

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

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June 25, 2013
Start: 1:15 p.m.
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HELD AT: 250 Broadway
Committee Rm, 16th Fl.

B E F O R E:
ERIC MARTIN DILAN
Chairperson

COUNCIL MEMBERS:

Council Member Gale Brewer
Council Member Elizabeth Crowley
Council Member Lewis A. Fidler
Council Member James F. Gennaro
Council Member Robert Jackson
Council Member Letitia James
Council Member Brad S. Lander
Council Member Melissa Mark-Viverito
Council Member Rosie Mendez
Council Member James S. Oddo
Council Member Eric A. Ulrich
Council Member Jumaane D. Williams

A P P E A R A N C E S (CONTINUED)

Robert LiMandri
Commissioner
New York City Department of Buildings

James Colgate
Assistant Commissioner
New York City Department of Buildings

Dorothy Harris
Vice President of State and Local Government Relations
New York City Council Liaison to the International
Code Council

Jason Averal
Fire Protection Engineer
National Institute of Standards and Technology

Mitchell Simpler
Managing Partner
Jarros, Baum and Bolles Consulting Engineers

Debbie Keen
Project Manger for DOB Compliance
Shindler Elevator

Robert Strong
Director of Legislative Impact
Architect Council of New York

James Conway
Representative
Operating Engineers Local 1414B

Kim Voss
Architect

Angela Pinski
Representative
Real Estate Board

A P P E A R A N C E S (CONTINUED)

Hannah O'Grady
Vice President
American Council of Engineering Companies

Phil Parisi
Director of Plumbing and Fire Protection Department
Jarros, Baum and Bolles Consulting Engineers

Ramone Gilsance
Structural Engineer and Founding Partner
- - LLP

James Bifucco
Managing Consultant
TSE North America

Adrian Smith
Representative
New York Chapter of the American Society of Landscape
Architects

David May
Founding Partner
Superstructures, Engineers and Architects

Mark Weissbach
President and Chief Operating Officer
Fidoris Inc.

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2 CHAIRPERSON DILAN: Yeah, if
3 there's I understand that the information is
4 incorrect but there's a training in the overflow.
5 So, let's get, let's see if we can get some more
6 seats there to accommodate people in the hallway.
7 All right, good morning everyone. I'd like to
8 call this hearing to order. My name is Erik
9 Martin Dilan and I am the Chairperson of the City
10 Council's Committee on Housing and Buildings. And
11 today the Committee will meet to conduct the
12 hearing on Intro 1056, which is a local law to
13 amend the Administrative Code of the City of New
14 York. It will also amend the plumbing code of the
15 City of New York, the Building Code of the City of
16 New York, the Mechanical Code of the City of New
17 York, the Fuel Gas Code of the City of New York
18 and we'll bring all such codes up to date with the
19 2009 addition of the International Building Fuel
20 Gas and Plumbing Codes, with differences that
21 reflect the unique character of the City of New
22 York and clarifying as well as updating the
23 administration and enforcement of such codes as
24 well as updating some of the, of such codes. I
25 would like to begin by thanking, from what I

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2 understand the more than 300 stakeholders who have
3 helped put this document together, maybe the first
4 and the second time for many of the architects,
5 engineers and contractors, real estate
6 professionals, city government agency heads,
7 department heads, who have helped put this
8 document together working with the Buildings
9 Department and on behalf of the City of New York.

10 You have my and the Council's sincerest thanks for
11 your efforts in putting this document together.

12 Intro 1056 implements local law number 99 for the
13 year 2005 which requires triennial updates of the
14 New York City Codes to reflect changes in the
15 international codes or I Codes, when enacted.

16 These amendments will bring New York City Codes up
17 to date with the 2009 additions of the I Codes and
18 they're published by the International Code
19 Council and I understand that they are here and
20 I'd like to personally thank them for their role
21 in this effort and New York City, State and
22 throughout the country as well. The first phase
23 of the revision cycle was completed in August of
24 2012 when the Council enacted, the Mayor signed
25 into law, local law number 41 for the year of 2012

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2 which are the revisions of the New York City
3 Plumbing Code. Once enacted, Intro 1056, which is
4 before us today will complete the final phase of
5 this review cycle. Today is an initial hearing on
6 1056 and we expect to hear from representatives
7 from the Department of Buildings, property owners,
8 architects, engineers, developers, fire safety
9 professionals and many of others. As a bit of
10 housekeeping, and I just do want to state for the
11 record that the Council received this document
12 maybe a little more than two weeks ago, so we have
13 not fully reviewed it. Our intention is to hear
14 the bill today and lay the item aside at the
15 conclusion of today's hearing and then that will
16 give the Council as well as industry professionals
17 the summer to review what's in the bill and what's
18 in the law and we expect some passage sometime
19 either late summer or fall as we reconvene. The
20 Council well be, for those that don't know, will
21 be largely off for new items during the summer but
22 if things get worked out fast enough it could come
23 up for a vote, but likely September. I want to
24 note, our 1056 length coming in at about 2,500
25 pages. Individual copies have not been provided

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2 to the public as is usually the case. It would be
3 difficult to have all this available for
4 everybody. If anyone from the public wishes to
5 view the bill. There are a number of hard copies
6 for review here today. There will also be a copy
7 provided for the witnesses to review. I would
8 also like to point out that the bill is available
9 online and a direct link has been provided in the
10 Committee Report for today's hearing, which for
11 those that are interested looks like this and
12 they'll be passed out and you can get the bill
13 online. Before we begin I want to remind the
14 audience that those who would like to provide
15 testimony on this bill, please fill out a witness
16 card and indicate to the Sergeant at Arms, and
17 indicate whether you are in support or opposition
18 of the item before us today. As another
19 procedural matter, there was another legislative
20 item before us today that was Intro 477-A, that
21 building has, that item has been pulled and will
22 not be heard today so the only agenda item before
23 us today is 1056 so if you're here by any chance
24 to hear 477-A, that item will not be heard today.
25 Before I introduce the Commissioner I just want to

1
2 introduce Members who are here in attendance,
3 Council Member Tish James of Brooklyn, Council
4 Member Robert Jackson of Manhattan as well as
5 Council Member Rosie Mendez of Manhattan, all of
6 whom are Members of the Committee. To my
7 immediate right, your left, Counsel to the
8 Committee Laura Rogers, next to her, Counsel to
9 the Committee Ed Atkins [phonetic] as well as
10 Policy Analyst Guillermo Catillo [phonetic] who is
11 sitting on the far end of the dais in the blue
12 jacket. With that, Commissioner, I'd like to
13 thank you and welcome you here. I'm glad we
14 finally are at this juncture and have received
15 this document, it's taken quite a while. And I'm
16 glad that I will at least have the honor of
17 passing the first review as well as the original
18 code back in the '05 when we did it. So, thank
19 you, you can begin your testimony and you can
20 introduce the members of the panel that are here
21 with you today.

22 COMMISSIONER LIMANDRI: Thank you,
23 Chair Dilan. It is really an exciting day for all
24 of New York City. My name is Robert LiMandri, I'm
25 the Commissioner of the Department of Buildings

1 and I'm joined to my right, First Deputy
2 Commissioner Tom Fariello [phonetic] and to my
3 left, Assistant Commissioner James Colgate. I'm
4 also joined today in the audience with the
5 Department's Project Manager's, Architects,
6 Engineers and Lawyers and other experts, including
7 our code development team, people such as Helen
8 Gimbelson [phonetic] and Don Ranchie [phonetic]
9 and Olivia Goodman and Johanna Seagull [phonetic].
10 I really have to say that this is, we are truly
11 pleased today to present you with this bill and
12 we'd love you to consider these amendments that
13 reflect the technological advances and facilitate
14 the operational changes for the Department.
15 Building codes are the foundation of this City.
16 And we take them for granted but they do shape the
17 way this place works. From the way a home is
18 built in Queens to the way a hotel is designed in
19 downtown Brooklyn, or a high rise in Manhattan,
20 it's really all in the code. In 2007 local law 33
21 was passed by the Council which enacted the new
22 New York City Construction codes based on the ICC
23 family of codes. It was historic not only because
24 it revised a 40 year old building code but it also
25

1 committed the Department to working with the
2 Council, industry stakeholders and a field of
3 study experts on periodic updates. The purpose of
4 the updates is to ensure that the codes include an
5 allow the latest standards and technology. The
6 bill before you fills our commitment to continue
7 the mandated updating of the codes and as you may
8 recall the New York City Construction Code
9 revisions began with the passing of the New York
10 City Plumbing Code, as you discussed earlier, last
11 year by the Council with local law 41. The
12 Plumbing Code will become effective at the same
13 time this bill is enacted. Intro 1056 contains
14 the revisions to the New York City Building Code,
15 the New York City Fuel Gas Code, the mechanical
16 Code and the Administrative Code Title 28, which
17 contains permitting and licensing and other
18 provisions that apply universally to the four
19 technical volumes. If enacted these amendments
20 will bring New York City codes up to date with the
21 2009 addition of the International Building,
22 Mechanical, Plumbing and Fuel and Gas Code
23 published by the ICC, with differences to
24 accommodate the unique nature of the construction
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2 in this unique city. The Department began the
3 latest revision and updating process of the
4 Construction Codes in 2011. This effort continues
5 the collaborative process we began in '05 which
6 involved more than 325 professionals on 11
7 technical and advisory and managing committees.
8 Committee members included architects and
9 engineers and as you stated earlier, and
10 representatives of the construction industry,
11 labor, real estate and government. Informing
12 these committees, the Department aimed to include
13 stakeholders in every aspect of this complicated
14 industry to ensure a balanced discussion and
15 consideration of all the issues. Over the past
16 two and a half years these Committees worked
17 together to resolve the issues and craft revisions
18 to the code that reflect the needs of the city.
19 They contributed more than 1,000 hours attending
20 more than 255 managing committee meetings and they
21 extensively reviewed and developed new text
22 ensuring its content is appropriate for the city
23 in this special dense urban environment. It was
24 truly an extraordinary undertaking and we greatly
25 appreciate their contribution. I should note that

