



BUILDINGS BULLETIN 2015-017
Technical

Supersedes: TPPN 10/1987

Issuer: Thomas Fariello, R.A.
First Deputy Commissioner

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Purpose: To clarify code requirements for lot line openings

Related	BC Table 704.8 (2008 Code)	AC 28-103.3	BC 715
Code/Zoning	BC Table 705.8 (2014 Code)	AC 28-103.8	BB 2008-007
Section(s):	Table 3-4 (1968 Code)	AC 27-331	BB 2015-008

Subject(s): Windows, lot line; Openings, lot line; Exterior opening; Fire separation distance; Openings, exterior wall; Exterior wall, fire-resistance-rated; Fire windows; Glazing, fire-protection-rated; Openings, water curtain; Opening protectives, tax lot line; Opening protectives, zoning lot line

This bulletin is to clarify code requirements for lot line openings.

I. Distance from a lot line. BC Table 705.8 (BC Table 704.8 of the 08 Code and Table 3-4 and 27-331 of the 1968 Code) limits the amount of exterior openings based on “fire separation distance” (“exterior separation” in the 1968 Code). Both terms are defined and are measured perpendicularly from the face of the exterior wall to the tax lot line (interior lot line in the 68 Code). The application of these provisions in a lot line condition will determine whether exterior openings are permitted, and if so, the maximum area of such permitted openings, and also whether such permitted openings must be protected.

II. Glazed exterior walls as rated assemblies. Glazed areas that are fixed closed, labeled as fire-resistance-rated glazing and tested as part of a fire-resistance-rated wall assembly in accordance with ASTM E119 as required for exterior walls for a lot line condition, in accordance with section BC 705.5 (BC 704.5 of the 08 Code) (typically one hour, per BC Table 602), are not considered “openings,” and are therefore permitted as-of-right to an unlimited extent. However, any other glazed areas not meeting the conditions above, whether windows or fixed glazing, and even if protected per section BC 715.5 in accordance with NFPA 257 or UL 9 as fire windows, by fire shutters or by sprinklers, are considered “openings,” and are therefore subject to the limitations of BC Table 705.8 (BC Table 704.8 of the 08 Code or Table 3-4 and 27-331 of the 68 Code), and as set forth in the bulletin.

III. Lot line condition for other than R-2 and R-3. For other than Group R-2 and R-3 occupancies, as-of-right openings are not permitted for lot line conditions per BC Table 705.8 (BC Table 704.8 of the 08 Code or Table 3-4 and 27-331 of the 68 Code)*.

IV. Lot line condition for R-2 and R-3. In accordance with Table BC 705.8 footnote k (BC Table 704.8 of the 08 Code footnote j or Table 3-4, footnote a, of the 68 Code), as-of-right openings on the tax lot line are permitted in Group R-2 and R-3 occupancies, provided they do not exceed 10% of the area of the façade of the story in which they are located* (see Illustration 1). Such openings are required to be (i) opening protectives pursuant to section BC 715 (27-331 of the 1968 Code), or (ii) in cases where the subject Group R-2 or R-3 building is fully sprinklered, protected by an approved water curtain using automatic sprinklers approved for that use and installed in accordance with NFPA 13 as modified in Appendix Q (per section BC 705.8.2 of the 2014 Code or BC 704.12 of the 08 Code, Exception).

Such openings cannot be used to satisfy required natural light or ventilation except in accordance with Part VI(A).

In accordance with section BC 705.8.2, openings that are fire window assemblies shall comply with section BC 715 as fire-protection rated glazing. Where operable fire window assemblies are provided, the fire-protection rated glazing within the fire window assemblies must be automatic-closing per section BC 715.5.6.

V. 60 feet or more between openings and neighboring building. BC Table 705.8 footnote m (BC Table 704.8, footnote l or Table 3-4, footnote b, of the 68 Code) provides an exception to the requirements in Parts III and IV above, for openings that are sufficiently far away from neighboring buildings that are in front of such openings (see Illustration 2). For any portion of an exterior wall that is at least 60 feet away from neighboring building, measured in any direction and any angle to the nearest portion of such neighboring building (including rooftop equipment, bulkheads, etc.), the borough examiner may approve such portion of the exterior wall with unlimited openings, and such openings need not be protected, subject to the following:

