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Technical

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Purpose: This document clarifies the exceptions for existing buildings subject to the retroactive sprinkler requirements of Local Law 26 of 2004 (LL 26/2004).

Related	AC 27-228.5	LL 5/73
Code/Zoning	AC 27-929.1	LL 16/84
Section(s):	AC 27-339	LL 26/04

Subject(s): High-rise, fire protection, sprinkler system; Local Law 26 of 2004, sprinkler system; Local Law 5 of 1973, sprinkler system; Sprinkler system, retroactive requirements

I. Background. Local Law 5 of 1973 (LL 5/73), required existing high-rise office buildings 100 feet or more in height to be equipped with a sprinkler system, or, in lieu of a sprinkler system, compartmentation with stair pressurization. For sprinkler system installations, sprinkler protection was permitted to be omitted from certain areas in accordance with departmental directives and interpretations.

The building code was subsequently amended by Local Law 16 of 1984 (LL 16/84) to require all new office buildings over 75 feet in height to be protected throughout by an automatic sprinkler system, and did not provide the same exemptions permitted for LL 5/73 compliance. LL 16/84 did not retroactively mandate sprinklers for existing buildings.

In 2003, the World Trade Center Building Code Task Force found that compartmentation and smoke alarms do not provide the same level of fire protection as a full system of automatic sprinklers, and recommended automatic sprinkler protection throughout all high-rise office buildings. As a result, Local Law 26 of 2004 (LL 26/04) amended Building Code sections 27-228.5 and 27-929.1 to retroactively require sprinkler protection for existing office buildings measuring 100 feet or more in height by July 1, 2019. Per section 27-929.1(a)(3), these requirements do not apply to a building in existence on October 22, 2004 in which a full system of automatic sprinklers was installed or required to be installed pursuant to any other provision of law (i.e. LL5/73 or LL16/84).

II. General requirements. A "full system of automatic sprinklers" means a system of automatic sprinklers, lawfully installed and signed-off by the Department of Buildings in accordance with the then applicable code requirements.

III. Post 1984 buildings. Any high-rise office building over 75 feet in height constructed on or after the effective date of LL16/84 was already required to be fully sprinklered and therefore is not subject to the requirements of section 27-929.1 and is therefore also exempt from the filing requirements of section 27-228.5.

IV. Pre-1984 buildings. Buildings erected prior to the effective date of LL 16/84 are subject to the following:

- A. Exempt buildings.** Any high-rise office building 100 feet or more in height that elected to comply with the sprinkler option per section 27-339(c)(5) (LL 5/73), and that signed off the sprinkler work on or before October 22, 2004, is exempt from the requirements of section 27-929.1 and is therefore also exempt from the filing requirements of section 27-228.5.
- B. Non-exempt buildings.** Any high-rise office building 100 feet or more in height that did not elect to comply with the sprinkler option per LL 5/73, is subject to the requirements of sections 27-929.1 and 27-228.5. As such, LL 26/04 requires sprinklers to be installed in accordance with the sprinkler provisions applicable at the time the alteration permit was issued. For instance, for jobs filed pursuant to the 2008 Construction Codes, the follow items, among others, are permitted to be omitted from a fully sprinklered building:
1. Electrical equipment rooms, per section BC 903.2, where all of the following conditions are met:
 - a. The room is dedicated to electrical equipment only.
 - b. Only dry-type electrical equipment is used.
 - c. Equipment is installed in a 2-hour fire-rated enclosure including protection for penetrations.
 - d. No combustible storage is permitted to be stored in the room.
 2. Elevator machine rooms, as per NFPA 13, section 8.14.5, as amended by BC Appendix Q and Department rule 1 RCNY §3616-01
 3. Generator/transformer rooms, as per section BC 903.3.1.1.1, provided that a smoke detector connected to a fire alarms system is installed, an alternative fire extinguishing system is provided, and the space is within a 2-hour fire-resistance-rated enclosure.