also serve as normal means of entry to, an assembly space.

2008 / 2014 Code – Definition in BC 1002
Safe area may be required due to:

1. High density occupancy space (12 sq. ft. per person or less)
2. Height to adjoining grade
3. Exit classification requirement
4. Class 1 & class 2 exits are required to discharge directly to open exterior space or safe area

Code Sections:
• 2008 / *2014 Code – BC 1024.17 / *1028.17
Safe areas shall comply with the following:

1. Two hour fire rating between safe area and place of assembly.
2. Should be in line and in the direction of travel from place of assembly.
3. Not more than 6 feet above or below place of assembly.
4. Ventilation systems shall not be connected to other systems or spaces.
5. If connected fire dampers and smoke detectors are required.
6. Ok to have multiple place of assemblies discharge into the same safe area.
7. This type of safe area should have an occupant load of the largest space plus 50% of the other spaces.
8. Occupant load is 3 square feet per person
9. Minimum dimension 8 feet wide by 8 feet high.
PLACE OF ASSEMBLY
Exit Door Size, Egress Loads and Travel Distance

- **Egress Loads** – is how many persons can fit though a door of a particular width
- **Exit Door Size** – is the minimum dimension of a door or pair of doors
- **Travel Distance** – is the maximum distance a person can travel from the furthest location in a room to the exit door. This distance is not necessarily a diagonal line because almost all PA rooms have obstructions such as chairs & tables. In a gymnasium with no obstructions you may use a diagonal. There are primary & secondary travel distances used in PA calculations.
• **Aisles & Cross Aisles** - Purpose to create an even flow of occupant egress. Minimum aisle width also to accommodate people’s movement in two directions. Required aisles are a function of occupant load. Each aisle must accommodate its catchment area. Aisles where egress is possible in two directions shall be uniform width and should not create a bottle neck.

• **Aisles between seats** - This section is applicable to theatre type seating. Usually a Large number of occupants in a confined environment where movement is limited. Occupants must move within the row before reaching an aisle. Clear width between seat and seat back critical minimum clearance is 12” for the first 7 seats. Increase 0.6 inch for every additional seat beyond seven seats. Minimum clear width is not required to exceed 22” inches. Maximum travel distance in aisles between seats to an aisle is 30 feet.
PLACE OF ASSEMBLY

Aisles

<table>
<thead>
<tr>
<th>SEATS IN THIS ROW</th>
<th>ACCESSWAY WIDTH AT EACH ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>--</td>
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<tr>
<td>18</td>
<td>13.2&quot;</td>
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<tr>
<td>48</td>
<td>22&quot;</td>
</tr>
<tr>
<td>54</td>
<td>22&quot;</td>
</tr>
</tbody>
</table>

Dual access row – Minimum accessway width

60 SEATS EACH ROW, THIS SECTION
22" MIN. DISTANCE BETWEEN ROWS
Walking surfaces & Treads – BC 1024.11 / *BC1028.11

- Assembly facilities such as theaters and auditoriums often require sloping or stepped floors to provide seated occupants with preferred sightlines for viewing presentations. Aisles must, therefore, be designed to accommodate the changing elevations of the floor in such a manner that the path of travel will allow occupants to leave the area at a rapid pace with minimal possibilities for stumbling or falling during times of emergency.

- Ramps must be slip resistant.

- Aisles exceeding slope of 1:8 must consist of treads and risers.

- Treads and risers are still considered horizontal egress.

- Treads shall not be less than 11” inches.

- Risers shall be between 4 and 8 inches.

- Treads shall have contrasting marking stripes.

- Handrails required when gradient exceeds one unit vertical to 8 units horizontal.

*2014 Code*
Place of Assembly

• Balcony Egress – BC 1024.5 / *1028.5 For balconies having a seating capacity of more than 50 persons 2 means of egress are required from each side of the balcony.

• One egress must lead directly to a horizontal or vertical exit.

• Smoke Control - BC 1024.6.2.1 / *1028.6.2.1 Smoke control shall be provided with mechanical or natural ventilation designed to keep the smoke level at least 6 feet above the level of egress. Lowest portion of roof or canopy must be 15 feet above the highest isle.

✓ Smoke protected facilities allow:
  a. increased travel distances
  b. increased exit capacities
  c. increased row lengths
  d. longer dead ends

*2014 Code
Exit Signs
1968 Code

§ [C26-801.17] 27-541 Exit signs

• Locate at least seven feet above floor level

2008 / *2014 Code

BC 1011 / *1030 Exit Signs

• Exit signs are not required in rooms or areas which require only one exit or exit access.

• In occupancies in Groups A-4 and A-5, exit signs are not required on the seating side of vomitories or openings into seating areas where exit signs provided in the concourse are readily apparent from the vomitories. Provide with emergency egress lighting.
PLACE OF ASSEMBLY
1968 code: eating & drinking establishment (1 of 1)

Exits signs (typical)

PA Plan
Exit Lighting

Emergency Lighting
§ [C26-801.16] 27-540 Exit lighting.
(a) Safe areas
(b) Open exterior spaces. – e.g. yards or courts which serve as open exterior spaces

§ [C26-801.18] 27-542 Emergency lighting.
✓ All assembly spaces
✓ On electrical circuits separate from the general lighting and power circuits, Arranged to operate automatically in the event of failure of the normal lighting system.
✓ The provisions of this section apply retroactively to all existing places of assembly that are or would be classified in occupancy groups F-3 and F-4:
   • Cabarets, dance halls, night clubs, and taverns having an occupant load exceeding one hundred fifty persons shall complete the installation required by this section on or before April twelfth, nineteen hundred seventy-nine.
   • Cabarets, dance halls, night clubs, and taverns having an occupant load of one hundred fifty persons or less shall complete such installation on or before July twelfth, nineteen hundred seventy-nine.
   • Spaces occupied exclusively as restaurants shall complete such installation on or before October twelfth, nineteen hundred seventy-nine.
SECTION BC 1006
MEANS OF EGRESS ILLUMINATION

1006.1 Illumination required.
• Exits, exit discharges and public corridors shall be illuminated at all times.

Exceptions:
1. Occupancies in Group U.
2. Aisle access ways in Group A.
3. Dwelling units and sleeping units in Groups I-1, R-1, R-2 and R-3.
4. Sleeping units of Group I occupancies.

1006.3 Illumination emergency power.
Illuminate the following areas:

1. Exit access corridors, passageways and aisles in rooms and spaces which require two or more means of egress.

2. Exit access corridors, exit passageways and exit stairways located in buildings required to have two or more exits.

3. Exterior egress components at other than the level of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.

4. Interior exit discharge elements, as permitted in Section 1023.1, in buildings required to have two or more exits.

5. The portion of the exterior exit discharge immediately adjacent to exit discharge doorways in buildings required to have two or more exits.
PLACE OF ASSEMBLY
1968 code PA- emergency lighting

Emergency lighting spacing (25' max radius)
Panic Devices
§ [C26-604.4] 27-371

Doors –

Prohibited - Vertically sliding doors, rolling shutters, and folding doors

Exceptions –

• Over head garage doors may serve as exits from buildings classified in occupancy group J-3,

• Sliding or rolling doors or gates may be used in F-2 places of assembly provided they are kept open when the place of assembly is occupied.

• Revolving doors may be used only to the extent permitted by subdivision (m) of section AC 27-371

Panic hardware

Exit doors shall have fire exit bolts
1008.1.9 / *1008.1.10 Panic and fire exit hardware.

