



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013
CHARLES M. SMITH, Jr., R.A., Commissioner

October 23, 1989

INSTRUCTIONAL MEMORANDUM

TO: Lawrence Ferlazzo
Chief Plan Examiner

FROM: George E. Berger, P.E.
Assistant Commissioner *GEB*

SUBJECT: Local Law 58/87 - Story at Grade

GEORGE E. BERGER, P.E.
Assistant Commissioner
Building Construction

On Page #2 - Minutes of Plan Examination Staff Meeting
SUBJECT: LOCAL LAW 58/87 of February 2, 1989
The New York City Building Code prior to 1938 did not have any wheelchair requirement for the handicapped.

The 1968 Building Code required handicapped accessibility per Section 27-357 (d) and Local Law 58/87 further modified handicapped accessibility by Section 27-29.5.

Section 27-292.5(i) grants waivers from Local Law 58/87 for existing non-grade stories of small non-residential buildings.

You are advised that pursuant to Section 27-232 for exemption of Section 27-292.5(i), for any existing building, any story where its elevation is above grade, is an "above grade story" and any story with a floor elevation below grade is a "below grade story." A "story at grade" is any story that has wheelchair accessibility, (regardless if required or not) that has a change in level equal to or less than $\frac{1}{4}$ inch change in level as per Section 4.3.8 and Section 4.5.2 ANSI A117.1/86.

Therefore, a "below grade story" can be a cellar and/or basement. If the 1st story is at grade level, then the "above grade story" is the 2nd story and all other stories above grade. If there is no story at grade, then all stories above cellar or basement shall be "above grade stories."

GEB:KTR

cc: Borough Superintendents
Ms. Shelly Goldstone, R.A.
Mayor's Office For the Handicapped