- A. The owner shall file a lot line window restrictive declaration against the tax lot in accordance with Buildings Bulletin 2015-008 or its successor bulletin, requiring that the owner shall immediately close such openings if any neighboring building is later altered or constructed to come within the 60 foot distance limitation. The Schedule A/Certificate of Occupancy for the subject building shall recite the CRFN number for the declaration recorded against its lot.
- B. The construction documents shall include information regarding the obligations imposed by the restrictive declaration.
- C. The structural and mechanical plans shall demonstrate that they have the capacity to accommodate human occupancy and additional loads, presuming that the exterior wall enclosures are in place.
- D. Openings above the top of any chimney within the distances specified in section BC 2113.9 (Section 27-859 of the 1968 Code) shall be fixed.

VI. Windows providing required natural light or ventilation on zoning lots with multiple tax lots. In accordance with Section 30 of the Multiple Dwelling Law, windows providing natural light or ventilation that do not open to a street must open directly “upon a lawful yard, court or space above a setback upon the **same lot** as that occupied by the multiple dwelling in which such room is situated.” The term “same lot” in this context is interpreted to be the zoning lot, even where the zoning lot is comprised of multiple tax lots. However, with respect to analyzing applicable fire safety requirements for opening protectives, the Building Code measures the fire separation distances (exterior separations) to the tax lot line(s).

* However, beyond 60 feet from adjoining buildings, unlimited, unprotected openings may be permitted where approved by the borough examiner in accordance with Part V of this bulletin.

A. Windows subject to the 10% opening limitations for R-2 and R-3 occupancies. In cases where buildings are located on the same zoning lot but on different tax lots, windows that are located at tax lot lines (internal to the zoning lot) and therefore are subject to the 10% opening limitations per Part IV, are permitted to satisfy required natural light and ventilation (see Illustration 3), and may be approved by the borough examiner, where:

1. the openings open onto open areas that meet the dimensional and area requirements of yards or courts as specified in the Zoning Resolution, located on the same zoning lot;
2. the openings are provided with the minimum perpendicular distances, as may be required by the Zoning Resolution, located on the same zoning lot;
3. a light and air easement is recorded against the adjacent tax lot(s) in accordance with Buildings Bulletin 2015-008 or its successor bulletin, and the Schedule A/Certificate of Occupancy for the subject building recites the CRFN number for the easement that is recorded against the adjacent lot(s); and
4. the openings shall be opening protectives pursuant to section BC 715 (27-331 of the 1968 Code) or, in cases where the subject R-2 or R-3 building is fully sprinklered, the openings are protected by an approved water curtain using automatic sprinklers approved for that use, and installed in accordance with NFPA 13 as modified in Appendix Q (per section BC 705.8.2 of the 2014 Code or BC 704.12 of the 08 Code, Exception). In accordance with section BC 705.8.2, openings that are fire window assemblies shall comply with section BC 715 as fire-protection rated glazing. Where operable fire window assemblies are provided, the fire-protection rated glazing within the fire window assemblies must be automatic-closing per section BC 715.5.6.
5. For any portions of an exterior wall meeting the conditions in Part V above, the borough commissioner may approve the remaining 90% of such portions of the exterior wall with unlimited openings provided they are not used to satisfy natural light or ventilation requirements (see Illustration 4). The unlimited openings within such portions of the exterior wall meeting the conditions in Part V above need not be protected.

B. Practical Difficulty for Group R-2 and R-3 occupancies. In cases where buildings are located on the same zoning lot but on different tax lots, where the applicant demonstrates a practical difficulty in providing required light and ventilation for habitable rooms in an R-2 or R-3 occupancy located along a tax lot line (internal to the zoning lot) within the 10% tabular limitation of Part IV, the borough commissioner may authorize openings in excess of these limitations upon a finding of equally safe alternative, as per section AC 28-103.3. The borough commissioner shall be guided by the following, as may be appropriate to the specific case (see Illustration 5):

1. **Windows less than 30 feet above roofs of buildings on same zoning lot.** Where windows open above the roofs of buildings on the same zoning lot, and such windows are less than 30 feet, measured vertically, to the highest roof, rooftop equipment or bulkhead, the maximum allowable openings shall not be increased and shall remain subject to the 10% limitation.
2. **Windows 30 feet or more above roofs of buildings on the same zoning lot.** Where windows open above the roofs of buildings on the same zoning lot, and such windows are 30 feet or more, measured vertically, to the highest roof, rooftop equipment or bulkhead, the maximum allowable openings may be authorized to exceed the 10% tabular area subject to the guiding limitations and conditions, below:

a. Limitations:

Distance measured vertically to the highest roof, rooftop equipment or bulkhead	Maximum openings as a percent of the area of the façade of the story in which such openings are located
30 feet or more but less than 60	45%, or the percentage in table BC 705.8 as measured horizontally to the zoning lot line, whichever is less
60 feet or more	The percentage in table BC 705.8 as measured horizontally to the zoning lot line

b. Conditions.