Each door in a means of egress from an occupancy of Group A or E having an occupant load of 75 or more and any occupancy of Group H-1, H-2, H-3 or H-5 shall be provided with panic hardware or fire exit hardware.
Open exterior space
§ [C26-801.15] 27-539 Open exterior spaces

(a) Capacity - two square feet per person

(b) Minimum dimension – twenty feet, except when a principal entrance to the place of assembly is from an open exterior space, then minimum dimension shall be thirty feet. No open exterior space shall have less than four hundred square feet of “clear” floor area

(c) Above or below grade. - When an open exterior space is more than fifteen feet above or below the grade of the street or public space to which it discharges, its required area shall be increased by one third.

(d) Egress from open exterior spaces -

• not less in width than required for the occupant load of all exits discharging into the open exterior space

• In no case less than ten feet

§ [C26-801.16] 27-540 Exit lighting

In addition to the requirements of subchapter six of this chapter, lighting shall be provided
PLACE OF ASSEMBLY
2008 / 2014 Code: BC 1024.17.4 Open exterior space

1024.17.4 Open exterior space

1. **Capacity** - 2 square feet (0.19 m²) per person

2. **Minimum dimension** –
   
   • 20 feet (6096 mm)
   
   • When the principal entrance to the place of assembly is from an open exterior space, then minimum dimension shall be 30 feet (9144 mm)

   • No open exterior space shall have less than 400 square feet (37 m²) of floor area

3. **Above or below grade.** When an open exterior space is more than 15 feet (4572 mm) above or below the grade of the street or public space to which it discharges, its required area shall be increased by one-third.

4. **Egress from open exterior spaces** - not less in width than required for the occupant load of all exits discharging into the open exterior space. In no case less than 10 feet (3048 mm).

5. **Open exterior spaces.** Yards or courts which serve as open exterior spaces shall be artificially lighted by electrical means at all times between sunset and sunrise during occupancy of a place of assembly
PLACE OF ASSEMBLY
2008 / 2014 Code : Site plan for House of worship (1 of 1)

Site Plan – Exit Discharge
PLACE OF ASSEMBLY
Sprinkler

Sprinkler
**TABLE 17-2 SUMMARY OF SPRINKLER REQUIREMENTS**

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<tbody>
<tr>
<td>1</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>§27-959 (a)(3) If over 36 heads in a fire section</td>
<td>None[^a]</td>
<td>Yes[^b]</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

**Notes for Table 17-2:**

a. Central Station Supervision required only when booster pump is provided under §27-964 or when non automatic sprinkler [sic] is permitted by the commissioner.

b. Water flow alarms required when more than 36 heads are installed in a fire section or fire area.

c. Only when permitted by the commissioner (§27-967(c)).

d. See §27-954(w) for requirements pertaining to these spaces located in a building classified in occupancy group J-1.

e. See section 4-4.8 of reference standard RS 17-2.

f. Except as provided in reference standard RS 17-2A.

g. Notwithstanding section 27-962(i) of this chapter.

h. Except as provided in section 27-962(i) of this chapter.

[^Amended by Local Law 16-1999.]

[^**Amended by Local Law 26-2002.**]
### PLACE OF ASSEMBLY

**BC 903.2 - Buildings Bulletin 2009-06 (1 of 2)**

<table>
<thead>
<tr>
<th>Occupancy Group or Specified Use</th>
<th>Conditions that require a sprinkler system</th>
<th>Sprinkler system required only in fire area</th>
<th>Sprinkler system required throughout entire building</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>All Group A</strong> (BC 903.2.1.1)</td>
<td>Dressing rooms and property rooms used in conjunction with Group A occupancies providing live entertainment (Stages shall comply with BC 410.6. See “Stages” under “Other Special Occupancies” in this Table)</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>A-1</strong> (BC 903.2.1.1)</td>
<td>Fire area &gt; 12,000 sq ft</td>
<td>Yes¹</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fire area occupant load ≥ 300</td>
<td>Yes¹</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Occupant load of all Group A fire areas on a single floor, other than level of exit discharge, ≥ 300</td>
<td>Yes¹ in all Group A fire areas on such floor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fire area contains a multi-theater complex</td>
<td>Yes¹</td>
<td></td>
</tr>
<tr>
<td>¹ Automatic sprinkler system protection is also required in all floors between the Group A occupancy and the level of exit discharge.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A-2</strong> (BC 903.2.1.2)</td>
<td>Fire area &gt; 5,000 sq ft</td>
<td>Yes¹</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fire area occupant load ≥ 300</td>
<td>Yes¹</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Aggregate occupant load of all Group A fire areas on any given floor, other than level of exit discharge, ≥ 300</td>
<td>Yes¹ in all Group A fire areas on such floor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fire area of any size used as a cabaret</td>
<td>Yes¹</td>
<td></td>
</tr>
<tr>
<td>¹ Automatic sprinkler system protection is also required in all floors between the Group A occupancy and the level of exit discharge.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### PLACE OF ASSEMBLY


<table>
<thead>
<tr>
<th>A-3</th>
<th>(BC 903.2.1.3)</th>
<th>Fire area &gt; 12,000 sq ft</th>
<th>Yes(^1,2)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Fire area occupant load ≥ 300</td>
<td>Yes(^1,2)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Aggregate occupant load of all Group A fire areas on any given floor, other than level of exit discharge, ≥ 300</td>
<td>Yes(^1,2) in all Group A fire areas on such floor</td>
</tr>
</tbody>
</table>

\(^1\) Automatic sprinkler system protection is also required in all floors between the Group A occupancy and the level of exit discharge.

\(^2\) A fire area used exclusively as a participant sports area, where the main floor area is on the main level of exit discharge, need not be sprinklered.

<table>
<thead>
<tr>
<th>A-4</th>
<th>(BC 903.2.1.4)</th>
<th>Fire area &gt; 12,000 sq ft</th>
<th>Yes(^1,2)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Fire area occupant load ≥ 300</td>
<td>Yes(^1,2)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Aggregate occupant load of all Group A fire areas on any given floor, other than level of exit discharge, ≥ 300</td>
<td>Yes(^1,2) in all Group A fire areas on such floor</td>
</tr>
</tbody>
</table>

\(^1\) Automatic sprinkler system protection is also required in all floors between the Group A occupancy and the level of exit discharge.

\(^2\) A fire area used exclusively as a participant sports area, where the main floor area is on the main level of exit discharge, need not be sprinklered.

| A-5  | (BC 903.2.1.5) | Enclosed areas > 1,000 sq ft, including but not limited to the concession concourse, concession stands, retail areas, press boxes, and other accessory use areas | Yes |

---

**Build safe | Live safe**
Standpipe
PLACE OF ASSEMBLY
Standpipe requirements

1968 Code
AC 27-932 Standpipe requirements
• In all buildings exceeding 6 stories
• More than 10,000 sf on any floor
• Some exceptions for Occupancy Classifications E, F, G, H and J (1968 Code), depending on building height and if sprinklers present

2008 / 2014 Code
BC Section 905
• BC 905.3.2 - Group A (Assembly)
  Class I automatic wet standpipes shall be provided in non-sprinklered Group A buildings having an occupant load exceeding 1,000 persons.
Fire Alarm
AC 27-968 Interior fire alarm

- Motion Picture Studios
- Stages, dressing rooms, & property rooms associated with Places of Assembly
- PA - Cabarets
Where Required...

**BC 907.2.1 Group A.** A manual and automatic fire alarm system shall be installed in accordance with NFPA 72 in Group A occupancies having an occupant load of 300 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

**Exceptions:**

1. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system and the notification appliances will activate upon sprinkler water flow. This exception shall not apply to Group A-2 occupancies used as a cabaret.