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2 the code revision process forces debate and
3 compromise because it's a consensus based
4 approach. Items move through the process first by
5 technical committee members and managing committee
6 members reaching consensus or, second, if the
7 committee chair declares an impasse the item is
8 then forwarded to the Department for mediation.
9 This is all explained in the Code Revision
10 Handbook which you may find on our website.
11 Except for five items the committees achieved
12 consensus on all the changes contained in theses
13 2,400 plus pages. The proposed legislation
14 improves building construction standards for new
15 buildings and resolves issues relating to the
16 application of some provision of the new codes to
17 the alteration of existing buildings. First and
18 foremost, the provision, the proposed revision
19 will take safety requirements to a new level in
20 high risk buildings, fire protection systems,
21 structural integrity and flood resistant
22 construction. If enacted the proposed amendments
23 will, for example, ensure that automatic
24 turnstiles do not become obstructions during
25 emergencies. It codifies requirements for

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2 environmental loads such as wind on temporary
3 structures including tents, scaffolds and cranes
4 to improve safety. And we've introduced
5 construction standards within coastal A zones
6 which will become effective when the new FEMA maps
7 are released in 2014. These new provisions will
8 increase the resiliency of new and sustainable
9 buildings located in coastal A zones. It will
10 enhance fire protection and life safety system
11 requirements and ambulatory healthcare facilities,
12 benefiting patients undergoing minor surgeries or
13 operations who may be incapacitated during an
14 emergency. This bill also implements five
15 important recommendations made by the National
16 Institute of Standards and Technology or we call
17 NIST. In the World Trade Center investigations
18 report the first three of these achieved consensus
19 a requirement to increase the bond strength for
20 spray on fireproofing on buildings more than 75
21 feet in height, a requirement to increase the fire
22 rating of materials used in structural elements
23 and buildings over 420 feet in height and a
24 requirement that exit stairs be located further
25 apart in buildings over 75 feet. The other two

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2 NIST recommendations are proposed as a results of
3 our mediation process. They require the provision
4 of a firefighter, access elevator and buildings
5 more than 120 feet in height and an additional
6 stair or occupant evacuation elevator in buildings
7 that are over 420 feet in height. This will
8 increase the exit capacity and provide an
9 alternative escape routes in time of an emergency.
10 I consider these measures to be important
11 investments in the safety of those who live and
12 work in our City's buildings. The proposed
13 amendments will also make building construction
14 easier, faster and less expensive. If enacted the
15 proposed elements will clarify when prior code
16 provisions may be utilized and alterations to
17 buildings constructed under the prior codes. It
18 will eliminate the redundant locations for smoke
19 detection and duct work resulting in significant
20 cost savings with no reduction in fire safety. It
21 will update the design requirements of exterior
22 mechanical equipment to comply with noise
23 requirements of both the New York City mechanical
24 code and noise control code and it will update
25 earthquake apartments to match the latest ASCE7

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2 national standard resulting in substantial savings
3 in construction cost for those buildings. In
4 closing, updating to the latest ICC codes will
5 ensure New York City utilizes standards for
6 products and materials and the latest technology
7 used throughout the country. It reduces the cost
8 and increases the predictability in the
9 construction practice. I would like to reiterate
10 my appreciation for your support, Chair, and I
11 look forward to working together to make New York
12 City a better place to build, work and live. And
13 certainly, I, James and Tom will be here to answer
14 any questions for you.

15 CHAIRPERSON DILAN: Thank you very
16 much. I was also remiss in thanking the
17 Legislative Division of the City Council who at
18 the last adoption, the entire Department, I
19 believe, broke down the code section by section.
20 It wasn't just my Committee staff but I believe it
21 took the entire division to do it. And that's for
22 the information of Council Member Lander. So, you
23 know, they don't have to do that again, it's just
24 a three year vision of [laughter] what was done
25 the last time. So, they have significantly less

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2 work to do this time. But we thank them in
3 advance for what they are about to do. So
4 Commissioner, we both alluded to the committees
5 and their process but just for the benefit of some
6 of my colleagues who may or may not be aware of
7 the committee process. Could you just briefly
8 highlight the committee structure and how that's
9 worked and how our problems were resolved and how
10 items were approved and to be allowed into the
11 Code?

12 COMMISSIONER LIMANDRI: Sure, so
13 initially what ends up happening is we all, we
14 break up into these committees. The committees
15 are really technically based. There's nine of
16 them and each one of those committees is based on
17 a particular subject area and we get the best and
18 the brightest in the industry to sit on those
19 committees from outside sources of the department
20 to read the differences in the actual technical
21 changes that have been made to the codes in that
22 version. And now remember, we're taking the ICC
23 body of work that's actually already gone through
24 this process nationwide. So, a similar process is
25 going on nationwide. It gets approved and then us

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2 a municipality, we review those changes with our
3 technical experts make sure that we look at our
4 unique circumstances for building in a dense urban
5 environment and existing in a dense urban
6 environment and making a decision whether we adopt
7 those particular changes. The idea is that it's
8 consensus based, that everyone on the committee
9 agrees and if the committee chair cannot come to
10 an agreement on a consensus based approach he
11 considers it an impasse and that goes to the
12 Department and the Department uses a mediation
13 program to see if we can come to consensus.

14 CHAIRPERSON DILAN: Okay.

15 COMMISSIONER LIMANDRI: If the
16 Department--

17 CHAIRPERSON DILAN: [interposing]
18 Oh, I'm sorry. I just have a little bit of
19 housekeeping. We've been joined by the Republican
20 Leader from Staten Island, James Oddo, we've also
21 been joined by Council Member Melissa Mark-
22 Viverito of Manhattan and I believe we were joined
23 by Council Member Eric Ulrich? Joined by Council
24 Member Eric Ulrich as well as Council Member Gale
25 Brewer from Brooklyn and Brad Lander of Manhattan.

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2 So, I certainly appreciate that effort because it
3 reduces the amount of disputes that this Committee
4 will have to resolve. At one point in time even
5 though I had the privilege of never experiencing
6 that this Committee would be charged with
7 resolving all those disputes and going back and
8 forth. So, this certainly makes it a much cleaner
9 and neater process. So, we certainly thank you
10 and all the stakeholders for that. So, we have
11 before us an approximately 2,500 page document.
12 What's changed? I figure there's about--

13 COMMISSIONER LIMANDRI:

14 [interposing] Well, we thought we would take the
15 next eight hours and share with you [laughter] and
16 so what I--

17 CHAIRPERSON DILAN: [interposing] I
18 think it's an appropriate question.

19 COMMISSIONER LIMANDRI: Right, no,
20 it is, it absolutely. And actually, some of the
21 people that are in the room today are intimately
22 involved in the nuances and the reasons why those
23 changes needed to exist and that's why we needed
24 that consensus based approach. But what I'm going
25 to do is one of our key people who have led the

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2 effort, James Colgate, is probably one of the
3 smartest people in New York City on the Codes [off
4 mic] period, thank you Gale Brewer.

5 CHAIRPERSON DILAN: Gale must need
6 something done in her district. [laughter]

7 COMISSIONER LIMANDRI: We'll make
8 sure that we put you on hold.

9 COUNCIL MEMBER BREWER: I don't, I
10 just love the guy. [laughter]

11 COMISSIONER LIMANDRI: We all love
12 James. But anyway, James, please get off the
13 ceiling. We would like you to just give us a
14 quick rundown on, and don't get upset if we don't
15 talk about your particular item in the group.

16 MR. JAMES COLGATE: Okay, so,
17 what's changed? Most importantly, and this was
18 part of why we had adopted--

19 CHAIRPERSON DILAN: [interposing]
20 Well, I guess, let me simplify. There's been some
21 minor changes and major changes. I, just
22 highlight the number of minor changes and then
23 major changes and then go through the major
24 changes. It'd be just, be cleaner for Q&A
25 purposes, I think.

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2 MR. COLGATE: Okay. We are going
3 to be providing a tracker change for every change
4 in the entire law. And there are several
5 thousand.

6 CHAIRPERSON DILAN: By disc, I
7 hope?

8 MR. COLGATE: Yeah, yes, it'll be
9 on an Excel spreadsheet.

10 CHAIRPERSON DILAN: Good.

11 MR. COLGATE: Has every change and
12 it identifies whether we think it's minor or
13 major. Minor, moving things, changing things,
14 little things, major, hey, look at this, these
15 are, and we'll be providing that to the, to
16 Council staff and they'll be able to go through
17 this. And how many are [off mic] 90 minor changes
18 so that's only four percent where we're really
19 changing something that isn't really important and
20 big change to the industries. So, most of it's
21 update. And that's for a good reason. The last
22 change going from the '68 code to the '08 code,
23 that's when we really changed the world. We
24 changed the way we do business in New York City to
25 be in conformance with what they do in the rest of

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2 the country. And now we're updating and we're
3 updating to the latest standards so that you can
4 use the same technology in California or Seattle
5 or New York City, it's all the same technology,
6 the same products, the same construction methods
7 and that's most of what this code is. And that's
8 what I guess I would say about that.

9 CHAIRPERSON DILAN: So, if I've
10 been brief, correct me if I've been brief
11 correctly, I understand there to be, you know,
12 getting away from percentages a second, about
13 4,000 minor changes and about 211 major changes.

14 MR. COLGATE: That's about right.

15 CHAIRPERSON DILAN: Could you maybe
16 just highlight some of the major changes for us.
17 I know 211 is a lot but just maybe give us just an
18 idea of what--

19 MR. COLGATE: [interposing] Sure.
20 The Commissioner mentioned some so I'll stay away
21 from some that were already in the testimony and
22 there are some others. So, within the realm of
23 accessibility we're being more consistent with the
24 Fair Housing Act and the American's With
25 Disabilities Act. With regard to roofs we're

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2 prohibiting little rocks on the roof, they call it
3 ballast because it blows off in hurricanes and
4 hits other windows, things of that nature. That's
5 all consistent with the IBC. With respect to
6 construction and demolition safety, we're
7 requiring that the designer of wooden form works
8 that hold up the concrete while it's setting
9 actually inspects it, not just the contractor
10 inspecting but the designer of the form inspected.
11 Those are all important things. Now, we're also
12 changing the way you design exhaust ventilation in
13 high rise buildings to accommodate stack effect,
14 which is good for the environment and the way
15 buildings were designed. Those are just some
16 examples. There are going to be and your staff
17 will see, 400 or so things like that. It's all
18 good stuff and the thing to remember is that all
19 of the 453 people, or 300 some odd people who
20 worked on this, our committees, all came to
21 agreement on all that stuff. Except for those
22 five things they're all in agreement.