1. Such building(s) must be of noncombustible construction or must be protected throughout with an automatic sprinkler system complying with section BC 903.3.1.1 (NFPA 13 only, although where the neighboring building was sprinklered prior to the enactment of the 2008 Code, a prior edition of NFPA 13 is acceptable provided the neighboring building is sprinklered throughout);
2. The openings shall be opening protectives pursuant to section BC 715 or, in cases where the subject R-2 or R-3 building is fully sprinklered, the openings are protected by an approved water curtain using automatic sprinklers approved for that use, and installed in accordance with NFPA 13 as modified in Appendix Q (per section BC 705.8.2 of the 2014 Code or section BC 704.12 of the 08 Code, Exception). In accordance with section BC 705.8.2, openings that are fire window assemblies shall comply with section BC 715 as fire-protection rated glazing. Where operable fire window assemblies are provided, the fire-protection glazing within the fire window assemblies must be automatic-closing per section BC 715.5.6.; and
3. The window openings shall be permitted to satisfy required natural light and ventilation provided that the same conditions of Part VI(A)(1), (2) and (3) are complied with. The standard light and air easement must be modified pursuant to Section IV(A)(1)(b) of Buildings Bulletin 2015-008 to reflect the vertical distances below the window sills to be kept clear by the adjoining neighboring property.