2. A Group A-2 occupancy used as a cabaret with an occupant load of 75 or more, including associated stages, dressing rooms, and property rooms, shall be equipped with a manual fire alarm system. Such a Group A-2 occupancy with an occupant load of 300 or more shall also be equipped with an automatic fire alarm system.

**BC 907.2.1.1 System initiation in Group A occupancies.**

Activation of the fire alarm in Group A-1 occupancies with an occupant load of 300 or more, and in all other Group A occupancies with an occupant load of 1,000 or more, shall initiate a pre-signal system at a constantly attended location from which the Fire Department shall be notified and live voice evacuation instructions shall be initiated using an emergency voice/alarm communications system in accordance with NFPA 72.
Fire Protection Plan
ARTICLE 109
FIRE PROTECTION PLAN

§28-109.1 Fire protection plan required for covered buildings. New building and alteration applications for covered buildings as set forth in section 28-109.2 shall include a fire protection plan prepared by or under the supervision of a registered design professional who shall professionally certify such plan. Such plan shall be approved by the department and the fire department prior to issuance of a certificate of occupancy, a temporary certificate of occupancy or a letter of completion, as applicable.

Exception: No fire protection plan shall be required for an alteration that meets all three of the following requirements:

1. The alteration does not involve a change of use or occupancy;
2. The alteration does not exceed one million dollars; and
3. The alteration does not create an inconsistency with a previously approved fire protection plan.

§28-109.2 Covered buildings. Covered buildings include:

1. High-rise buildings as described in section 403 of the New York City building code.
2. Occupancy groups B, E, F, H, M, or S occupying two or more stories with over 20,000 gross square feet (1858
3. Any building containing an assembly occupancy having an occupant load of 300 or more persons.
4. Occupancy group R-2 occupancies containing 30 or more dwelling units in a building where over 10,000 gross square feet (929 m²) of floor area is occupied by occupancy group A, E, M, or I.
Separation of Occupancy
### PLACE OF ASSEMBLY

1968 code : Table 5-1 fire separation (Modified)

#### TABLE 5-1 FIRE SEPARATIONS

Key: Fire-resistance ratings are given in hours. For Table 5-1, read above heavy line. For Table 5-2, read below heavy line.

NR—No Requirement

<table>
<thead>
<tr>
<th>OCCUPANCY</th>
<th>A</th>
<th>B-1</th>
<th>B-2</th>
<th>C</th>
<th>D-1</th>
<th>D-2</th>
<th>E</th>
<th>F-1a</th>
<th>F-1b</th>
<th>F-2</th>
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</table>

Nonresidential kitchens need not be separated by fire separations from adjoining dining spaces, provided:

1. The cooking equipment is vented directly to the outdoors, and
2. A 2" draft curtain of noncombustible material, at least twenty-four inches down from the ceiling, is provided to separate the cooking facilities from dining spaces, and
3. Sprinkler heads constructed in accordance with the provisions of subchapter seventeen of this chapter, are provided on the cooking facilities side of the curtain, or any opening between the kitchen and dining space, located within twenty-four inches of the curtain or opening, and spaced not more than forty-eight inches on centers if the opening is more than sixty inches wide. When fire separations are provided double-action doors may be permitted.
e. Commercial kitchens need not be separated from the restaurant seating areas that they serve, provided:

1. The cooking equipment is veeted directly to the outdoors; and
2. A draft curtain of noncombustible materials, at least 24 inches (610 mm) down from the ceiling, is provided to separate the cooking facilities from the restaurant seating areas; and
3. Sprinkler heads constructed in accordance with the provisions of this code are provided in the kitchen side of the curtain, within 24 inches (610 mm) of the curtain opening, and any other openings including doors between the kitchen and the seating areas, and spaced not more than 48 inches (1210 mm) on center for each opening that is more than 60 inches (1524 mm) wide.

| USE  | A-1 | A-2 | A-3 | A-4 | A-5 | B | E | F-1 | F-2 | H-1 | H-2 | H-3 | H-4 | H-5 | I-1 | I-2 | I-3 | I-4 | M | R-1 | R-2 | R-3 | S-1 | S-2 | U |
|------|-----|-----|-----|-----|-----|---|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---|
| A-1  |    | 2   | 2   | 2   | 2   |   | E | F-1 | F-2 | H-1 | H-2 | H-3 | H-4 | H-5 | I-1 | I-2 | I-3 | I-4 | M | R-1 | R-2 | R-3 | S-1 | S-2 | U |
| A-2  |    | 2   | 2   | 2   | 2   |   | E | F-1 | F-2 | H-1 | H-2 | H-3 | H-4 | H-5 | I-1 | I-2 | I-3 | I-4 | M | R-1 | R-2 | R-3 | S-1 | S-2 | U |
| A-3  |    | 2   | 2   | 2   | 2   |   | E | F-1 | F-2 | H-1 | H-2 | H-3 | H-4 | H-5 | I-1 | I-2 | I-3 | I-4 | M | R-1 | R-2 | R-3 | S-1 | S-2 | U |
| A-4  |    | 2   | 2   | 2   | 2   |   | E | F-1 | F-2 | H-1 | H-2 | H-3 | H-4 | H-5 | I-1 | I-2 | I-3 | I-4 | M | R-1 | R-2 | R-3 | S-1 | S-2 | U |
| A-5  |    | 2   | 2   | 2   | 2   |   | E | F-1 | F-2 | H-1 | H-2 | H-3 | H-4 | H-5 | I-1 | I-2 | I-3 | I-4 | M | R-1 | R-2 | R-3 | S-1 | S-2 | U |
| B    |    | 2   | 2   | 2   | 2   | NP| E | F-1 | F-2 | H-1 | H-2 | H-3 | H-4 | H-5 | I-1 | I-2 | I-3 | I-4 | M | R-1 | R-2 | R-3 | S-1 | S-2 | U |
| E    |    | 2   | 2   | 2   | 2   | NP| E | F-1 | F-2 | H-1 | H-2 | H-3 | H-4 | H-5 | I-1 | I-2 | I-3 | I-4 | M | R-1 | R-2 | R-3 | S-1 | S-2 | U |
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| I-4  |    | 2   | 2   | 2   | 2   | NP| E | F-1 | F-2 | H-1 | H-2 | H-3 | H-4 | H-5 | I-1 | I-2 | I-3 | I-4 | M | R-1 | R-2 | R-3 | S-1 | S-2 | U |
# PLACE OF ASSEMBLY

## 2014 Code: Table 508.4 Required Separation of Occupants

### Table 508.4

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**S** = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

**NS** = Buildings not equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

**N** = No separation requirement.

**NP** = Not permitted.

a. See Section 420.

b. This required separation from areas used only for private or pleasure vehicles shall be reduced by 1 hour but not less than 1 hour.

c. See Section 406.1.4.

d. Separation is not required between occupancies of the same classification.
• PA Permit (1968 Code)
• Certificate of Operation (2008 / 2014 Code)
303.2 Certificate of Operation.

A Certificate of Operation shall be required, as per Section 28-117.1, for the following places of assembly:

1. Indoor places of assembly used or intended for use by 75 persons or more, including open spaces at 20 feet (6096mm) or more above or below grade, such as roofs or roof terraces.

2. Outdoor places of assembly used and intended for use by 200 persons or more.
PLACE OF ASSEMBLY

PA1 form

The Occupancy designation can be found on the C of O.

The Description code can in the PA instruction guide.