23 CHAIRPERSON DILAN: All right, so,
24 and I guess the time, and I'll get into that
25 later, but the time to continue for the agency to

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2 continue to negotiate with the stakeholders on
3 those five items still exist. So, hopefully we
4 could, can, you know, get to that before passage.
5 Can you, I like the change that the Commissioner
6 mentioned.

7 MR. COLGATE: Mm-hmm.

8 CHAIRPERSON DILAN: In his
9 testimony and I want to see if there's other
10 changes like that specifically on the
11 fireproofing, I believe it was, where it protected
12 safety and reduced costs. Have, do any of the
13 other 200 major changes follow this model for the
14 fire, for the private sector where we have kept
15 efficiency but reduced our cost overall?

16 MR. COLGATE: Yeah. I think, in
17 general, the bill was intended to be neutral or
18 save money. There are some buildings that might
19 end up costing a little bit more. It all depends
20 on the site, the type of building, the
21 characteristics, you know, the fireproofing and
22 those safety provisions all came out of the NIST
23 recommendations. So one thing to keep in mind and
24 remember about the fire safety is that in 2005
25 NIST came out with this report and those found

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2 their way into the 2009 IBC. When we adopted
3 local law 307 it didn't include that stuff. So
4 now, this is our first, it was prior. So, the
5 2009 IBC is the first time the NIST
6 recommendations on the World Trade Center collapse
7 came into the high rise building fire protection
8 safety standards. We're looking at for the first
9 time, that's why all the stuff has come up now.

10 CHAIRPERSON DILAN: Yeah, I want to
11 stay competitive. I see Jersey City putting up
12 high rises everyday.

13 MR. COLGATE: Right, and we're not
14 following the same codes that they are.

15 COMMISSIONER LIMANDRI: That's one,
16 I think.

17 MR. COLGATE: One.

18 COMMISSIONER LIMANDRI: But I think
19 one of the important triggers is is that based on
20 this study at a certain height there were certain
21 sets of recommendations that were used and that
22 were input through a committee process similar to
23 ours at a national level. So, there are already
24 cities across the country that have already
25 adopted some of these standards already and this

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2 is, we're just basically in our cycle. What's
3 different is that we're not in the 1968 code where
4 nothing ever changes unless we do it by, you know,
5 very small examples and doing a Band-Aid approach
6 and trying to figure it out all on our own. We're
7 basically taking this huge field of expertise
8 across the country and looking at what they've
9 done in that adoption process and then sort of
10 making sure that it fits with the New York City
11 dense urban environment. And then having experts
12 advice the Department through those committees
13 whether it makes sense or not or whether we should
14 continue to, you know, go down the road of what
15 we're currently doing.

16 CHAIRPERSON DILAN: Okay. And I
17 don't mean this question in a way that is, the
18 question is not intended to embarrass the agency
19 or any professionals. It's meant as a substantive
20 question, but this three year revision is about
21 two years late. Do you think it's more
22 appropriate to change the revision cycle to five
23 years or should we continue on the three year
24 cycle? There's no agenda here just wanted your
25 opinion.

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2 COMMISSIONER LIMANDRI: Well, you
3 know, I do think that, you know, we did some
4 significant changes the way we're reviewed it this
5 time, okay? So...

6 CHAIRPERSON DILAN: [interposing]
7 Well, and I also understand that you had to, it's
8 late from my perspective it took a long time to
9 implement and create rules for the code as it was
10 first written. So, I could understand that for
11 this cycle. I'm talking going forward, do you
12 think three years going forward is still
13 sufficient?

14 COMMISSIONER LIMANDRI: Yeah, I
15 think for now I think we should stay with that
16 cycle. Because, you know, when you say it's late,
17 you know, I don't know in particular in your
18 perspective what you mean by late, between when
19 and when?

20 CHAIRPERSON DILAN: Well, it's a
21 three year cycle.

22 COMMISSIONER LIMANDRI: Right.

23 CHAIRPERSON DILAN: Longer than
24 three years, I believe, right?

25 COMMISSIONER LIMANDRI: It's 2013,

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2 but '08, so if you remember if when we did the
3 2008 code we gave a year for people to comply with
4 either code. And so, I guess you could say that
5 it is a year off. But essentially, it is, I think
6 where we'd like to do is stick with the three year
7 cycle and we'll see.

8 CHAIRPERSON DILAN: I just wanted
9 your opinion on the cycle more so going forward.
10 I could understand, I guess we could argue all day
11 whether it was late or not, that's not the point.
12 The point was, yeah.

13 COMMISSIONER LIMANDRI: No, no, I-

14 CHAIRPERSON DILAN: [interposing]
15 The point was whether you thought more time was
16 needed in between revisions. So, I want to shift
17 for a second to cost. Has there been an analysis
18 done yet as to whether this bill will become more
19 costly or more cost effective for your agency and
20 the private sector in general?

21 MR. COLGATE: Well, for our agency
22 there are provisions here that kind of reduce some
23 red tape and makes things go more smoothly,
24 particularly with respect to dealing with
25 interagency issues with, certainly dealing with

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2 the EPA on the storm water management issues,
3 dealing with the Landmarks Commission on the
4 façade elements that project into the right of
5 way, dealing with DOT on curb cuts where we tried
6 to facilitate a streamlining of certain
7 requirements and we worked very hard with those
8 agencies to make sure that we were doing something
9 consistent with what they wanted and that made it
10 easier for the processes to work.

11 CHAIRPERSON DILAN: Right.

12 MR. COLGATE: With respect to the
13 private owners and the developers, we think that
14 this is a winner and will reduce cost for most
15 buildings.

16 CHAIRPERSON DILAN: All right, so
17 you think you have the answers simply would be
18 yes, and yes? Okay, so--

19 MR. COLGATE: [interposing] I'm
20 sorry, I should have just said yes and yes.

21 CHAIRPERSON DILAN: No, that's, you
22 know, that's fine. So, just on the bill and the
23 changes again. Are there any retroactive
24 provision that will be part of the major changes?

25 MR. COLGATE: There are no

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2 requirements here that are retroactive. What we
3 did is we reorganized the administrative
4 provisions to put all the retroactive provisions
5 in one article so that we took the existing
6 requirements that are already retroactive and put
7 them in one place so that it adds more clarity to
8 the user, to the building owner and if the Council
9 should ever want to add new retroactive
10 requirements they know where to place them.
11 That's the only thing we did with regarding
12 retroactive, just--

13 CHAIRPERSON DILAN: [interposing]
14 Oh, okay. So, they'll be no new retroactive
15 requirement, whatever retroactive requirements
16 that were in the original code that we passed in
17 '08 will be--

18 MR. COLGATE: [interposing] That's
19 right. So, for instance you did a retroactive
20 requirement for painting stand pipes. You did a
21 retroactive for accessibility, those are local
22 laws that are already enacted. Those now are
23 identified in a list, in an article that says,
24 these are the retroactive requirements that a
25 building owner must do.

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CHAIRPERSON DILAN: Good.

MR. COLGATE: But we haven't made new ones.

CHAIRPERSON DILAN: Good. With respect to the Green Codes Taskforce and the Green Codes Proposals, were any of these items included in the new code before us?

MR. COLGATE: Yes, but I will say, not, almost by accident because this process started several years ago to get all those hundreds of committee members to agree, takes a long time, to agree and consensus. So, the requirements that we have that mirror those in the BRTF or in the Green Codes Taskforce were started before all those proposals came forward. So, for instance, we're there - - there are some here that are dealing with BRTF requirements like were the Green Codes Task--, there's only one for the Green Codes Taskforce, right? That was the, that was the [off mic] the concrete, the concrete emissions, oh yeah, I'm sorry. Okay, so we have a Green Codes Taskforce requirement about fly ash, which is a, what you mix in concrete. And that was included because it was easy to do, everyone

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2 on the committee thought this was acceptable, it
3 was a great thing to do, it's environmentally good
4 and it came to easy consensus right away. This
5 bill was not intended to bring very contentious
6 things. We were trying to get things that
7 everyone could agree to and this, everyone could
8 agree to very quickly, - - .

9 COMMISSIONER LIMANDRI: But the
10 general principal was was that we were going to
11 take the ICC Code--

12 MR. COLGATE: [interposing] Yeah.

13 COMMISSIONER LIMANDRI: --do the
14 revisions and then on separate tracks, green codes
15 and BRTF will all be on--

16 CHAIRPERSON DILAN: [interposing]
17 Well review that provision that was a part of the
18 cement bills that, before this Committee that are
19 under consideration.

20 MR. COLGATE: Mm-hmm, yeah.

21 CHAIRPERSON DILAN: We'll, you
22 know, we'll review it.

23 MR. COLGATE: That's right.
24 There's just one other which was the roof
25 coverings. This was already in the 2009 IVC so it

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2 was already on our radar on our committees agreed
3 a year and a half ago to put it in the ballast,
4 the rocks on the roof from flying off. That's in
5 the BRTF but it was also in the IBC sets in our
6 bill and whether you, you know, cut that out or
7 what you do with it, that's in our proposal.

8 CHAIRPERSON DILAN: So, were there
9 any significant changes to the Administrative Code
10 and, if so, what were the purposes of the changes?

11 MR. COLGATE: In the Administrative
12 Code we did a lot of cleanup for organizational
13 clarity. One of the ones that may be more
14 important is dealing with existing buildings where
15 your more than doubling the size of the buildings.
16 What would happen is people would take a six story
17 building and they would tear it down to a one
18 story building and then they would add 23 stories
19 to it and try to do that under the old building
20 codes. And this makes clear that you can't do
21 that once you've exceeded a certain amount of
22 enlargement that you're subject to the new codes,
23 the current codes.

24 CHAIRPERSON DILAN: That's an
25 example of some of the change, there would be

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more, I assume?

MR. COLGATE: Yeah, there's some, not that many that are substantive. When you look on the major/minor chart that we'll give you I'll--

CHAIRPERSON DILAN: [interposing]
Well, I think that's a good change.

MR. COLGATE: That is a good change. You'll see it as a major on our matrix.

CHAIRPERSON DILAN: Okay. I want to just touch on changes as a result of Hurricane Sandy. Were there any in this code and, if so, if you could detail what they are?