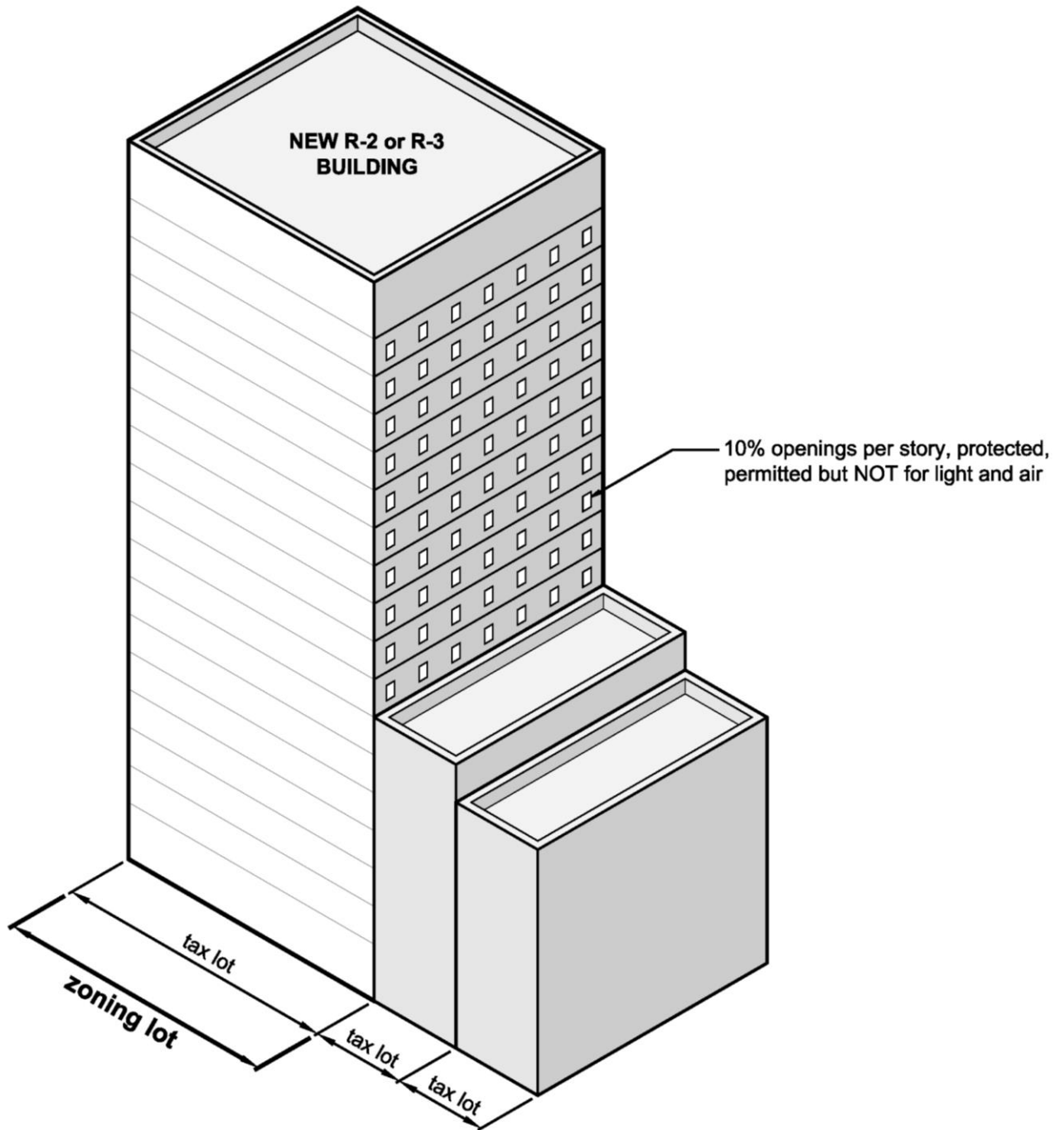


Figure 1. Illustration for Part IV

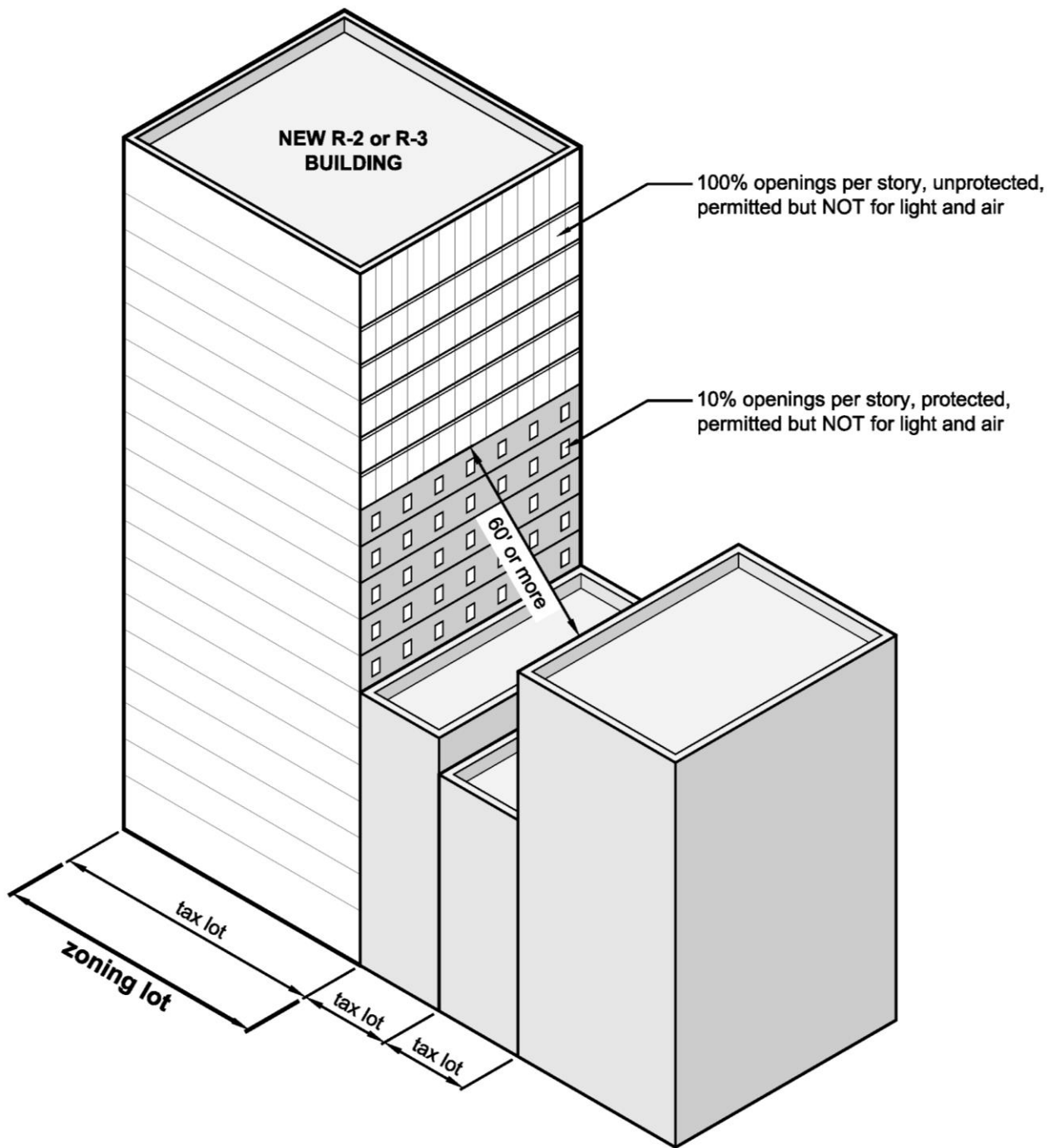