Related NB or Alt1 application #
How to file a PA Application

- 2 separate Buildings
- 2 separate owners

What is the appropriate administrative action for PA permit:

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<th>CASE A</th>
<th>CASE B</th>
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<tr>
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<td>File one PA permit to include both sides (PA permit occupancy will exceed the # of people permitted for each zoning lot on the C.O.).</td>
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<td>Case A: No PA shall be filed</td>
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<tr>
<td>Case B: No PA shall be filed</td>
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<tr>
<td>Except, file ALT-I to combine both buildings &amp; zoning lots into a new C.O. &amp; file PA permit</td>
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<tr>
<td>File one PA permit with 2 ALT-I to declare “use in conjunction with adjacent building” PA permit will exceed the # of people permitted for each zoning lot on the C.O.</td>
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Note:

All of the above are acceptable
PLACE OF ASSEMBLY
Case Study – (2 of 2)

PLOT PLAN
SCALE: 1/20"=1'-0"
ZONING: C1-4 in R6b
PLACE OF ASSEMBLY
TPA

TPA
Temporary Place of Assembly
TEMPORARY PLACE OF ASSEMBLY
The Hartford Circus Fire, which occurred on July 6, 1944, in Hartford Connecticut, was one of the worst fire disasters in the history of the United states. The fire occurred during an afternoon performance of the Ringling Brothers and Barnum & Bailey Circus that was attended by approximately 7,000 people. Investigators believed it was caused by a carelessly flicked cigarette. The exit was blocked with the cages that the animals were brought in and out with. Over 167 people were killed in the fire.
TEMPORARY PLACE OF ASSEMBLY

- R.A./P.E. submits a Request Letter for a Temporary Place of Assembly as per TPPN 7/96.
- $250.00 processing fee receipt.
- (TPA) Temporary Place of Assembly request letter is then clocked in.

[Image of a letter]

Derrick Lee, R.A.
Queen Borough Commissioner
126-55 Queens Boulevard
Kew Gardens, NY

September 20, 2007

Re: Queens Botanical Garden Auditorium
124-20 Dahlia Avenue
One-Day Temporary Place of Assembly

Dear Commissioner Lee:

On behalf of Queens Botanical Garden and Department of Design & Construction, we respectfully request permission from your office for the issuance of a temporary Place of Assembly at the above referenced facility for the Ribbon Cutting Ceremony on September 27, 2007 from 9:00 AM to 5:00 PM, for an occupancy of 211 persons.

The event will take place inside the new auditorium at the new Visitor & Administration Center on Dahlia Avenue, west of Main Street. There is an approved NB Application # for an approved Place of Assembly application. Both applications are currently in the inspection process for a full building Certificate of Occupancy.

The temporary plumbing sign off is being pursued and the sprinkler system is fully operational and has been signed off. Hand held fire extinguishers are present and the fire alarm has a letter of defect, a second FDNY inspection is being scheduled. ADA accessible toilets are provided adjacent to the auditorium.

During the duration of the event, the facility will be manned by two (2) fireguards, there will be no cooking in the occupied space. Parking is not required since the facility is accessible by public transportation. We also request that the fees associated with this permit be waived since it is a government function in a city owned and city operated property. Thank you for your assistance in making this event possible.

Sincerely,

[Signature]
• Apply information on folder.
• TPA folder is assigned to a designated Plan examiner.
TEMPORARY PLACE OF ASSEMBLY

- TPA is reviewed if there are objections, the secretary will fax or e-mail the objections sheet to the applicant.
- Fax or e-mail confirmation is kept in the TPA folder.
- The secretary will schedule an appointment for the applicant or rep. (date and time that the assigned Plan Examiner to resolve objections)
There are different template letters that are for various Events.

The letter to your right is an example of a TPA approval letter.
TEMPORARY PLACE OF ASSEMBLY

- Folder will be returned to the secretary who will then type the TPA letter.
- Once the letter is typed it is returned to the Plan Examiner for review.
- Make changes if necessary.
- The final approval letter is submitted to the Borough Commissioner for signature, (if BC is not in) then the letter is signed by the Deputy Borough Commissioner.
• An addition $100.00 will be charged per day if the request letter is received less than ten business days prior to the event.
• Applicant will go to Customer Service and ask for a B-ticket (cashier) to pay.
TEMPORARY PLACE OF ASSEMBLY

• Perforate all copies of plans
• Copies of payment, letter and one set of plans are kept in the TPA folder.
• Fax or scan copy of TPA letter to Local Fire and Police Departments, Emergency Response Team and NYPD @ One Police Plaza.
• Send copy of letter to the cc’s at the bottom of letter
• Original TPA letter and two (2) sets of plans are given to the Applicant
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Thank You!
Local Law / Façade Presentation

Assistant Commissioner
Timothy Lynch, P.E.

Code and Zoning Representative
Training Module 9.8
ARTICLE 301
GENERAL

§28-301.1 Owner’s responsibilities. All buildings and all parts thereof and all other structures shall be maintained in a safe condition. All service equipment, means of egress, materials, devices, and safeguards that are required in a building by the provisions of this code, the 1968 building code or other applicable laws or rules, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working condition. Whenever persons engaged in building operations have reason to believe in the course of such operations that any building or other structure is dangerous or unsafe, such person shall forthwith report such belief in writing to the department. The owner shall be responsible at all times to maintain the building and its facilities and all other structures regulated by this code in a safe and code-compliant manner and shall comply with the inspection and maintenance requirements of this chapter.
• Local Law Facade is responsible for protecting 13,114 buildings that are located throughout New York City’s dense urban environment and deals with Facades constructed on public ways.

• The Department requires that owners maintain façade conditions and such repairs are prefaced by inspections every 5 years by a licensed professional. This course will address the various regulatory processes involved with the periodic reporting, filing and permitting repairs.
Detail version of LL 10/80, LL11/98/ FISP

RCNY ABSORBED INTO 1987 CODE.
TITLE 27, SUBCHAPTER 1, ARTICLE 6:
MAINTENANCE. C26 105.1

RCNY 32-02
RCNY 32-02 REVISED
LOCAL LAW 10/80
OPPN 12/96
RCNY 32-02 REVISED
OPPN 2/96
GRACE GOLD DIES FROM FALLING
TERRA COTTA
TPPN 3/96
ENCLOSED BALCONIES
MEMO
OPPN 15/91
TPPN 5/99

1963
1965
1967
1969
1971
1973
1975
1977
1979
1981
1983
1985
1987
1989
1991
1993
1995
1997
1999
2001
2003
2005
2007
2009
2011
2013
2015

DE BLASIO
LINDSAY
KOCH
DINKINS
GIULIANI
BLOOMBERG
CYCLE 7 BEGINS
CYCLE 6 BEGINS
CYCLE 5 BEGINS
BEAME
CYCLE 2 BEGINS
CYCLE 1 BEGINS
Cycle 5, 6, 7, 8, requirements increased as Local Law 10/1980 was amended to Local Law 11/1998 and amended again in May 2013.
ARTICLE 302
MAINTENANCE OF EXTERIOR WALLS

§28-302.1 General. A building’s exterior walls and appurtenances thereof shall be maintained in a safe condition. All buildings greater than six stories shall comply with the maintenance requirement of this article.

Exception: The requirements imposed by this article shall not apply to any part of an exterior wall that is less than 12 inches (305 mm) from the exterior wall of an adjacent building.