MR. COLGATE: Sure. We, the changes in our code, again, were started before Sandy but even before Sandy we know that we wanted to raise the free boards in conformance with the national standards. Free board is the height above the flood zone that you can bring your buildings too. So, we had proposed and to increase those by one or two feet as one would match this New York State requirements and the ICC requirements, and we also did that by emergency rule earlier this year after Sandy. This bill

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2 will catch up and make that part of the code and
3 make it codified. And the other thing is the
4 Coastal A zone, which I talked about earlier with,
5 which is to match the national standards, the
6 American Society of Civil Engineer Standards to
7 provide flood resilient construction standards in
8 Coastal A zones. And this bill would do that when
9 those maps are adopted in a year or two.

10 CHAIRPERSON DILAN: If you could
11 describe that?

12 MR. COLGATE: The Coastal A zone?
13 Oh, sure. I could talk all day about the Coastal
14 A zones.

15 CHAIRPERSON DILAN: But I'm not
16 [laughter] the whole day.

17 MR. COLGATE: So, you have an A
18 zone and a B zone. A zone is still water, B zone
19 is big waves. And FEMA has identified in the
20 American Society of Civil Engineers has identified
21 this area in the middle where you have waves that
22 are not as big as [off mic] three feet or higher.
23 They're between one and a half and three feet
24 high. And buildings have a tough time
25 withstanding that wave action. So, we've taken

1
2 the advice of the International Code Council and
3 the American Society of Civil Engineers and
4 adopted that for the construction standards in New
5 York City and would make that effective when the
6 new maps are finally adopted later on. Now, we've
7 added some tweaks in there to make it possible to
8 develop high rise and mid rise and other kinds of
9 commercial buildings in those districts in a way
10 that benefits New York and still provides safety.
11 So, there are a few tweaks we've put in there
12 'cause of the way the ASCE, Society of Civil
13 Engineers, does it, would cause some economic
14 problems for New York and we think we can do it
15 better than that and we've addressed that.

16 CHAIRPERSON DILAN: Okay,
17 Commissioner, on, you referenced in your testimony
18 The National Institute of Standards and Technology
19 recommendations. Which recommendations were
20 incorporated into the code and why and what type
21 of buildings are affected? And do these
22 recommendations focus primarily on commercial
23 buildings?

24 COMMISSIONER LIMANDRI: So,
25 essentially there are five recommendations that

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2 NIST, in the 2005 World Trade Center investigation
3 report identified. One of them, as I indicated,
4 was increasing the bond strength for spray on
5 fireproofing for buildings more than 75 feet. The
6 second one was for increasing the fire rating on
7 materials used in structural elements and
8 buildings over 420 feet. It requires exit stairs
9 to be located further apart, that's the third one.
10 The fourth one is what we call a firefighter
11 access elevator in buildings more than 120 feet.
12 If you can imagine if a fire personnel were coming
13 into building that was generally speaking about 10
14 to 12 stories in height that when they came they
15 could have their own dedicated access elevator.
16 So, that instead of climbing to two floors below
17 the fire they may be able to or they may choose to
18 ride an elevator that's dedicated to them. and
19 then the fifth one is what we call an additional
20 stair or an occupant evacuation elevator. So,
21 generally speaking in buildings that are 420 feet
22 or higher these are buildings that roughly could
23 say are 42 stories in height or higher that they
24 would be required now to have, if they weren't
25 already required to based on the number of people

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2 that were being, that were sitting and that were
3 active on that floor that would have to have an
4 additional exit stair. In lieu of that exit stair
5 the NIST recommendations and the ICC have provided
6 an alternative which is called an occupant
7 evacuation elevator. So, in the world today and
8 what many municipalities across the world are
9 going towards are other options besides theirs.
10 And one of them is to create areas of refuge and
11 the other is to create this opportunity where
12 people could be directed off the floor as an
13 alternative to using a staircase that they could
14 actually be exiting out of the building through a
15 dedicated access elevator for occupants. So,
16 instead of walking down 50 flights they could
17 actually ride an elevator down, if it were deemed
18 appropriate by the Fire Department. And there's
19 lots of controls about how that would work but
20 essentially these would be two new options for
21 buildings that are very tall. And when we say
22 very tall as identified by the IBC as adopted from
23 the NIST recommendations of 420 feet. So, if you
24 could imagine in a office building maybe today
25 there would be only two stairs at 44 inches in

1
2 width. In the future it could be three staircases
3 or because maybe people need to evacuate the
4 building quicker. Or instead of three stairs
5 there could be an option to have what we call this
6 fire access elevator not for firefighter use but
7 for occupants. And then the third option which
8 we've proposed is a hybrid, is to allow for a
9 performance based standard based on the exit,
10 additional exiting capacity. That the Building
11 Department could review a set of circumstances
12 where an egress analysis is identified that says
13 in lieu of a third stair, here is another way that
14 this building plans to have this additional
15 exiting strategy without actually having a third
16 stair, wider stairs and more elevators.

17 CHAIRPERSON DILAN: Just so, just
18 for the record I just want to note that we've been
19 joined by Council Member Elizabeth Crowley of
20 Queens, Council Member Jim Gennaro of Queens and
21 Council Member Lewis Fidler of Brooklyn. So, I
22 also asked if, which buildings were primarily
23 effected, would it be commercial or residential?

24 COMMISSIONER LIMANDRI: Right, so
25 for the 420 plus, it would be for office buildings

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and hotels, not residential.

CHAIRPERSON DILAN: Residential in effect--

COMMISSIONER LIMANDRI:
[interposing] Unaffected. So, for the 120 feet, for the firefighters, that would be for all buildings.

CHAIRPERSON DILAN: For all buildings? Okay, and that leads me right into the next line of questioning 'cause I understand that that item is under dispute.

COMMISSIONER LIMANDRI: Well, actually it was challenged, it went through mediation. The Department made changes and it is in through the, through our oversight we have made our final decision which is before you today, which is this third option. So it's--

CHAIRPERSON DILAN: [interposing]
All right, so--

COMMISSIONER LIMANDRI: --in our mediation process.

CHAIRPERSON DILAN: Okay, that's good.

COMMISSIONER LIMANDRI: To provide

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to you.

CHAIRPERSON DILAN: That's good to know. So, I guess, let's talk about disputes in general. Please walk us through the process that your Department dealt with, disputes amongst committees or stakeholders over elements of the code revision and since you just spoke about the mediation process please include what that process involves.

COMMISSIONER LIMANDRI: So, what ends up happening is that the committee chair, technical committee, reviews all the provisions and tires to come to consensus with the experts that are on the Committee. If they don't come to consensus on a particular item they claim, they declare an impasse and request for mediation. Once mediation is identified we as the Department of Buildings, the mediator, we ask for a position papers, meetings and we facilitate to try to come to consensus. And the First Deputy Commissioner, Tom Fariello reviews those items and tries to come to consensus with James, the two of them try to come to consensus on a particular time. So, in a particular case someone may submit a position

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2 paper, they may submit emails, and they have a
3 discussion, they meet. If they can't come to a
4 consensus then it's up to the Department to make
5 its best determination. And we put that forward
6 to you in a bill. So, ten items were forwarded to
7 the Department for Mediation, five items reached a
8 consensus during the mediation and five items were
9 decided by Tom Fariello, the First Deputy, who
10 issued a determination on those mediated items.
11 And those items are, will be identified in the
12 code and proposed and showed to you what we've
13 decided to propose to the committee.

14 CHAIRPERSON DILAN: Oh, so they
15 will be identified as such as disputed items that
16 went through mediation?

17 COMMISSIONER LIMANDRI: Right, so
18 we'll show you those five items. We'll show you
19 our determination and why and then it's at that
20 time where it's in the bill, you'll review it and
21 the you'll be able to--

22 CHAIRPERSON DILAN: [interposing]
23 Okay, what were those particular five items?

24 COMMISSIONER LIMANDRI: Okay, just
25 a second. [off mic]

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MR. COLGATE: So, as the Commissioner said there were ten items but we got, came to consensus with the stakeholders on five of them and there were five left. One of them dealt with accessibility regarding drinking fountains, one of them regarded formwork design which we had talked about earlier and one of them dealt with rigging and rigging operations during construction operations. And one of them dealt with the additional stair, the occupant evacuation elevator issue and the last one dealt with the fire service escalator. Those are the five mediated items for which at least one person on the committees of hundreds said I disagree and that's where we are.

CHAIRPERSON DILAN: All right. So all those five items how, have outcomes at this juncture?

MR. COLGATE: That's right. And--

CHAIRPERSON DILAN: [interposing]
What are the outcomes?

MR. COLGATE: Okay.

CHAIRPERSON DILAN: On the four others if you, you've told me one for the record, what are the outcomes on the four?

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2 MR. COLGATE: So, for
3 accessibility, how do I say this quickly? It's a
4 complex subject but the local law provisions that
5 allowed for bottle fillers, do you remember that
6 bill?

7 CHAIRPERSON DILAN: Yeah, yeah.

8 MR. COLGATE: Okay, you remember
9 that. Was retained despite some objections from
10 the accessibility committee over whether or not
11 people who are unable to hold cups can use it by
12 requiring that when you use the bottle fillers
13 that there be a water fountain nearby. But you
14 still get the reduction of 50 percent. So, that
15 was our proposal towards the bill. The other one
16 is formwork and this has to do with whether or not
17 the designer of the formwork the engineer who has
18 to actually say, this is where the wood goes, this
19 is how you tie it together, that's going to be
20 strong enough. It actually has it inspect that
21 formwork. There were some objections to that, we
22 put that, we could not come to consensus, some
23 people wanted one, some people wanted the other
24 and the bill went forward to you saying that the
25 engineer that designed the formwork has to inspect

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2 at least once the formwork as they build the
3 building. The other dealt with rigging operations
4 and there were some, I think, one person, maybe
5 two people who objected to the proposals that the
6 rest of the committee wanted and those rigging
7 operations dealt with construction operations.
8 And this was our attempt to provide safety on a
9 construction site. And in a consistent way and we
10 think that it's safe for the city and we'd be
11 happy to work with your staff to explain how that
12 works and we have a 15 page document that
13 describes or results and what we came to and what
14 the words are for each of the formations. And
15 then the other two were the fire surface - - and
16 the additional stair/occupant evacuation elevator,
17 which the Commissioner talked about.

18 CHAIRPERSON DILAN: Yeah.

19 MR. COLGATE: So, those are the
20 five.

21 CHAIRPERSON DILAN: So, as it
22 relates to the rigging is, has, was that a result
23 of the rigging accident on 61st Street or are there
24 other reasons?

