



Scan Code ESHS2174984

ZRD1/CCD1 Response Form

Location Information (To be completed by a Buildings Department official if applicable)

House No(s) 52

Street Name East 7th Street

Borough Manhattan

Block 448

Lot 1

BIN 10062067

Job No.

DETERMINATION (To be completed by a Buildings Department official)

Request has been: ☐ Approved ☐ Denied ☒ Approved with conditionsFollow-up appointment required? ☐ Yes ☒ No

Primary Zoning Resolution or Code Section(s): 27-364 & 27-275(i)(5)

Other secondary Zoning Resolution or Code Section(s): R8B

Control Number: 48081_ Reference to CCD1 #457772

Comments:

The request to waive the Plan Examiner's objection # 8:

"All vertical exists shall extend in a continuous enclosure directly to an open exterior space"

The applicant has proposed a variance to building code. The department finds the applicants description of practical difficulties is satisfactory given the conditions specific to this project. The exterior stair shall comply with:

§[C26-604.9] 27-376(c) Construction, §[C26-604.9] 27-376(d) Opening protective & §[C26-604.2] 27-369 Corridors.

The request to waive the Plan Examiner's objection # 11.

"Provide separate egress between residential and community facility"

OK to accept the proposed cellar egress as shown and marked on the plan as the two designated means of egress from the cellar space, provided:

1. The cellar space and first floor shall be fully sprinklered.
2. For stair "A" as marked, which is one of the means of egress from the building and has been used as a second means of egress from cellar to first floor, may be shared by the new proposed non-residential use at the cellar as the 2nd means of egress only in the case of emergency. A sign shall be posted and a Restrictive Declaration shall be filed and recorded with the department of finance. In addition, 2 hour rated fire enclosure and fire rated doors shall be maintained as marked on the plan.
3. Plan Examiner shall verify the referenced code sections and required compliance as stated above.

Note: If approved determination is not scanned or microfilmed, it will be deemed invalid.

Name of Authorized Reviewer (please print) MARTIN REBHOLZ, RA

Title (please print) MANHATTAN BOROUGH COMMISSIONER

Authorized Signature:

Martin Rebholz, RA
Borough Commissioner

Date:

1-13-17

Issuers: write signature, date, and time on each page of the request forms, and attach this form.

Note: Determination will expire if construction document approval is not obtained within 12 months of issuance.



CCD1. Construction Code Determination Form

Must be typewritten

DEPT BLDGS Job No 122627032
Scan Code ESMS3136754

Do not use this form for Zoning Resolution determination requests - use ZRD1 form

1 Location Information Required for all requests on filed applications.

House No(s) 52

Street Name EAST 7TH STREET

Borough MANHATTAN

Block 448

Lot 10

BIN 1006267

CB No. 103

2 Applicant Information Required for all requests on filed applications.

Last Name MIDDLETON

First Name CHRISTOPHER

Middle Initial T

Business Name KIT MIDDLETON ARCHITECT P.C

Business Telephone 212-420-8595

Business Address 34 E 23RD STREET 5TH FLOOR

Business Fax 212-420-8596

City NEW YORK

State NY

Zip 10010

Mobile Telephone

E-Mail K.MIDDLETON@KMAPC.COM

License Number 23085

License Type ☐ P.E. ☒ R.A. ☐ R.L.A.

DOB PENS ID # (if available) 8284

3 Attendee Information Required if different from Applicant in section 2 or no Applicant

Relationship to the property ☐ Attorney ☐ Filing Representative (Class 2) ☐ Other

Last Name

First Name

Middle Initial

Business Name

Business Telephone

Business Address

Business Fax

City

State

Zip

Mobile Telephone

E-Mail

License/Registration # (if P.E./R.A./R.L.A./Attorney)

4 Nature of Request Required for all requests. Only one request may be submitted per form

Determination request is for: ☒ Determination ☐ Predetermination

Determination request issued to: ☒ Borough Commissioner's Office ☐ Technical Affairs

Job associated with this request? ☒ Yes (provide job # / doc # / obj # / examiner name below) ☐ No