• Safe
• Safe With a Repair and Maintenance Program
• Unsafe
• 5 year report cycle
• Qualified licensed design professional
<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Code</td>
<td>Article 302 of Title 28</td>
</tr>
<tr>
<td>Building Code</td>
<td>1002.1 &amp; 1607.7.1</td>
</tr>
<tr>
<td>Local Law</td>
<td>LL11 of 1998</td>
</tr>
<tr>
<td>Rule</td>
<td>RCNY § 103-04, effective Jan. 28, 2011; Amended Rule 05/17/13</td>
</tr>
<tr>
<td>Building Bulletin</td>
<td>2011-017</td>
</tr>
</tbody>
</table>
ARTICLE 302
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Exception: The requirements imposed by this article shall not apply to any part of an exterior wall that is less than 12 inches (305 mm) from the exterior wall of an adjacent building.

• Safe
• Safe With a Repair and Maintenance Program
• Unsafe
• 5 year report cycle
• Qualified licensed design professional
Currently, there are NYC Laws in effect governing the maintenance of facades for structures OVER 6 stories.

LL 10/80 became LL11/98
became: Building Code § 28-302.1
1 RCNY § 101-07: FISP Qualifications
1 RCNY § 103-04: FISP Rule
Local Law / Facade Properties

From a total of 950,000 buildings citywide, 13,114* must comply with Local Law Façade

Total Buildings and Local Law Façade Buildings by Borough

<table>
<thead>
<tr>
<th>Borough</th>
<th>Total Buildings</th>
<th>Local Law Façade Buildings</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manhattan</td>
<td>53,274</td>
<td>7,635</td>
<td>14.3%</td>
</tr>
<tr>
<td>The Bronx</td>
<td>102,055</td>
<td>1,675</td>
<td>1.6%</td>
</tr>
<tr>
<td>Brooklyn</td>
<td>301,241</td>
<td>1,588</td>
<td>0.5%</td>
</tr>
<tr>
<td>Queens</td>
<td>345,708</td>
<td>1,548</td>
<td>0.4%</td>
</tr>
<tr>
<td>Staten Island</td>
<td>138,517</td>
<td>127</td>
<td>0.09%</td>
</tr>
</tbody>
</table>

- New Buildings must file LL Facade report 5 Years after receiving a TCO or C of O

*as of November, 2014
LL / Facade: Floor heights.
TOTAL LL/ Façade buildings / borough

<table>
<thead>
<tr>
<th>Boro</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>7564</td>
</tr>
<tr>
<td>2</td>
<td>1667</td>
</tr>
<tr>
<td>3</td>
<td>1586</td>
</tr>
<tr>
<td>4</td>
<td>1548</td>
</tr>
<tr>
<td>5</td>
<td>127</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>12492</strong></td>
</tr>
</tbody>
</table>

“UNSAFE” status by Borough

<table>
<thead>
<tr>
<th>Boro</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>341</td>
</tr>
<tr>
<td>2</td>
<td>167</td>
</tr>
<tr>
<td>3</td>
<td>255</td>
</tr>
<tr>
<td>4</td>
<td>75</td>
</tr>
<tr>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>845</strong></td>
</tr>
</tbody>
</table>
Surprising Numbers

![Bar chart showing numbers for SWARMP, UNSAFE, and SAFE categories.](chart.png)
Chronology/Overview of Façade Program - Cycle 8

FAÇADE INSPECTION REPORTS - CYCLE 8
ADMIN. CODE 28.302.1
(FORMERLY LOCAL LAW 11/98)
2015-2020

SUB-CYCLE 8A
BLOCKS 4,5,6,9
02/21/2015

SUB-CYCLE 8B
BLOCKS 0,7,8
02/21/2016

SUB-CYCLE 8C
BLOCKS 1,2,3
02/21/2017

FILING DATES

FILING DEADLINE
02/21/2017
02/21/2018
02/21/2019

02/21/2015
FISP CYCLE 8 5 YEAR CYCLE PERIOD
02/20/2020

Note: BLOCK # IN SUB-CYCLE - LAST DIGIT OF THE BLDG’S BLOCK NUMBER
UPCOMING CHANGE

Façade Inspection and Safety Program:
Cycle 8 Filing Begins February 21, 2015

The filing period for Façade Inspection Safety Program (FISP) Cycle 8 begins on February 21, 2015. Technical Reports filed under Cycle 8 must meet the below submission requirements.

FISP Cycle 8 Reports must be saved as PDF files onto a DVD or CD format; paper reports will no longer be accepted. Submitted DVDs or CDs must:

- Have FISP reports in PDF formatted with a Control Number and a Building Identification Number (BIN), separated by a hyphen. Examples:
  - 870219-2379100, the digits before the hyphen are the Control Number, and the digits after the hyphen are the Building Information Number.
  - Amended FISP Technical Reports should include a “-A” at the end: 870219-2379100-A.
  - Subsequent FISP Technical Report should include a “-S” at the end: 870219-2379100-S.

- Have separate folders for: 1) Safe status reports; 2) Safe With Repair and Maintenance status reports; and 3) Unsafe status reports.

- Amended reports should be submitted on a separate DVD/CD.

- Include PDF copies of the following items (which must also printed and submitted with the DVD/CD):
  - Completed Technical Report Form (TR5);
  - Screen shot of the BIS façade page for each technical report being submitted; and
  - Façade Batch Intake Form (FB11) which will list each building being submitted.

For more information on compliance with façade safety requirements, visit the Façades page of under the Safety & Development section of the Department’s website at nyc.gov/buildings.
Digital filing process for initial reports (SAFE, SWARMP & UNSAFE)

1. Owner submits copy of TR-6 for each report filed, Batch Sheet and digital copy of FISP Report

1.1 Window review: copy of TR-6, Batch Sheet and digital copy of FISP Report

1.2 Clock ID number on Batch Sheet and submitted digital media (CD/DVD) with FISP Report

1.3 Upload digital folder on Data Entry Intake Folder

1.4 Verification of Digital Submission, matching Batch Sheet & TR-6

1.5 Data Entry on Intake Database & BIS

1.6 Move folder to Admin Folder & place “Receive” stamp and date

1.7 Move folder to Tech Work Folder for review (each reviewer has individual folder)

2.1 Technical review (each reviewer works with reports from his/her folder)

Inspection required?

Yes

2.2 Create inspection request, attach report & copy PDF file to inspection request file folder

3.1 Admin moves folder to Data Entry Completed Review Folder

3.2 Data entry on Intake database & BIS

3.3 Make Copy of Accepted Reports in folder & place in permanent folder (X-drive)

3.4 Make Copies of Rejected Reports in folder & place in Notice of Rejection folder

No

2.3 Upon completion of Technical review stamp reports & e-mail to QEWI & Owner PDF of accepted or rejected TR-6, rejection letter

2.4 Examiner moves completed folder to Tech Review Process Completed folder

Supervising inspector places completed inspection in Plan Examiner inspection Completed folder
• Façade Batch Intake Form (O/fbi1)
• Technical Report-TR6 (O/TR6)
• LL/Façade Report (L)
  – Initial
  – Amended
  – Subsequent
• Façade Cashier Civil Penalties (L/fcp)
• Façade Waiver of Civil Penalties (L/fwp)
• Unsafe Notification-FISP3 (L/fisp3)
• Initial Extension of Time Request (L/fisp1)
• Additional Extension of Time Request (L/fisp2)
### Façade Batch Intake Form (FBI)