25 MR. COLGATE: I think so, no, I

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don't think so.

CHAIRPERSON DILAN: - - just, so, were issues treated differently depending on which committee brought them to you for objections or mediation?

MR. COLGATE: Were they treated differently?

CHAIRPERSON DILAN: Yeah, what, so basically by committee were all objections and disputes handled in the same manner?

MR. COLGATE: That's absolutely right. Well, what would happen is you, let's say your committee has 20 people on it, if one person says they don't like it, I refuse to agree, the committee chair declares an impasse and then it goes to this process.

CHAIRPERSON DILAN: Okay, so were there any mediated issues or other contentious issues from the previous code revision that required special treatment in this code?

MR. COLGATE: Oh, we had a process for that. So, when we started this we, the process, we had a mediation, a code handbook. It looks like this, it's no our website, thank you

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2 Helen for holding it up, and it explains that if
3 we went through a mediation last time and in the
4 last go around we had about 22? 28, we had 28
5 mediated times last time. we were not going to
6 address them in this code revision. So, for
7 instance, if there was a highly contentious issue
8 last go around, we determined this time that we
9 were not going to revisit that and reopen those
10 wounds and think again those issues. We let those
11 be in the code and those were as a given and we
12 worked around those mediated items from last time.
13 [off mic] 'Cause they're already been mediated,
14 yeah.

15 CHAIRPERSON DILAN: Okay, I just
16 wanted to ask for the record.

17 MR. COLGATE: Sure.

18 CHAIRPERSON DILAN: The new code is
19 just moving onto effective date.

20 MR. COLGATE: Mm-hmm.

21 CHAIRPERSON DILAN: Takes effect
22 270 days or nine months after the date of
23 enactment. Is this enough time to notify
24 stakeholders?

25 MR. COLGATE: Yeah. We thought

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2 about that quite a lot to figure out how long it
3 should be. There is two things here. One, the
4 stakeholders need to be notified, training, get
5 the word out, all that, but a lot of people really
6 want this and a lot of people want this earlier
7 than that but we need at least that much time to
8 change our forms, train our staff, get the word
9 out about it. People want it faster than that but
10 that's about as much time as we can whittle it
11 down to.

12 CHAIRPERSON DILAN: Okay, so what
13 timeline will be used to notify stakeholders and
14 will the rules that you may have to change be
15 posted online and issued through the Department?

16 MR. COLGATE: We have a pretty
17 sophisticated rule, web part, website on our
18 website where we post when the hearings are going
19 to be for each of our rules. We send out email
20 blasts explaining to people that we're having
21 rules and rule changes. We will be working at as
22 soon as we get a signature from the Mayor we will
23 go to work and get our rules done in a timely
24 fashion. We think there's not a problem with nine
25 months. We think that really will work. And it,

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2 if there was anyone who wanted to say they wanted
3 later than nine months then a lot of people say,
4 no, we want this earlier 'cause there's a lot of
5 cost savings in the mechanical field, MEP world,
6 all those people want this sooner.

7 CHAIRPERSON DILAN: I'm sure we'll
8 hear from them - - so...

9 MR. COLGATE: Yeah.

10 CHAIRPERSON DILAN: Is there a
11 provision in the bill that explains the potential
12 overlap of the old codes and the new codes?

13 MR. COLGATE: Yes. This bill does
14 not provide an existing building code, that's our
15 next project we want to get done. What this does
16 is it clarifies a lot of the provisions that are
17 already on the books which are a little
18 complicated to understand. We see this as one of
19 our streamlining efforts to make it clearer how
20 you do existing buildings and we've reorganized
21 things to make that clearer. There are not a lot
22 of new requirements for alterations to the
23 existing buildings here and as I said there are no
24 retroactive requirements.

25 CHAIRPERSON DILAN: Okay, and that

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2 led me to my final question and it may have been
3 answered already but what future revisions does
4 the Department have planned?

5 COMMISSIONER LIMANDRI: So, thank
6 you, James. What we plan to do is what we'd like
7 to see happen is that we start to create the
8 blueprint for moving forward on an existing
9 building code. That's where we would marry,
10 essentially we'd look at the international code
11 council, family of codes for existing buildings
12 and the different ways they handle it and look at
13 our different standards and come up with a
14 methodology of how to move forward. And this
15 program would be similar in that it would be the
16 first look at all of the older codes and trying to
17 figure out the best way that New York City can
18 handle the different buildings based on when they
19 were built and the codes that they matched. This
20 would be a significant undertaking but we think
21 that we can handle it.

22 CHAIRPERSON DILAN: I see, I think
23 he's about to walk out. But anyway, any changes,
24 I know he's going to want to ask this questions,
25 so I hope not. Were there any changes in the

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2 code, in this building code that are friendly to
3 the environment? We got a nationally renowned
4 environmentalist behind me so I'm sure he's going
5 to want to know the answer to that question.

6 MR. COLGATE: Yeah, I think we have
7 several things here. So, certainly we talked
8 about the fly ash in the cement. We talked about
9 the aggregate on the roof. We talked about our
10 flood zone resiliency. We also now are using a
11 national standard for green roof construction, you
12 know, there are things scattered throughout here
13 which are very good. I think a lot of the work
14 we've done by adopting the international
15 mechanical codes updates are actually going to
16 make things a lot better in terms of mechanical
17 efficiency. And you'll hear from the people on
18 the mechanical committees, there's someone here
19 from the [off mic] what? Yeah, who will talk on
20 those items. Oh, there, hey Mitch, there you are.
21 I didn't see you behind the column. And you will
22 hear a lot about the efficiencies we're going to
23 gain from the revisions and that's one of the
24 wonderful things about keeping up to date with the
25 modern codes. [off mic] The New York City Energy

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2 Code. Oh, yeah, yeah, and we're going to be doing
3 the energy code in, the New York State Energy Code
4 will be updated in about two months, probably
5 three months and we're going to at that time have
6 to update ours at the same time.

7 CHAIRPERSON DILAN: So, we have to
8 make the City revisions?

9 MR. COLGATE: We will. Yeah, and
10 we're working on that. It'll come to you in
11 enough time.

12 MALE VOICE 1: Thank you, Mr.
13 Chairman. Thank you for asking that question and
14 I think the Commissioner and all those people are
15 great Americans, I do.

16 CHAIRPERSON DILAN: Okay.

17 [laughter]

18 COMMISSIONER LIMANDRI: Thank you.

19 CHAIRPERSON DILAN: Take care,
20 Council Member. So, with that, do my colleagues
21 have any questions? Seeing none, you know,
22 obviously we've only had this for two weeks. It's
23 pretty tough to ask questions because there, my
24 staff or myself and I doubt any of my colleagues
25 have had time to review this or hear from

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2 stakeholders. It's going to be pretty hard for
3 individual members to review it but stakeholders
4 more than likely will call our offices and at that
5 time we may have to set up some process to bring
6 questions to you that need to be answered before
7 passage [crosstalk]

8 COMMISSOINER LIMANDRI: No,
9 absolutely. We're here all summer and we'd love
10 to talk to you.

11 CHAIRPERSON DILAN: All right,
12 well, I feel uncomfortable letting you go on a
13 bill of this size and this magnitude.

14 COMMISSIONER LIMANDRI: I
15 understand that [laughter] there is a requirement
16 to abuse the Buildings Commissioner but let's
17 [laughter] move on.

18 CHAIRPERSON DILAN: Well, we'll
19 have all summer to read through these documents,
20 you know, we certainly don't have all of our
21 questions ready and prepared now but we wanted the
22 opportunity to start the review of this document
23 and then have a public hearing on this document,
24 hear from stakeholders so that we could begin that
25 process. Again, we'd like to thank you for all

1
2 your work on this and the previous code and we
3 look forward to the adoption sometime before you
4 or I are, while we are still in our current roles.
5 So...

6 COMMISSIONER LIMANDRI: Absolutely.
7 Thank you so much. I really appreciate all your
8 help and support. You know, we really need it and
9 the people that you're going to hear from, most of
10 them, today the ICC and the different groups have
11 really helped this department be what it really
12 needs to be for the City. Thank you.

13 CHAIRPERSON DILAN: Thank you.
14 Okay, so I'm going to make an accommodation. I
15 understand there's some people who are from out of
16 town and need to catch a flight at a certain time
17 to get back home. So, we'll hear from, first from
18 Dotty Harris [phonetic] of the International Code
19 Council and then it'll be Jason. And Jason, when
20 you get up if I mispronounce your last name, you
21 please correct me? It looks like Avenel
22 [phonetic]? And Mitchell Siblinger [phonetic]. So,
23 if those three come forward. You don't? Well,
24 come forward anyway. [laughter] Somebody gave me
25 some bad - - I got... All right, so we'll hear from

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Dotty Harris first, I assume, Dotty, that you're opposed to the bill?

MS. DOTTY HARRIS: Yeah. [laughter]

No.

CHAIRPERSON DILAN: Okay, I just wanted to--

MS. HARRIS: [interposing] Very much in support.

CHAIRPERSON DILAN: I wanted to make sure 'cause you didn't fill out your card.

MS. HARRIS: I didn't?

CHAIRPERSON DILAN: No, you did, I'm teasing you. [laughter] Go ahead.