Job # 122427032

Document # 01

Objection # 8.11

Examiner: MORT LUKE

Has this request or a similar one been previously denied? ☒ Yes (attach all denied request form(s) and attachment(s)) ☐ No

Enter short description of Technical Topic (5 words or less): EGRESS IN MIXED USE BUILDING

Construction Code (if applicable): ☐ 2014 Code ☐ 2008 Code ☒ 1968 Code ☐ Prior to 1968 Code

Enter All Control #(s) for related CCD1/ZRD1 requests 41571,45772

Zoning District(s) R8B

Zoning Overlay(s)

Special District(s)

ZR Section

Code Section 27-364, 27-275(i)(5)

Rule #

Indicate all Buildings Department officials that you have previously reviewed this issue with (if any):

☒ Borough Commissioner

☐ Code & Zoning Specialist

☐ General Counsel's Office

☐ Deputy Borough Commissioner

☐ Chief Plan Examiner

☐ Other

ADMINISTRATIVE USE ONLY

Control #

Appointment date

Appointment Scheduled With:

Comments

Review Team Members

Reviewed By:

Martin L. Schmitt, R.P.
Borough Commissioner

Date

1-13-17

5	Description of Request (utilize page 3 / section 7 if additional space is needed to properly describe this request)
This is a request for: ☐ Interpretation or clarification ☒ Variation of Building Code or Rules per § 28-103.3 (please state in detail the practical difficulty that is specific to this project, and provide the analysis as to equally safe alternative, as per NYC Charter Section 645(b)(2)) ☐ Variation of Multiple Dwelling Law (MDL) § 277.16 for Article 7B Buildings (please state in detail the practical difficulty that is specific to this project and provide the analysis as to equally safe alternative, as per NYC Charter Section 645(b)(2)) Note: Variations of any other MDL provisions must be filed with the Board of Standards and Appeals (BSA) per MDL § 310.	

Please itemize all attachments, including plans/sketches, submitted with this form. (attachment may not be larger than 11" x 17")

If request is based on a plan examiner objection, type in the applicable objection text exactly as it appears on the Objection sheet and include a copy of the Objection sheet in the submitted Pdf.

Respectfully request a reconsideration for

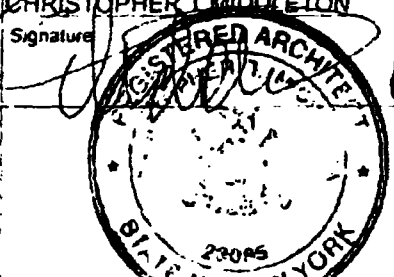
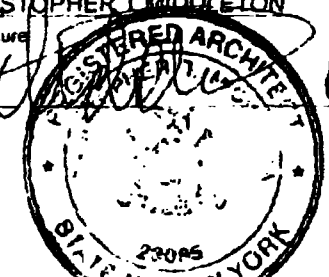
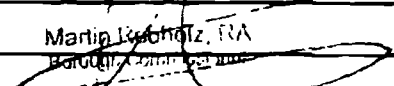
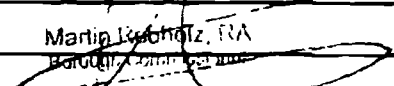
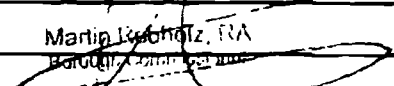
Objection #8 - "All vertical exits shall extend in a continuous enclosure directly to an open exterior space - 1968 BC 27-364 Exit Discharge," and

Objection #11, "Provide separate egress between residential and community facility."