**Must be typewritten**

<table>
<thead>
<tr>
<th>Date</th>
<th>Filing Type</th>
<th>Exemptions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CHECK ONE BOX ONLY</td>
<td>CHECK ONE BOX ONLY</td>
</tr>
<tr>
<td>Submitted by:</td>
<td>Initial</td>
<td>City Owned</td>
</tr>
<tr>
<td>Business Name:</td>
<td>Amended</td>
<td>Rejections</td>
</tr>
<tr>
<td>Business Address:</td>
<td>Subsequent</td>
<td></td>
</tr>
<tr>
<td>Business Number:</td>
<td>Extension</td>
<td></td>
</tr>
<tr>
<td>Mobile Number:</td>
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<td></td>
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</table>

#### Complete the following Information

<table>
<thead>
<tr>
<th>Control #</th>
<th>Address</th>
<th>Door Code</th>
<th>Block</th>
<th>Lot</th>
<th>Status</th>
<th>Check #</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
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<td>3</td>
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<td>6</td>
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<td>10</td>
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</tbody>
</table>

#### For Office Use Only

<table>
<thead>
<tr>
<th>Date Received By ILEU</th>
<th>Fee Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Initial Reports</td>
</tr>
<tr>
<td></td>
<td>Amended Reports</td>
</tr>
<tr>
<td></td>
<td>Extensions</td>
</tr>
</tbody>
</table>

**Status Codes:**

- SAFE
- DISASM
- INJURY

**Notice:**

- You must include the FBI and all aspects of the FBI form or your submission may be rejected.
- Cashier checks are payable to the NYC Department of Buildings.
- All fees and supporting documentation are subject to verification.
- Failure to include the appropriate documentation and payment may result in the rejection of your submission.
# Technical Report (TR6)

**Periodic Inspection of Exterior Walls and Appurtenances**

- Sub-Cycle B: February 21, 2016 – February 21, 2017

## Filling Information

<table>
<thead>
<tr>
<th>Initial Filing</th>
<th>Resubmission</th>
<th>Amended Filing</th>
<th>Initial Filing Date</th>
<th>Initial Filing Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Locations Information

- Borough: [Insert Borough]
- Block: [Insert Block]
- Lot: [Insert Lot]

## Inspection Report Status Information

- Current Cycle: [Insert Current Cycle]
- Last Inspection Date: [Insert Last Inspection Date]
- SWARMP Recommended Date: [Insert SWARMP Recommended Date]
- Poor Filling Cycles: [Insert Poor Filling Cycles]

## Building Characteristic

- Laminated Building: [Yes/No]
- Laminated Location: [Yes/No]
- Subject to Inspections: [Yes/No]
- Number of stories: [Insert Number of Stories]
- Exterior wall type: [Insert Exterior Wall Type]
- [Balcony/A][Partial]

## Qualified Exterior Wall Inspector (GEWI) Information

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>MI</th>
<th>Bus. Name</th>
<th>Bus. Address</th>
<th>Bus. Tel.</th>
<th>Bus. Fax</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
<th>E-Mail</th>
<th>NYSC License #</th>
<th>P.E.</th>
<th>R.A.</th>
<th>Mobile Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

## Owner of Record Information (Not a Representative or Business Manager or Agent)

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>MI</th>
<th>Bus. Name</th>
<th>Bus. Address</th>
<th>Bus. Tel.</th>
<th>Bus. Fax</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
<th>E-Mail</th>
<th>NYSC License #</th>
<th>P.E.</th>
<th>R.A.</th>
<th>Mobile Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

## Statements and Signatures

**Owner / Owner Representative**

- I hereby state that I am the owner/owner’s representative of the premises referenced in this attached report.
- I have received and had a copy of the attached report and I am aware of the required repairs and/or modifications, if any and the recommended timeframe for same.
- I certify that all terms noted as SWARMP conditions in the previous cycle’s report have been corrected/improved or this report must be noted as Unknown, as per Administrative Code section 28-3022.1, if applicable.

**Qualified Exterior Wall Inspector (GEWI)**

- Name: [Insert Name]
- Signature: [Insert Signature]
- Date: [Insert Date]

**To the owner:**

- I hereby state that the [Owner’s Name] has authorized me to submit this report. Furthermore, I hereby state that attachment is correct and complete to the best of my knowledge. A copy of this report has been given to the owner.

**Owner or Manager Representative Information:**

- Name: [Insert Name]
- Relationship to owner: [Insert Relationship]
- Phone: [Insert Phone]
- Email: [Insert Email]

**Additional Information**

- Before filing the report, take note of “Filing Instructions”, available on the Department’s website at [www.nyc.gov/buildings] and at the Postcard Inspection & Safety Program (PISP) Unit located at 280 Broadway, 4th Floor, New York, NY 10007.
Notification of Unsafe Façades

QEWIs must immediately notify the Department when they discover unsafe conditions during a critical examination of a building façade by submitting an Unsafe Notification FISP3 form. Reports of unsafe conditions filed without a previously submitted FISP3 form may result in an Immediately Hazardous – Class 1 ECB violation issued to the QEWI filing the report.

30-day initial cure and submittal of Amended Report or FISP1 (90-day extension request).
Public Protection + Abatement
Owners must immediately install public protection, such as a sidewalk shed, when a façade inspection reveals an unsafe condition. The unsafe condition must be repaired within 30 days from the submission of the report. Owners must request an extension from the Department in accordance with 1RCNY § 103-04 (b)(5)(iv), if additional time is needed. Once the repairs have been completed, the QEWI must submit an amended report within two weeks of the work.

Removing Public Protection
Public protection must remain in place until repairs are completed and an acceptable amended report is filed. The QEWI must request permission to remove the sidewalk shed when the façade is made safe. The building owner will be issued an ECB violation if the protection is removed without permission.
**FORMS:**
CIVIL PENALTY and Waiver of Civil Penalties

---

### Facades Cashier Civil Penalty Form (FCP)

#### Instructions
Please complete and submit this form to the Facades customer service representative to calculate the penalties owed. Once all penalties are assessed, present the form and remit payment at the Cashier’s window. To update the Facades inspection record and complete the transaction, return the FCP form and receipt to the Facades customer service representative.

#### Applicant/Owner Contact Information
- **Name:**
- **Address:**
- **City, State, Zip:**
- **Phone Number:**
- **Email:**

#### Civil Penalty Information (Check only one box for each penalty)

<table>
<thead>
<tr>
<th>Control #</th>
<th>Property Information</th>
<th>Penalty Type</th>
<th>Internal Use Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>Late Filing</td>
<td>Fee Due: $</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Failure to File</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Failure to Correct Unsafe Condition</td>
<td></td>
</tr>
<tr>
<td>Control #2</td>
<td></td>
<td>Late Filing</td>
<td>Fee Due: $</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>Failure to File</td>
<td></td>
</tr>
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<td>5</td>
<td></td>
<td>Failure to Correct Unsafe Condition</td>
<td></td>
</tr>
<tr>
<td>Control #3</td>
<td></td>
<td>Late Filing</td>
<td>Fee Due: $</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>Failure to File</td>
<td></td>
</tr>
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<td>7</td>
<td></td>
<td>Failure to Correct Unsafe Condition</td>
<td></td>
</tr>
<tr>
<td>Control #4</td>
<td></td>
<td>Late Filing</td>
<td>Fee Due: $</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>Failure to File</td>
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</tr>
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<td></td>
<td>Failure to Correct Unsafe Condition</td>
<td></td>
</tr>
<tr>
<td>Control #5</td>
<td></td>
<td>Late Filing</td>
<td>Fee Due: $</td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>Failure to File</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td>Failure to Correct Unsafe Condition</td>
<td></td>
</tr>
</tbody>
</table>