Figure 2. Illustration for Part V

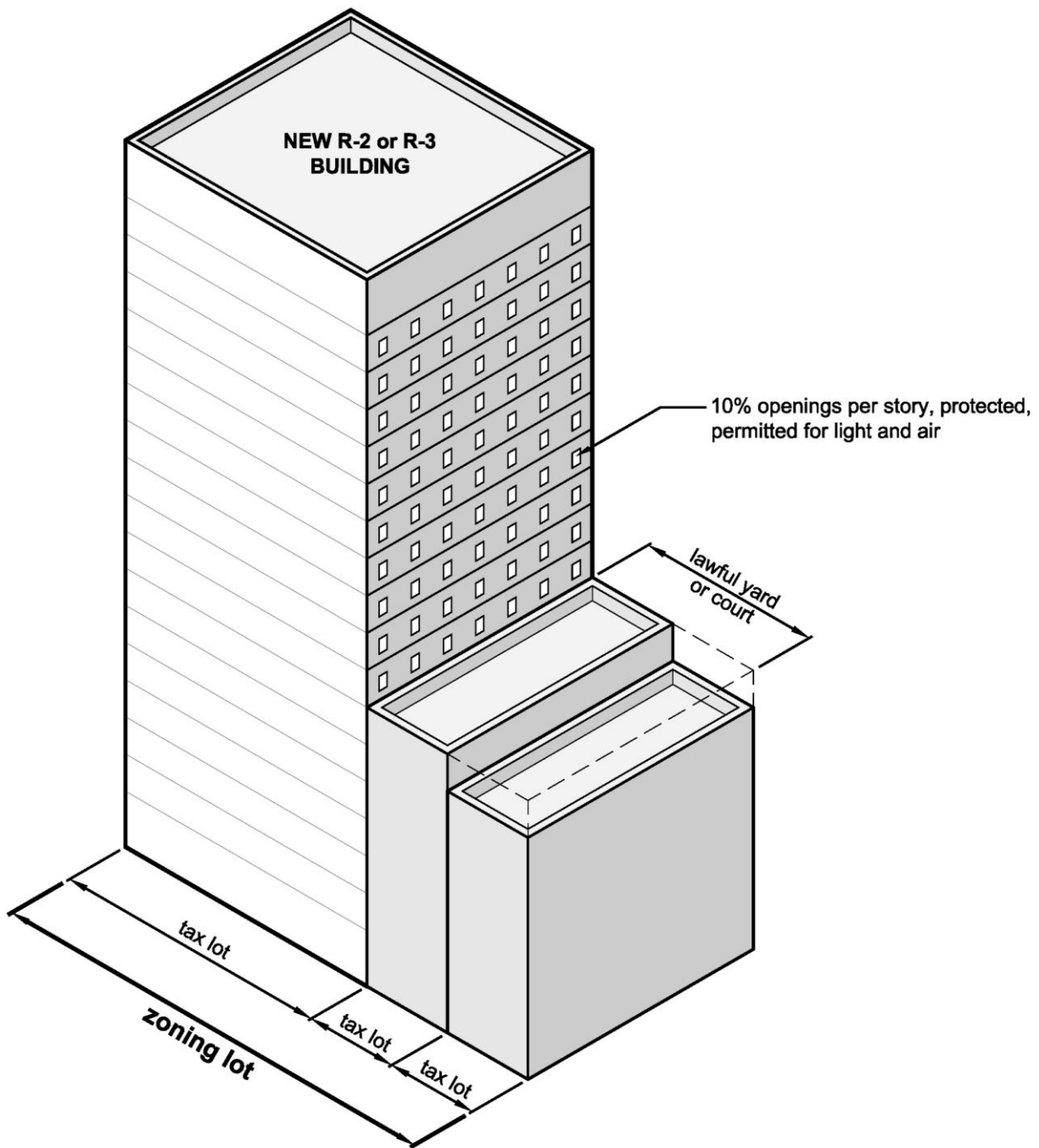