MS. HARRIS: Thank you. Good afternoon, Chairman Dilan, other Members and staff of the City Council and Committee on Housing and Buildings. My name is Dorothy Harris. I'm the Vice President of State and Local Government Relations and your liaison to the International Code Council. The International Code Council or ICC, to make it a little easier, is a member focused association dedicated to helping the building safety community and the construction industry to provide safe and sustainable

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2 construction through the development of codes and
3 standards used in the design, build and compliance
4 process. Most US communities and many global
5 markets choose the International Codes. The
6 mission of the ICC is to provide the highest
7 quality codes standards, products and services who
8 are all concerned with product safety and
9 performance in the build environment. I would
10 like to commend the City of New York for it's
11 outstanding work to ensure the safety and well
12 being of its citizens and Intro Number 1056, a
13 local law to amend the Administrative Code of the
14 City of New York, the New York City Plumbing Code,
15 the New York City Building Code, New York City
16 Mechanical Code and New York City Fuel Gas Code in
17 relation to bringing such codes up to date with
18 the 2009 editions of the International Building
19 and Mechanic, Fuel Gas and Plumbing codes with
20 differences that reflect the unique character of
21 the city and clarifying and updating
22 administrative and enforcement of such codes and
23 the 1968 code. Therefore, I offer the following
24 testimony in support of the legislation before you
25 today. The International Codes are currently

1
2 adopted at the State or local level in all 50
3 states, the District of Columbia, Guam, Puerto
4 Rico, the US Virgin Islands and the Northern
5 Mariana Islands. The International Codes are
6 revised and updated every three years by a
7 national consensus process that strikes a balance
8 between the latest technology and new building
9 products, economics and cost while providing for
10 the most recent advances in public and first
11 responder safety and installation techniques.
12 International Codes are correlated to work
13 together without conflicts so as to eliminate
14 confusion and building design or inconsistent code
15 enforcement among different jurisdictions. The
16 ICC Code Development process is open and inclusive
17 process that encourages input from all individuals
18 and groups and allows those government members,
19 including many representatives from New York City
20 to determine the final code provisions. I am very
21 pleased that several New York City Building and
22 Fire Department staff as well as other
23 organizations in the City participated to produce,
24 in the 2009 ICC Code Development Hearings. And as
25 a result several provisions of the current New

1
2 York City Construction codes and other local laws
3 have been incorporated into the 2009 codes, the
4 codes that are before you today. This involvement
5 and participation by personnel from the Department
6 of Buildings and FDNY is critical to the success
7 of future versions of the I Codes. The technical
8 and practical expertise of New York City building
9 and fire officials, design professionals,
10 builders, contractors, labor representatives and
11 all organizations interested in building safety
12 are vital to your adoption efforts as well as
13 ours. New York City is one of many jurisdictions
14 that values public and first responder safety and
15 the protection of our built environment by
16 updating fire, building, plumbing and energy codes
17 every three years. By regularly adopting your
18 construction and fire safety codes every three
19 years the City provides the safest and
20 economically prudent climate for its citizens
21 since it will allow the new use of new
22 construction standards or methods. Accordingly,
23 Intro 1056 will update the City's plumbing,
24 building, mechanical and fuel gas codes to reflect
25 recent building safety and efficiency standards

1
2 developed by the nations leading building
3 scientists, building, plumbing, fire department
4 officials, builders, general and plumbing
5 contractors, architects, engineers, product
6 manufacturers and discipline specific associations
7 with modifications unique to the city. The
8 International Code Council is honored to partner
9 with the City of New York and we look forward to
10 continuing to serve your needs. the next code
11 update will also, will be legislation to adopt the
12 2009 International Fire Code with New York City
13 modification. This bill will be heard by the Fire
14 and Criminal Justice Committee, I know the
15 Chairwoman was just here, later this year.
16 Additionally, one of the recommendations outlined
17 in the building resiliency taskforce is for the
18 City to adopt an existing building code based on
19 the International Building Code, existing building
20 code. Therefore, I stand ready to assist the City
21 in any way as it moves forward with the adoption
22 of these additional codes in the near future.
23 Thank you for the opportunity to present testimony
24 to you today in support of Intro 1056 and, of
25 course, I'm happy to answer any questions you may

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have or provide any additional documentation.

CHAIRPERSON DILAN: Okay, we'll do that at the end.

MS. HARRIS: Sure.

CHAIRPERSON DILAN: We have Mr. Avenel, did I say that correctly?

MR. JASON AVERAL: [phonetic] Averal. Thank you very much and thank you for the opportunity to testify today. My name is Jason Averal. I'm a Fire Protection Engineer at the National Institute of Standards and Technology. NIST conducted a test, technical investigation into the causes of the collapses of World Trade Center buildings one, two and seven that resulted from the September 11th, 2001 attacks. The City of New York was a partner to NIST assisting with the access to critical records and personnel during the course of our investigation. Derived directly from our technical findings, NIST issued 30 recommendations intended to identify as specifically as possible area in the current building and fire code standards and practices that warranted revision. New York City has commendably spent the last few years engaged in a

1
2 consensus based deliberative process to update the
3 local building codes and it strongly endorses
4 continuous improvement of building codes and
5 standards as well as the use of consensus
6 regulatory processes. Upon review the building
7 code provisions moved forward for the City Council
8 to consider includes several requirements fully
9 consistent with the NIST World Trade Center
10 recommendations, including provisions for photo
11 luminescent markings in high rise stairwells,
12 enhanced fire resistance requirements for
13 structural members in tall buildings, increased
14 bond strength and improved inspection requirements
15 for fireproofing, increased redundancy in the
16 design of fire sprinkling systems and hardening
17 and minimum separation requirements for exit
18 stairwells in tall buildings. On the other hand,
19 some IBC provisions related to the NIST World
20 Trade Center recommendations were amended,
21 including provisions for occupant evacuation
22 elevators, fire service access elevators and fire
23 command centers. NIST observes that the changes
24 reduce the overall fire safety performance of
25 elevator and stair accessed enclosures for

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2 occupant evacuation elevators and reduce fire
3 service access capacity and redundancy
4 requirements by allowing one fire service access
5 elevator to serve each floor. Despite this, we
6 note that the proposed changes provide a greater
7 level of safety to building occupants and
8 operational effectiveness to firefighters and
9 other responders during a building emergency
10 requiring evacuation or emergency access than was
11 previously required by New York City local law.
12 In conclusion, while work remains to fully
13 implement the recommendations of the World Trade
14 Center reports we feel that the current suite of
15 code changes related to the World Trade Center
16 recommendations will improve the overall safety of
17 occupants in tall buildings during emergencies as
18 well as improve the safety and effectiveness of
19 our first responder community during emergency
20 response operations. NIST remains ready to assist
21 New York City and other State and local
22 jurisdictions with the challenges of improving
23 safety of the public to the adoption and
24 maintenance of science based consensus building
25 codes and standards. Thank you.

1
2 CHAIRPERSON DILAN: Thank you, and
3 Mr. Simpler. Did I say that correctly?

4 MR. MITCHELL SIMPLER: You did,
5 simple to spell, simple to remember.

6 CHAIRPERSON DILAN: Good, just
7 wanted to make sure. [laughter]

8 MR. SIMPLER: You can be amazed how
9 many people don't get it right. Anyway, Chairman,
10 thank you and the Council Members thank you for
11 the time to present testimony. My name is
12 Mitchell Simpler [phonetic]. I am here to support
13 Intro 1056, specifically the proposed and updated
14 2012 Construction Codes for the City of New York.
15 I am the Managing Partner of Jarros, Baum and
16 Bolles Consulting Engineers [phonetic] which is
17 located here in New York City, been here for 98
18 years. JBB is considered to be one of the
19 foremost consulting engineering firms in the world
20 and has provided and designed the mechanical and
21 electrical systems for some of the most
22 prestigious buildings in world including the
23 original World Trade Center, the Moscow World
24 Trade Center and the Bank of China and both Hong
25 Kong, Beijing and the Willis Tower, formerly known

1
2 as the Sears Tower in Chicago. We are currently
3 design engineers for the new World Trade Center
4 towers one, two, three and four and the September
5 11th Memorial Museum. We also are the engineers
6 for the Manhattan West Project, Hudson Yards, Rude
7 in West Village [phonetic] Columbia Universities
8 Manhattan Ville Campus and the new Kimmel Pavilion
9 Hospital [phonetic] at NYU Langone Medical Center.
10 More importantly, we've also completed some other
11 noteworthy projects in New York which has also
12 been groundbreaking from a code and safety
13 standpoint, much of which that technology has been
14 incorporated into the code today. And that was
15 for One Bryant Park, the headquarters for, the
16 Northeast headquarters or Bank of America. But
17 more importantly, I'm here representing the
18 American Council of Engineering Companies for New
19 York. I currently serve as its chair, T minus two
20 weeks, and then I move onto the national board.
21 But it represents all of the major consulting
22 firms in New York City.

23 CHAIRPERSON DILAN: Congratulations.

24 MR. SIMPLER: But more importantly,
25 I'm also the Chairman of the Mechanical Code

1 Rewrite Committee for the City of New York and was
2 very much involved in the mechanical code section
3 here as well as several chapters in the fuel gas
4 code. And then, obviously, well, obviously to me,
5 as a result of being Chairman of the Mechanical
6 Code I served on the Managing Committee which had
7 oversight over the whole code rewrite. For the
8 previous code revision which resulted in the 2008
9 New York City Construction Code I chaired three
10 subcommittees working approximately 18 months with
11 dozens of other subcommittee members adopting the
12 2003 International Mechanical Code to the special
13 needs of New York City forming the current 2008
14 Mechanical Code. As in the intervening, as you
15 may recall, prior to the 2008 building code which
16 was adopted in 19, the previous code was in 1968,
17 and had survived for 42 years and had become
18 technically outdated, voluminous and unwieldy for
19 both practitioners and those assigned to
20 administer it. For those reasons Patricia
21 Lancaster formed a managing committee as well as
22 associated technical committees to adopt and
23 modify the International Building Code and its
24 corresponding I Codes to meet the unique needs of
25

1
2 New York City. As a secondary, perhaps equally
3 important feature of the International Code
4 Council who administrates the International
5 Building Code, its commitment was to review and
6 update the codes on a three year cycle, that's the
7 issue you brought up earlier. New York City would
8 follow the same procedure update in the
9 intervening three plus years that the 2008 New
10 York City Building Code has been in existence, I
11 believe the building community has generally been
12 pleased with the outcome of the new code. We have
13 found in the community that uses the code and has
14 to live with it on day to day basis. We have
15 found the Mechanical Code easy to understand and
16 apply, and more importantly, we are better able to
17 work with the Department of Buildings personnel in
18 addressing some of the more complex problems that
19 arise in new building designs. Due to the
20 complexity of adopting and formulating the
21 building code and the other I Codes we missed the
22 2006 update. However, in December 2011 I was
23 asked, again, the Chair the Mechanical, HVAC and
24 Boiler Technical Committee to update both the 2008
25 New York City Mechanical Code as well as portions