---

### Facades Waiver of Civil Penalties Form (FWP)

#### Applicant/Owner Contact Information
- **Name:**
- **Address:**
- **City, State, Zip:**
- **Phone Number:**
- **Email:**

#### Civil Penalty Challenges
- **Control #:**
- **Cycle:**

#### Waiver Request Reasons
- **Owner:**
- **New Owner—Tax Reassessed:**
- **New Owner—Subdivision:**
- **New Owner—Sale, Dev., etc.:**
- **New Owner—Other:**

#### Internal Use Only
- **Information:**

---

**NOTE:** Civil Penalty-for Failure to File, Late Filing, Failure to correct unsafe condition.
FISP1 and FISP2 FORMS
(Initial and Additional Extension of Time Requests)

Façade Inspection and Safety Program (FISP)
FISP1: Initial Extension of Time Request

1. Location Information
   - House No.
   - Street Name
   - Borough
   - Block
   - Lot
   - DSN
   - Control #

2. Report Information
   - DOE Violation #: (mm/dd/yyyy)
   - Last Inspection Date: (mm/dd/yyyy)
   - Initial Filing Date: (mm/dd/yyyy)

3. Documentation
   - [ ] Safety of Occupants
   - [ ] Copy of permit provided
   - [ ] Other: ________
   - [ ] Notice of停工 from a P.E. or R.A.
   - [ ] Signed and executed statement of estimated time required to repair
   - [ ] Timetable
   - [ ] Assessment of temporary safety measures
   - [ ] Company name, address, phone number and website or P.E. or R.A.
   - [ ] Scope of work has been reviewed as per current work permit requirements: check one
   - [ ] No permit is required
   - [ ] Copy of work application, permit is obtained
   - [ ] Scope of work where a portion of repairs requires a work permit
   - [ ] Scope of work revised which requires a permit
   - Description:
   - [ ] Required letter by owner that work will be completed within stated time of permit's issuance

4. Owner Information
   - Last Name
   - First Name
   - Middle Initial
   - Address
   - City
   - State
   - Zip
   - Telephone
   - E-Mail

5. Statement and Signature
   - [ ] Authorization to inspect
   - [ ] Name: ________
   - [ ] Signature: ________
   - [ ] Date: (mm/dd/yyyy)
   - N.Y.C. P.E. or R.A. (applicable sign and date over name)

6. Technical Examiners
   - Name: ________
   - Signature: ________
   - Date: (mm/dd/yyyy)

7. Notice of Extension
   - [ ] Granted: LENGTH OF EXTENSION SHALL BE ______ DAYS COMMENCING ______ (mm/dd/yyyy)
   - [ ] Denied:
   - [ ] Technical Examiner Name:
   - Signature: ________
   - Date: (mm/dd/yyyy)
Fee Schedule: Per Rule 103.04 latest version

- Initial Filing (Report+TR6)- $265.00
- Subsequent Report- $100.00
- Amended report- $100.00
- Time Extension (FISP1, FISP2)- $135.00
- Late Penalty- ($250.00/month)-Civil Penalty
- Late Filing- $1,000.00 (annually)
- Failure to correct unsafe condition- $1,000.00 (monthly)
Total number of Buildings = 13,114

Number of buildings
14 stories and below
= 8,100

Safe = 3,837
SWARMP = 3,136
Unsafe = 1,127*

*as of November 2014
Total number of Buildings = 13,114

Number of buildings
15 stories and up = 3,218

Safe = 1,347
SWARMP = 1,450
Unsafe = 421

Number of reports not Filed = 1,796*

*as of November 2014
Title 27 construction and maintenance, 1968 Code

First time maintenance of existing buildings turns up 27.127 and covers all existing buildings.

(material science and technical manual)
Unsafe façades
68 Code amended to include LL10/80
Superseded by LL11/98
For 2014 code, sample categories of unsafe buildings are:

- Fire damaged buildings
- Buildings near collapse
- Façades loose
• § 28–301.1  Failure to Maintain
• § 28–302.5  Repair of Exterior Walls – Unsafe Condition
• § 28–201.1, Unlawful Acts, Failure to Comply with Commissioner’s Order
• § 28–302.3  Immediate Notice of Unsafe Cond
• Complaint Category for Unsafe Façade is 84/73/30.
1. LL Facade Unit: Admin unit and inspectors (35 yrs). Filing LL Facade
2. C and D: Hanging Scaffold. CD-5. Filing / C&D
6. Unsafe / Incident: Time dependent and engages all of above.
Thank You!
Special Enforcement Team (SET) and DOB Enforcement Against NYS Licensed Professionals

Andrew Wallace, Esq.
Deputy Director, Special Enforcement Team
New York State Agencies

- State Department of Education:
  - Licenses Registered Architects (R.A.s) and Professional Engineers (P.E.s).
- Office of Professional Discipline:
  - Investigates complaints against R.A.s and P.E.s.
- Board of Regents:
  - Authorized to discipline R.A.s and P.E.s, including suspension of license.
• Department of Buildings Privileges – Extended to all P.E.s and R.A.s in Good Standing with New York State:
  
  • **Professional Certification** – Less than full examination of construction documents. The commissioner may, in the commissioner's discretion, establish a program whereby construction documents may be accepted with less than full examination by the department based on the professional certification of an applicant who is a registered design professional
  
  • **Directive 14** – R.A. or P.E. may “sign-off” on completed work for applications that do not change the use, occupancy, or egress for an existing building
  
  • **Special Inspections** – R.A. or P.E. must be qualified as per particular inspection in order to perform special inspections required by Chapter 17 of the New York City Building Code
New York City
Department of Buildings

- Enforcement Against R.A.s/P.E.s for Abuse of Privileges for Lack of Knowledge:
  - **Professional Certification:**
    - After an administrative hearing, DOB may suspend participation in Professional Certification, if:
      - Applicant knowingly or negligently submits application that contains false information or is not in compliance with law; or
      - Applicant submits two (2) pro-cert applications in 12-month period that are then revoked or demonstrate incompetence or lack of knowledge
  - **Directive 14:**
    - Same requirements as per Professional Certification
  - **Special Inspections:**
    - DOB may disqualify licensed professional from performing special inspections for cause
• Enforcement Against R.A.s/P.E.s for False Statements to DOB:
  • *It is illegal to submit any document to DOB that contains a material false statement*
  • *If, after an administrative hearing, R.A./P.E. is found to have knowingly or negligently made a false statement to DOB, they are subject to a permanent ban on making any future filings with DOB*

• Supporting Case Law:
  • *St. Clair Nation v. City of New York:*
    • Ban may be based on false statements made *prior* to the 2007 enactment of the false statement penalty
  • *Scarano v. City of New York:*
    • Evidence supported finding at administrative hearing that DOB could no longer rely on applicant to submit honest paperwork
    • Law allowing DOB to ban R.A. or P.E. who submits false statements does not violate any Constitutional right of the R.A./P.E.
Special Enforcement Team:

- Part of DOB’s Enforcement Division - consists of attorneys, plan examiners and auditors
- Responsible for insuring compliance by NYS Licensed Design Professionals who exercise professional privileges
- Located at:
  - 280 Broadway, 5th Floor
  - New York, NY 10007
1) Referral:
   - Department of Investigation – Building Special Investigation Unit (BSIU)
   - DOB Borough Offices
   - Individual complaint/referral from public

2) Audits:
   - Do Applicant’s Pro-cert applications comply with Building Code (BC) and Zoning Resolution (ZR)?
   - Is there a pattern of non-compliance with specific sections of BC or ZR?