Figure 3. Illustration for Part VI(A)

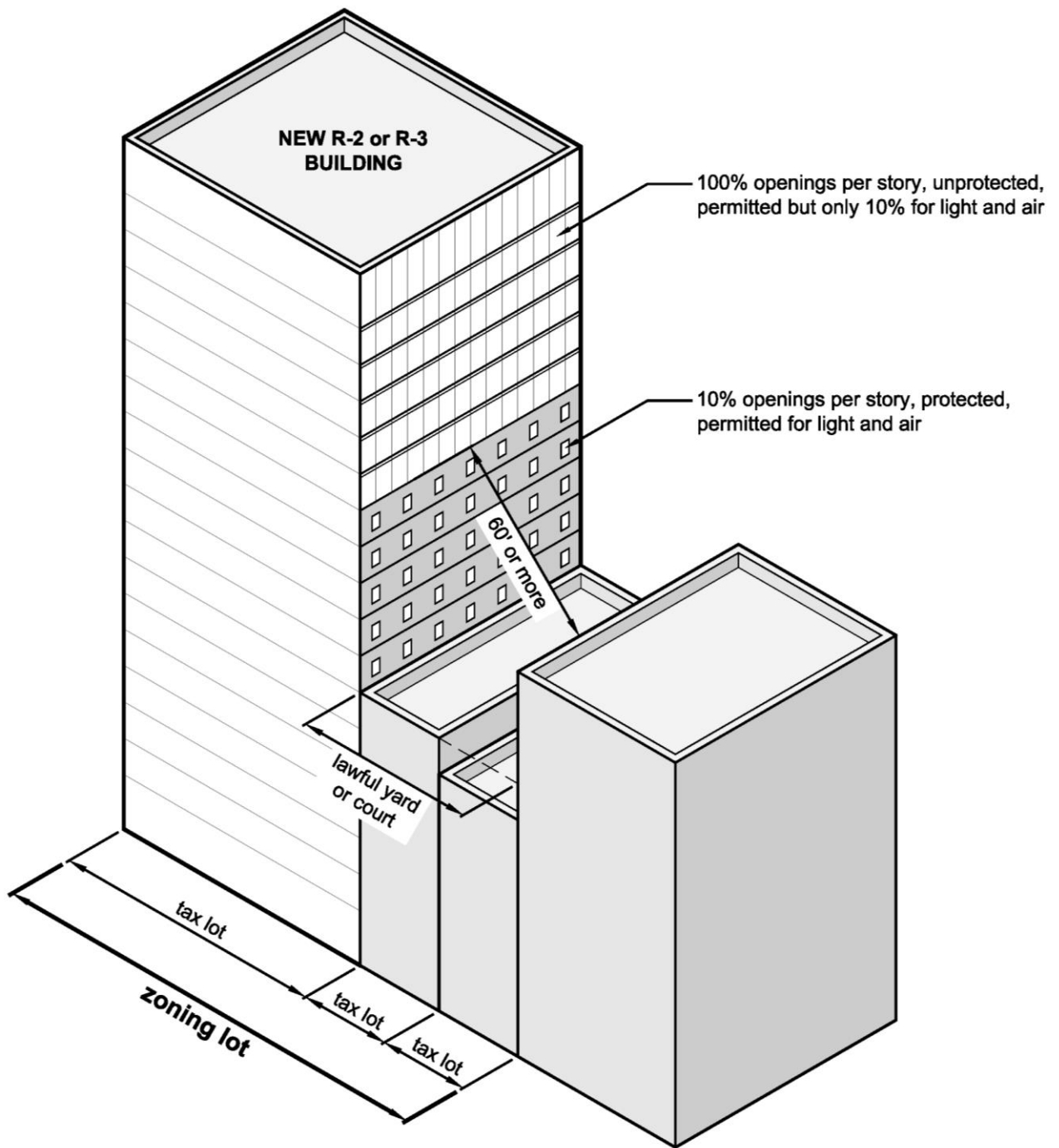


Figure 4. Illustration for Part VI(A)(5)