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2 of the 2008 New York City Fuel Gas Code. The
3 process that was followed was one in which
4 Building Departments personnel first reviewed both
5 the 2006 and the 2009 versions of the
6 International Mechanical Code as well as the
7 International Fuel Gas Code and then gave the
8 integrated composite draft to the Technical
9 Committee for our review as a, and revision as a
10 base document. In addition, the Technical
11 Committee was expanded to include members
12 representing the engineering community, union
13 workers, contractors, representatives of the real
14 estate board in New York known as REBNY, and
15 building owners and managers associated BMA,
16 representatives of the DOB, the DEP, FDNY, SCA,
17 and NYCHA were all part of the committee, thus
18 forming a broad and balanced consensus group. we
19 worked for approximately 18 months and literally
20 thousands of volunteer hours reviewing and
21 implementing the changes within the international
22 mechanical code and fuel gas code determining how
23 and where the changes should be applied within the
24 code. To highlight some of the updates we added
25 and refined the definitions within the code to

1
2 better reflect today's technology and equipment
3 uses. We coordinated the multiple overlapping
4 sections between the mechanical and fuel gas codes
5 to simplify requirements and make them consistent.
6 More significantly, we updated the 2008
7 ventilation standards to be consistent with
8 national standards produced by ASHRA [phonetic]
9 and the generally accepted practices that clarify
10 the ventilation requirements for multiplicity of
11 occupancy types and foster significant savings.
12 We significantly improved the requirements for
13 many types of exhaust systems found throughout the
14 city to make it easier for the design community as
15 well as the code enforcement agencies to
16 understand the requirements and the letter of the
17 code. We clarified the use and application of
18 smoke detectors and mechanical systems and
19 coordinated these clarifications with all the
20 related code sections as well as FDNY. That too
21 results in significant cost savings. We
22 coordinated the mechanical code with the New York
23 City DEP and noise code to eliminate conflicts, we
24 updated the boiler section of the code to be
25 consistent with ASME national codes as well as

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2 NFPA codes governing same. We updated the
3 refrigeration section of the code to recognize
4 current refrigeration, sorry, current refrigerants
5 in use today and to be consistent with FDNY
6 regulations governing refrigeration use. We added
7 appropriate code language for high temperature hot
8 water heating systems that are being used more
9 often in New York which were not previously
10 covered by the code and we clarified several key
11 sections of the fuel oil piping section to improve
12 safety and simply the codes intent. We also
13 clarified section, to the 2008 New York City
14 mechanical code and the 2008 New York City fuel
15 gas code that were not clear as originally, were
16 not as clear as originally envisioned. In
17 addition, building bulletins issued in the
18 intervening years that were used to clarify
19 section of the code were also researched, vetted
20 and brought into the body of the proposed code.
21 The results of our work are the code changes
22 before you in Intro 1056. I believe that these
23 changes to the mechanical code and the fuel gas
24 code will make these two great codes even better.
25 These changes will allow our codes to remain

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2 current with the rest of the building industry and
3 clarify points that were not entirely clear as
4 originally written and will put New York City back
5 on track to keep our codes updated on the three
6 review cycle consistent with New York State and
7 the International Building Code. Therefore, on
8 behalf of ASEC New York, the New York City
9 Mechanical, HVAC and Boiler Technical Committee
10 and the design engineering community as a whole I
11 urge this committee to accept and approve Intro
12 1056. Thank you.

13 CHAIRPERSON DILAN: Thank you and
14 we'll just start out with some questions just
15 very, very briefly. One for Dotty and you didn't
16 reference it in your testimony but I know you have
17 your own set of the IBC, the ICC has their own set
18 of green codes. Has the Department worked with
19 the ICC on the version of the green codes that you
20 have, have those been incorporated into this bill?

21 MS. HARRIS: You're referencing the
22 International Green Construction Code.

23 CHAIRPERSON DILAN: Yes.

24 MS. HARRIS: That's actually an
25 overlay document so it's not, it's meant to really

1
2 work very well with the rest of the International
3 Code. So, it would work very well, I would
4 recommend for the City of New York. It is
5 something that we would have discussed but it
6 hasn't been a code that has been brought forward
7 as one of the adopt, next version to be adopted as
8 yet.

9 CHAIRPERSON DILAN: Oh, so they
10 haven't taken any of the recommendations at this
11 juncture on - - specifically working with the
12 Green Codes Taskforce as you see it right now?

13 MS. HARRIS: Yeah, I can tell you
14 that there are, I mean, we have one of our staff
15 engineers has taken a look at some of the
16 recommendations that originally came out in the
17 Urban Greens Recommendations. And a lot of those
18 are in the IGCC, which is the acronym for the
19 International Green Construction Code. But
20 nothing specifically referencing the IGCC as yet.
21 I can tell you the State of New York is going
22 through their update right now and they will be
23 incorporating the IGCC as what's called a more
24 restrictive local standard throughout the State of
25 New York. Jurisdictions are allowed to adopt more

1
2 restrictive standards so, for example, Tarrytown
3 has already adopted the next version of the Energy
4 Code which New York City will be adopting next.
5 So, hat just gives you an example, jurisdictions
6 are allowed to do that with the State of New York
7 will be doing when the Code Council will meet
8 again will be referencing IGCC as kind of an
9 adoptable, more restrictive local standard. So,
10 as jurisdictions choose to go forward with the
11 International Green Construction Code the Code
12 Council will kind of rubber stamp that and allow
13 that to stand as an MRLS.

14 CHAIRPERSON DILAN: Oh, okay. And
15 to Mr., let's see, now I have the mispronunciation
16 of your name stuck in my--

17 MR. AVERAL: [interposing] Averal.

18 CHAIRPERSON DILAN: Averal.

19 MR. AVERAL: Yeah.

20 CHAIRPERSON DILAN: First I want
21 to, I didn't thank you at the outset for your
22 institutions work on behalf of the City post 9/11
23 for many of us who live in this city and have went
24 through that. And I know some people were
25 affected but wasn't directly affected. You know,

1
2 we certainly appreciate the work and help that
3 every institution provided this city at that time.
4 So, you also stated that you were in favor of the
5 bill and I guess you were directly involved in
6 policy for one of the items that was in dispute
7 and was mediated, thank god. Could you just
8 elaborate from your opinion why you feel that from
9 a safety perspective that continues to be
10 necessary and should be added to the code?

11 MR. AVERAL: Yes, thank you. I was
12 on both the ASME task groups that worked for a
13 period of years in a very open and consensus
14 process to develop the set of recommendations for
15 both occupant evacuation elevators as well as fire
16 service access elevators. And that was the work
17 of literally thousands of hours through a very
18 open and collaborative process using an ISO hazard
19 analysis process. There are hundreds of pages of
20 hazard analysis backing up the recommendations
21 that went into occupant evacuation elevators and
22 fire service access elevators. Subsequent to that
23 the committee made recommendations to the
24 International Building Code as appropriate to the
25 ICC process. I'm also a member of the Means and

1
2 Egress Committee and the International Building
3 Code and sat on that committee as well. And the
4 product formed the basis of the 2009 version that
5 New York City is considering today. Subsequent to
6 that then New York City has its process and made
7 some changes that I noted in my written comments
8 as opposed to my oral testimony that are
9 certainly, as a member of the Federal Government,
10 we understand and respect the order of the
11 process, that this is a State and local issue.
12 We're here merely to comment that many of these
13 recommendations are consistent with the overall
14 intent of the NIST World Trade Center
15 recommendations where we did not put thresholds
16 into our recommendations. We put, rather,
17 performance language into our recommendations and
18 that's, we're confident in our conclusion that
19 overall the safety of building occupants and
20 safety of our emergency responders is improved by
21 the bill that you have in front of you.

22 CHAIRPERSON DILAN: Thank you.

23 Thank you again for your service.

24 MR. AVERAL: Thank you.

25 CHAIRPERSON DILAN: Mr. Simpler, I

1
2 see your impressive body of work and impressive
3 resume that you have in your statement to us. I
4 also see that you are doing a lot of work on a
5 good number of projects that have been through
6 ULURP here in this city, so thank you from a
7 professional perspective, helping, you know, build
8 this city and keep it vibrantly competitive. And
9 to continue to have the skyline that has made us
10 famous throughout the world. And the, in my
11 opinion the highlight of any skyline that is New
12 York City is the World Trade Center. So, I also
13 want to thank you for serving on previous code
14 committees as well as the managing committee for
15 this code and as well as 2008. I guess, tell us a
16 little bit about your experience in the process,
17 maybe a little bit more depth than you did in your
18 statement as a member of the managing committee.
19 I guess, tell us what led you to some of the
20 decisions that you made on boilers and the like
21 that you were necessarily. And how did the
22 conversation go and how easy it was to achieve
23 consensus and resolve any disputes if that was
24 your charge?

25 MR. SIMPLER: It would be my

1
2 pleasure. I think one of the virtues, and I'll
3 hold the Managing Committee discussion 'til the
4 end, I don't think I can work into that. One of
5 the virtues of the code committees as they've been
6 set up is that they are truly consensus
7 committees. The majority of the people that from
8 the committees, including the leaders of the
9 committee both myself as chairman and my co chair,
10 Chet Vogel, we are all living, working, practicing
11 engineers and we've been doing it for quite a
12 while. And the virtue that I have of being, not
13 only a New York City engineer but an international
14 practice, I'm able to bring back to these
15 committee meetings the experience I have in
16 dealing with other codes. Surprise, surprise, the
17 New York City code isn't the code of the world.
18 The ICC family of codes certainly have taken a
19 significant front row seat in developing codes
20 around the world but we're able to because of our
21 practical experience, bring that to the different
22 code direction back to our committee and give that
23 perspective to the committee when we're discussing
24 specific issues. Particularly when it comes to
25 smoke control, life safety issues, smoke damper,

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2 smoke detector strategies. And as I said before,
3 because we're a consensus group we found, a
4 consensus group of working, practicing engineers
5 and contractors and owners. It was surprisingly
6 easy to get the people to understand what the
7 issues were and why the solutions that we've
8 ultimately ended up with were the right solutions.
9 And so we had no contentious issues, when I say
10 none there were, nothing that went to mediation.
11 There were certainly enough issues where we had
12 different perspectives. We have the owners
13 looking at it from one, no, they have to pay for
14 it, they have to operate it and they have to
15 maintain it, and they want to make sure that the
16 design community understand that there is more to
17 it than just coming up with a terrific design.
18 Dan again, the consensus group that we had was
19 very, very good and getting through all the issues
20 and I believe that what we have before you
21 certainly from the codes sections that my
22 committees represent, are truly consensus and have
23 been accepted by the entire community, owners,
24 operators, fire department, practitioners and we
25 really believe that we've done as good a job as

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2 can be done. We also believe that this process is
3 not over. That technology changes and we as a
4 code group need to be able to continue our work in
5 introducing the newer and better technologies as
6 they become available. And certainly the process
7 that we did this time was cleaning up the code,
8 the 2008, which was a very big lift but we are
9 also doing a lot of updating the code to represent
10 what best technology or best thinking is out there
11 at the, as of this date, with the expectation that
12 we will continue the process.

