



DEPARTMENT OF BUILDINGS

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**OPERATIONS
POLICY & PROCEDURE NOTICE #10/95**

TO: Distribution

FROM: Richard C. Visconti, R.A.

DATE: August 8, 1995

SUBJECT: EARTHQUAKE CODE - LOCAL LAW #17/95

EFFECTIVE DATE: Immediately

PURPOSE: To establish a policy to exempt applications for the approval of plans from Local Law #17/95.

SPECIFICS:

New Building or Alteration applications filed prior to February 21, 1996, which would, if filed on or after February 21, 1996 (the "Effective Date") be required to comply with Local Law #17/95 (the "Earthquake Code"), shall be exempt, provided an application for the approval of plans, pursuant to Article 9 of subchapter 1, Chapter 1, Title 27 of the Administrative Code, has been filed.

APPLICANT:

The applicant must submit architectural and structural plans which are substantially complete and preliminary mechanical plans which include diagrams of all systems, major penetrations that affect the structure and locations and weights of major equipment, all of which are of sufficient clarity to indicate the entire nature and extent of the proposed construction work and its compliance with the provisions of the Code and other applicable laws and regulations and, at a minimum, contain the information required by §27-157(a), (b) and (c) of the Code or §27-162 if applicable.

All applications filed prior to February 21, 1996 for any new construction which seek an exemption from compliance with the Earthquake Code are contingent upon submission of evidence of a submission to the Department of Environmental Protection (DEP) as to the availability of a public sewer system (SD-1/SD-2); and in the event a public sewer system is not available, alternate provisions for disposal of storm water and sanitary sewage. All required approvals from DEP must be received by the Department within twelve months from the effective date of the Earthquake Code; otherwise, the application will be deemed to have been abandoned and shall be subject to compliance with the Earthquake Code.

Professionally certified applications and plans filed pursuant to Operations Policy & Procedure Notice (OPPN) #2/95 must be **complete** and accompanied by all items required for approval and permit.

Each submission, whether pursuant to OPPN #2/95 or through the standard plan review and approval process, must include a notation in Sec.16 of the PW-1 by the applicant stating:

"This application has been made for exemption from Local Law No. 17/95 (the "Earthquake Code")."

If an application has been filed but no approval has been granted, an amendment or AI-1 form declaring exemption from Local Law #17/95 may be added.

An application shall not be considered filed unless fifty percent (50%) of the total fee is paid, except for applications submitted pursuant to Directive #14/75 where one hundred percent (100%) of the total fee must be paid.

BOROUGH OFFICE:

Pre-Filing/Fee Estimator:

The pre-filer will review the application for compliance with the above, including the appropriate fee to be paid at the cashier. The required information will be data entered into the BIS system.

The pre-filer will stamp the application and plans "Filed for Exemption from Local Law #17/95."

The application will then be forwarded to the DEAR Section for data entry after fee payment and then to the Plan Examination unit for assignment to an examiner; or, if filed pursuant to OPPN #2/95, the application will be forwarded to DEAR for data entry and then made available to the applicant for microfilming prior to permitting.

Plan Examiner:

The plan examiner shall review the application for compliance with the Code, Zoning Resolution and all other applicable laws. Professionally certified applications will be audited pursuant to Operations Policy & Procedure Notice #2/95.

Prior to approving an application filed for exemption from Local Law #17/95, the plan examiner shall check that the required DEP approvals have been received within 12 months from the effective date of the Earthquake Code; if the approvals are received after this period, compliance with the Earthquake Code is mandatory. In addition, for a project requiring Board of Standards and Appeals, Landmarks Commission or City Planning Commission approval or certification prior to the approval of plans, the application will maintain its exempt status, provided these approvals or certifications are diligently pursued. If judicial or administrative proceedings affecting the exempt application or the validity of the building permit issued pursuant thereto, have been instituted, the right to maintain exempt status shall continue beyond the date of entry of the final order in such proceedings, including any and all appeals which are diligently pursued, provided the approvals are thereafter diligently pursued.

Exempt applications may be amended provided that the work proposed under the amendment would not require compliance with the Earthquake Code.

BOROUGH COMMISSIONER:

An exempt application will maintain its exempt status unless it expires by limitation or lack of prosecution as required by §27-155 or §27-196; Borough Commissioners shall be guided by Directive No. 17/71. All permits for work in a Special Flood Hazard Area, delineated in Reference Standard RS 4-4, shall expire if the actual start of permanent construction has not occurred within one hundred eighty-eight (188) days of the date on which such permit is issued.

Compliance with the Earthquake Code is not required under §27-116 through §27-118 and §27-120. Compliance with §27-115 may be required by the Commissioner in accordance with RS 9-6 when an enlargement exceeds sixty percent (60%) of the value of the building within a twelve (12) month period.

RCV:sr