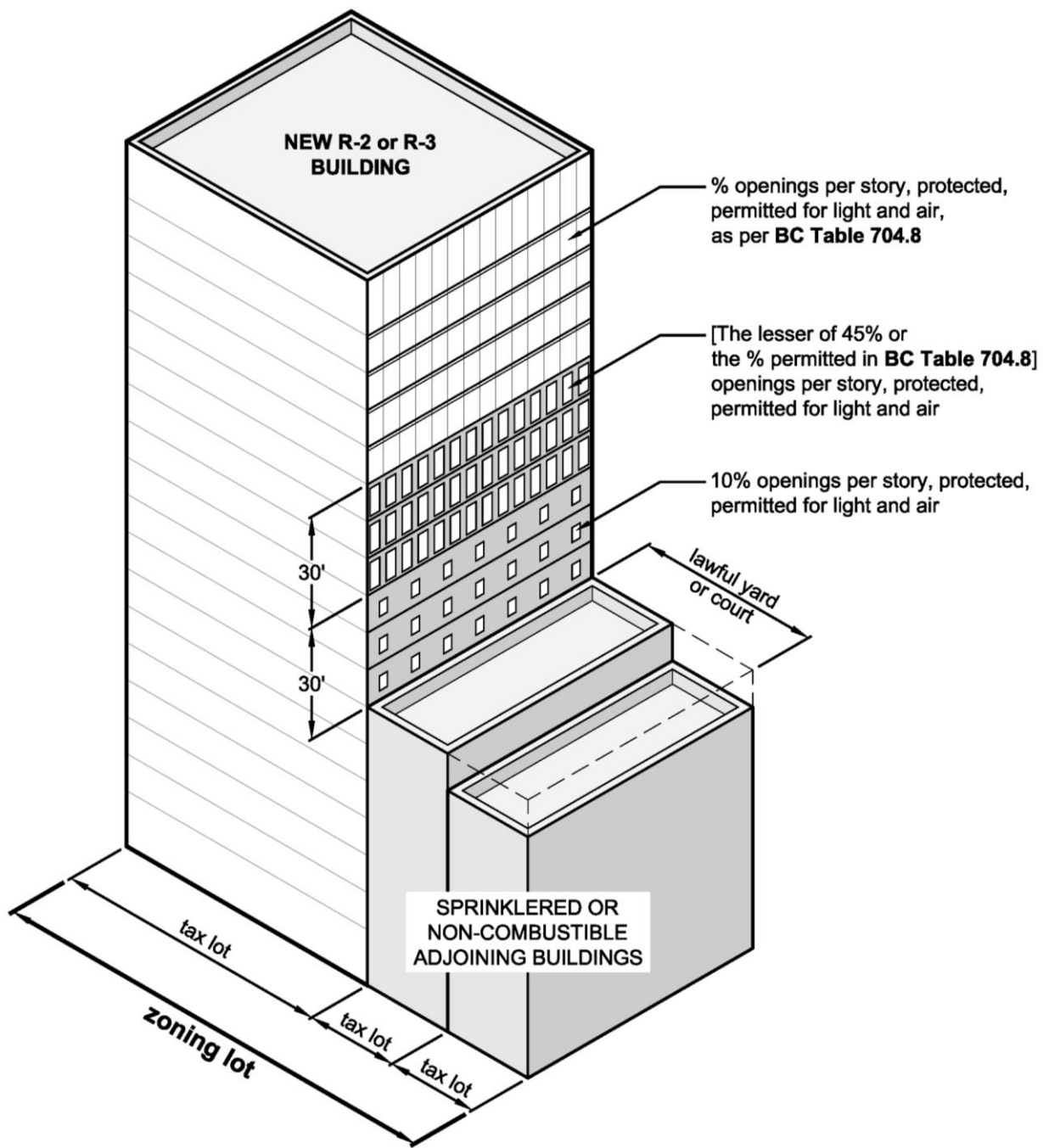


Figure 5. Illustration for Part VI(B)