Regarding objection # 8, the proposal is to replace an existing exterior exit stair, which was not code compliant with regard to riser height and tread width. The new replacement exterior exit stair will be compliant with regard to riser height and tread width. Because we are upgrading an existing means of egress with a more compliant stair, the existing noncomplying condition (i.e., an exterior exit path that reenters the building) should be permitted to remain

However, if you do find 27-364 applicable to this existing egress arrangement, I respectfully request a variance based on the practical difficulties that would be encountered in providing an egress path fully compliant with that section. Such an arrangement would either 1) require constructing an enclosure around the stair, which would (a) increase the degree of noncomplying lot coverage on the zoning lot, (b) increase the degree of noncomplying court dimensions and area, and (c) impermissibly obstruct a legally required window for the front dwelling unit; or 2) require taking space away from an existing, occupied residential dwelling unit. Neither of these options is practical or feasible.

Note: Buildings Department Determination will be issued on the CCD1 Response Form

6	Statements and Signature Required for all requests (If Attorney, include "Esquire" or "Esq." in signature)					
I hereby state that all of the above information is correct and complete to the best of my knowledge. Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a City employee, or for a City employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine, or both.		Name (please print) CHRISTOPHER T. MIDDLETON Signature  Date 1/13/17  P.E. / R.A. Seal (apply seal, then sign and date over seal - not required for Attorneys on unfilled applications)				
<table border="1" style="width: 100%;"> <tr> <td style="width: 40%;">ADMINISTRATIVE USE ONLY</td> <td style="width: 60%;">Control #:</td> </tr> <tr> <td>Reviewed By: </td> <td>Date: 1-13-17</td> </tr> </table>			ADMINISTRATIVE USE ONLY	Control #:	Reviewed By: 	Date: 1-13-17
ADMINISTRATIVE USE ONLY	Control #:					
Reviewed By: 	Date: 1-13-17					

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7 Description of Request (use this section if additional space is required for description)

The proposed equally safe alternative is that 1) the cellar will be fully sprinklered, an upgrade that is not required by 28-101.4.3 and BC 901.9 based on the scope of the alteration, change of occupancy and change of use, 2) one of the exits from the cellar will lead directly to the exterior at the front of the building, 3) the occupant load in the cellar will be limited to 9 persons, and 4) panic hardware will be installed on all doors exiting from the cellar.

Regarding objection #11, it is our contention that Sect 27-375(i)(5) does not apply to this project as the proposed community facility occupancy (Group "E" per the 1968 Code) will be located on the cellar level, and not on the "Street Floor" as cited in the section. It is also our understanding that a previously approved determination - #46600 - with a similar condition can be applied to this project with a modification from the Commissioner.

However, if you do find Sect 27-375(i)(5) applicable to this egress arrangement, I respectfully request a variance based on the practical difficulties that would be encountered in providing an egress path fully compliant with that section. Such an arrangement would require taking space away from an existing, occupied residential dwelling unit, which is neither practical nor feasible. The proposed equally safe alternative is that 1) the cellar will be fully sprinklered, an upgrade that is not required by 28-101.4.3 and BC 901.9 based on the scope of the alteration, change of occupancy and change of use, 2) one of the exits from the cellar will lead directly to the exterior at the front of the building, 3) the occupant load in the cellar will be limited to 9 persons, and 4) panic hardware will be installed on all doors exiting from the cellar.

A revised cellar floor plan is included in this submission which addressed prior comments about 24/7 access to the residential portion of cellar for servicing and maintenance. The new proposed cellar occupancy is now reduced to nine people. In light of this new modifications and our previously stated intention to fully sprinkler the cellar level, we respectfully request approval of this request for a variance, notwithstanding that certain elements of the egress path would not fully comply with the 1968 Code.

Note: Buildings Department Determination will be issued on the CCD1 Response Form

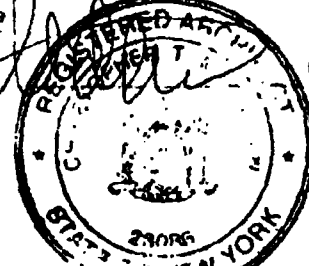
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Name (please print)
CHRISTOPHER T MIDDLETON

Signature

Date



P.E. / R.A. Seal (apply seal over signature and date over seal - not required for Attorneys or unfiled applications)

ADMINISTRATIVE USE ONLY

Control #:

Reviewed By:

Maria H. Hirsch, R/A

Date:

6-13-17

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