3) Compliance with Audit:
   - Intent To Revoke letter – Issued by Borough Office
   - Answer Audit Objections – Applicant must satisfy objections with SET auditor
   - Filing Representative may not appear in place of Applicant

4) Conclusion of Audit:
   - “Audit Accepted” - Applicant has answered all audit objections; or
   - “Permit Revoked” - Applicant has failed to answer all audit objections
Post-Audit Enforcement

- Post-Audit Enforcement – where the Audits Demonstrate a Lack of Knowledge:
  - **Voluntary Surrender:**
    - Applicant appears on DOB website as having voluntarily surrendered his/her privileges
  - **Disciplinary Action:**
    - DOB presents case based on audit objections
    - Hearing is held at Office of Administrative Trials and Hearings (OATH)
    - Administrative Law Judge (ALJ) issues a Report and Recommendation
1. DOB Commissioner has discretion to either accept ALJ Recommendation or apply a more severe suspension penalty

2. As per Commissioner’s Order, Applicant’s privileges are suspended, either permanently or for a lesser period


4. Notice to New York State Department of Education

5. In both Disciplinary Actions and Voluntary Surrenders - Application to Reinstate Privileges:
   - Application may not be submitted earlier than one year after surrender
   - Decision on whether or not to grant Reinstatement is at discretion of DOB Commissioner
## SET and DOB Enforcement Against NYS Licensed Professionals

<table>
<thead>
<tr>
<th>Year</th>
<th>Disciplinary Actions</th>
<th>Voluntary Surrenders</th>
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<tr>
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<td>2008</td>
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Special Enforcement Team (SET) and DOB Enforcement Against NYS Licensed Professionals

Matthew Burdge, Esq.
Deputy Director, Special Enforcement Team

Code and Zoning Representative
Training Modules 12.6 & 12.7
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</table>
Thank You!
Public Challenge Process

Scott Pavan, R.A.
Deputy Borough Commissioner

Code and Zoning Representative
Training Module 13.1
Training Objectives

- Understanding of Public Challenge Rule 1 RCNY 101-16
- Understanding of related Department operations and forms:
  - ✔ Zoning Diagram – ZD1 form
  - ✔ ‘Building On My Block’ search and zoning approval status
  - ✔ BISWeb Zoning Documents Link and zoning challenge status
  - ✔ Public Challenge forms
  - ✔ Timeline for public challenges, responses, and appeals
Public Challenge Rule

• Public Challenge Rule 1 RCNY 101-16 allows informed public challenges of “zoning approvals” early in the project approval process

• The Public Challenge Process applies only to “zoning approvals” issued by the Department for new buildings (NB) or enlargements affecting the exterior envelope of existing buildings

• Posting of the zoning diagram (ZD1) adds transparency to proposed projects enabling the public to challenge a “zoning approval” early in the approval process
The Zoning Diagram (ZD1) graphically summarizes the proposed zoning bulk, yards and street plantings for new building or enlargement projects.

It must include a site plan, 3D axonometric diagram, and proposed zoning use and floor area. The ZD1 form and Guide are available for download on the Department’s website.

The acceptance and scanning of the ZD1 represents “zoning approval” either as part of full application approval (Section 28-104.2.2) or partial approval (Section 28-104.2.5).

Zoning approval status of NBs and enlargements can be viewed using the “Building On My Block” search feature on the Department’s website.
The “Building On My Block” search indicates “zoning approval” status as “Pending”, “Granted”, or “Amended”. Click on the job number for more information.

<table>
<thead>
<tr>
<th>FILE DATE</th>
<th>JOB #</th>
<th>ADDRESS</th>
<th>BLOCK</th>
<th>LOT</th>
<th>ZONING APPROVAL</th>
<th>STATUS</th>
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<tr>
<td>09/18/2009</td>
<td>569836254</td>
<td>27 AVENUE A</td>
<td>8594</td>
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<td>PENDING</td>
<td>APPLICATION ASSIGNED TO PLAN EXAMINER</td>
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<tr>
<td>06/06/2009</td>
<td>887351378</td>
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<td>4568</td>
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<td>PLAN EXAMINATION - DISAPPROVED</td>
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<td>54 WEST 86TH STREET</td>
<td>8765</td>
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<td>Granted 09/17/09</td>
<td>PLAN EXAMINATION APPROVED</td>
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<td>886546786</td>
<td>74 43RD STREET</td>
<td>8637</td>
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<td>AMENDED 09/26/09</td>
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<td>213 76TH STREET</td>
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<td>33RD AVENUE</td>
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<td>Granted 10/04/09</td>
<td>PLAN EXAMINATION - PARTIAL APPROVAL</td>
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</tbody>
</table>
Zoning Documents Folder

- The BISWeb job screen includes a “zoning documents” folder for all NBs and enlargements.
- Once zoning approval is reached, you can click on this link to view the scanned ZD1 and all other documents related to the zoning approval including determinations and zoning exhibits.
Challenge Period Status

- To see if the application’s challenge period is open, click the “Challenge Period Status” link on the BISWeb job screen.
- To read decisions made on challenges, click the “Challenge Results” link.

NYC Department of Buildings
Application Details

Premises: 535 EAST 87 STREET MANHATTAN
BIN: Block: 1584 Lot:

Job No:
Document: 01 OF 2
Job Type: A1 - ALTERATION TYPE 1

Document Overview | Items Required | Virtual Job Folder | All Permits | Schedule A |
<table>
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<td>Schedule B</td>
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<td>After Hours Variance Permits</td>
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<td>Plumbing Inspections</td>
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Challenge Period Status
Challenge Results

Last Action: PLAN EXAM - APPROVED 12/31/2012 (P)
Application approved on: 12/31/2012

build safe | live safe
Challenge Period Status

- When the challenge status is “open”, you may submit a zoning challenge

For more information on Zoning Diagrams & Challenge Process, click here.

Premises: 535 EAST 87 STREET MANHATTAN
BIN: Block: 1584 Lot: Job No: Job Type: A1 - ALTERATION TYPE 1

Application Approved on: 12/31/2012

<table>
<thead>
<tr>
<th>Zoning Documents</th>
<th>Challenge Results</th>
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<tbody>
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</table>

To challenge this job, click here

- Clicking on the link above will open the Zoning Challenge form from the Department’s website
Zoning Challenge Form

- Once “zoning approval” is granted, the initial challenge period opens for 45 days
- A public challenge may be submitted using the Zoning Challenge and Appeal Form available on the Department website
- It is recommended to provide as much detail as possible on the nature of the zoning challenge. Submissions can be made by mail, fax, or email
- After the 45 day challenge period closes, the Borough Commissioner shall review all challenges and post responses
- The public challenge timeline for submissions, responses, and appeals can be viewed on the next slide
Public Challenge Process

PUBLIC CHALLENGE PERIOD
45 DAYS

BOROUGH COMMISSIONER (BC) REVIEW
TARGET 30 DAYS

PUBLIC APPEAL PERIOD
15 DAYS

FINAL TECHNICAL AFFAIRS (TA) REVIEW
TARGET 30 DAYS

CHALLENGES AVAILABLE TO APPLICANT

DECISIONS ONLINE

BSA**

PUBLIC COMMENT PERIOD

DELIBERATION PROCESS

DELIBERATION PROCESS
WITH POSSIBLE DCP CONSULTATION

*PERMIT(S) MAY BE OBTAINED ANY TIME AFTER APPROVAL

**PERMIT(S) AND SUBSEQUENT FINAL DECISIONS MAY BE APPEALED TO BSA