13 CHAIRPERSON DILAN: And the
14 expectation is that we continue to review upgrades
15 and updates in technology as every code
16 provision--

17 MR. SIMPLER: [interposing] Just as
18 the ICC is doing it and FPA does it and ASME and
19 ASTM and all the other testing and standards
20 groups are continually evolving their standards.
21 We need to be doing the exact same thing.

22 CHAIRPERSON DILAN: I'll tell you,
23 I was a part of the adoption of the last code but
24 wasn't the Chairperson while most of the original
25 2008 code was being constructed. But I have to

1
2 say that that was a masterful stroke in allowing
3 to keep this document current 'cause if we had to
4 wait another 40 years before we updated the codes,
5 technology is changed in the 12 years that I've
6 been here. We didn't have cameras on phones or
7 weren't able to take pictures on phones. So, if
8 we had to wait another 40 years we'd be so far
9 behind so I want to thank you for that effort.

10 MR. SIMPLER: And just to, let me
11 round out the process. As I said, they were truly
12 consensus groups but the other big advantage is
13 that the Department of Buildings representatives
14 are part of the process. So, they now have the
15 understanding of not just what was written but why
16 it was written. And that's very important because
17 they're the ones that ultimately have the
18 responsibility of interpreting the code. And so
19 we need to make sure that they are clear as to
20 what the intent is so that when code
21 interpretations and applications are rendered they
22 have the benefit of having the backgrounds. And
23 so it's critical that they, and they did very
24 actively participate in the process. Now, I said
25 I work in the management, to me the managing

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2 committee was just was just an extension of that.
3 So, all of us who worked on our relative code
4 sections, then we meet with the managing committee
5 and we do, we present, each of us presents the
6 results of our work with our committees to the
7 full managing committee and again, give them the
8 benefit of the background was changed and the more
9 importantly, why. So, that it was relatively easy
10 and straightforward to present the changes because
11 we had the opportunity to give them the background
12 that goes with it. So, it was, I think the
13 process is terrific.

14 CHAIRPERSON DILAN: Great, and I'm
15 glad to hear that. It works out for me as well
16 because there's less disputes to resolve at this
17 level which makes my life certainly easier. I
18 want to thank you all for your time and your
19 testimony and your service to the City throughout
20 this endeavor. We certainly appreciate your
21 experience and your expertise, most of which you
22 will not find in this Council. So, we certainly
23 thank you for that service to us and to the City.
24 Thank you all for your time and for your
25 testimony. I also wan to, I was remiss to not

1
2 thanking someone who did not come up to testify
3 with her colleagues but Helen Gibbleson [phonetic]
4 who has done a tremendous amount of work on both
5 codes. I want to publically thank you as well.

6 MS. HARRIS: Just to that actually
7 I should also mention, Helen serves on our main
8 jurisdictions committee so we have a lot of
9 technical committees but we also have other
10 committees, one of which is the major
11 jurisdictions committee. Of course, New York City
12 is a major jurisdiction and so a lot of the things
13 that are before you, she's able to take to the
14 national level and best case scenarios in other
15 States, other jurisdictions are able to use that.
16 So...

17 CHAIRPERSON DILAN: [interposing]
18 I also wanted to thank her because she's one of
19 the few people that worked on the 2008 code that's
20 not in the private sector yet. So, [laughter] we
21 want to thank her. We want to thank her for that.
22 Thanks guys, really appreciate it. So, at this
23 time I'm going to hear from a panel that is in
24 opposition to the code to keep some balance.
25 We'll hear from, and please correct me again if I

1
2 mispronounce the name. It looks like Robert
3 Stray, Strong [phonetic], come forward, Mr. James
4 Conway [phonetic], and Debbie Keen [phonetic] and
5 I'm going to take all these as, well, I have one,
6 I have two opposed and one that's in favor with a
7 suggested minor modification. So, I just want to
8 clarify that. And everybody can, I guess, state
9 their positions on the bill as they come forward
10 and testify. Yeah, if you guys don't mind, we're
11 going to defer to the ladies. We'll allow Miss
12 Keen to go first. I know one of the, I'm sure
13 both of you look like perfect gentlemen and would
14 do the right thing in this case. So, even though
15 I've introduced you if you could introduce
16 yourself in your own voice and then you can get
17 into your testimony. When the light is on the mic
18 is on.

19 MS. DEBBIE KEEN: There we go.

20 CHAIRPERSON DILAN: Yeah, we got it
21 now.

22 MS. KEEN: Well, good afternoon.
23 Thank you, Chairman Dilan, and the rest of the
24 Committee.

25 CHAIRPERSON DILAN: Bring the mic a

1
2 little closer so we can hear you. We have to hear
3 everything for the record for recording purposes.

4 MS. KEEN: Okay. My name is Debbie
5 Keen and I am a project manager for, specifically
6 with DOB compliance for Schindler Elevator but I
7 testify here today on behalf of NEI, the National
8 Elevator Industry. As we've been discussing we
9 know there's been much work done to prepare the
10 draft building code revision for New York City.
11 We wish to thank the Housing and Building
12 Committee as well as the Department of Buildings
13 for their efforts to update the New York City
14 elevator codes. In particular, NEI does support
15 the adjustment to the category one correction
16 timeline to 120 days from the test date. The 120
17 day timeframe, however, is in a bit of jeopardy
18 before it's even enacted. This will occur if the
19 deficiencies noted during a test are not
20 communicated and provided to the maintenance
21 company at the time of that test. To this end,
22 NEI is asking for the, a slight modification to
23 the code draft that would require all violating
24 conditions to be disclosed to all parties present
25 on the day of the test. We have further, there's

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2 further written detail in the documentation that
3 we've provided to you. And while the timeframe is
4 our main concern we'd like to offer suggestions
5 while to address the potential conflict that can
6 arise between building owners and their
7 consultants. The current proposed code identifies
8 the potential conflict of interest between the
9 witnessing agency and the inspection agency. NEI
10 believes that the building owners and the
11 consultants should also be independent of
12 influence of and of conflict of interest between
13 the building owner and the witness. To address
14 this issue we suggest that the witnessing agent
15 should only act as a witness and not have any
16 consulting or other relationship with the owners.
17 Eliminating the potential for the witnessing
18 agency to act in a dual role with the owner will
19 avoid any bias or conflict in how they perform
20 that witnessing function. For this reason, we ask
21 that the draft code be changed to prevent conflict
22 of interest for all parties. NEI can support the
23 draft code revisions as they relate to elevators
24 and escalators with these few but critical
25 clarifications. I thank you for your time and we

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2 have submitted our comments, our written comments
3 that contain more detail of our position but I'm
4 happy to answer any questions that you may have.

5 CHAIRPERSON DILAN: Just on, thank
6 you for summarizing it. What we'll do is we'll
7 make sure that your entire statement is in the
8 record in its entirety and we'll have questions
9 for you after these two gentlemen testify. So,
10 next we'll go to Mr. Strong.

11 MR. ROBERT STRONG: The
12 Architect Council of New York is an umbrella group
13 that represents the Architectural organizations.

14 CHAIRPERSON DILAN: And if you
15 could just identify yourself--

16 MR. STRONG: Oh, I'm sorry.

17 CHAIRPERSON DILAN: --in your own
18 voice. Go ahead.

19 MR. STRONG: Yes, I'm Robert Strong
20 and I'm the Director of Legislative Impact for the
21 Architect Council of New York. And so we support
22 the update of the New York City Administrative
23 Building Code but we have not had sufficient time
24 to review and comment on the drastic changes made.
25 That there is, as you previously mentioned, 2,500

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2 pages of revised code. The Architect Council
3 feels that there should be hearings section by
4 section on the full code or at least the disputed
5 sections of the code. There needs to be an
6 economic impact review of the provision of the
7 intro that affects existing buildings adversely
8 and creates confusion. And as an example the
9 Architects Council of New York points to the
10 impact on not for profit clubs and churches with
11 public assemblies that serve the constituents and
12 the public of New York City. Many of these long
13 existing institutions of the City of New York were
14 required to file new public assembly applications
15 for their current legal venues. With no current
16 reasonable avenue of reconsiderations in the
17 Department of Buildings these community
18 organizations will find that they no longer can
19 provide vital services to the public. The
20 nomenclature of adding sections and changing the
21 numbering system going forward in the IBC, we
22 believe will create unending confusion. The City
23 of New York should be the leader of building code
24 innovation, not the follower. We have
25 approximately 80 percent of the tallest buildings

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2 in the world and the experience and expertise to
3 draft clear and concise codes. However, the
4 current intro is not fully reviewed and cannot be
5 fully examined, we believe, in one hearing. As
6 the economic impact to the city is monumental, the
7 architects practicing in New York City would like
8 the Council to permit extensive review of this
9 proposed change section by section.

10 CHAIRPERSON DILAN: Okay, then next
11 I will call on Mr. James Conway.

12 MR. JAMES CONWAY: Good afternoon,
13 Honorable Chairman and Honorable Councilman
14 Fidler. I'm here, my name is James Conway. I'm
15 with the Operating Engineers Local 1414B.
16 Honorable Chairman, yesterday on the parade route
17 LeBron James had to warn his fellow teammates
18 about overheads on the parade. We're just asking
19 you to give labor a little chance to take a look
20 at this document so we can give our fellow
21 tradesmen a heads up on what we see in these
22 building codes. Honorable Chairman, we promise to
23 hit the road running. Tomorrow we have a labor
24 forum. We're going to look at why there was 90
25 percent of the fatalities on non union jobsites

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2 last year. We're also going to analyze why there
3 was 17 fatalities due to Hurricane Sandy relief
4 work. We should have comments for you right after
5 this forum or during the forum and we look forward
6 to working with your committee and seeing the
7 errors or omissions that we see in these building
8 codes. Thank you.

9 CHAIRPERSON DILAN: So, I just want
10 to start with the two gentlemen first because it
11 seems like, we'll start with Mr. Conway, so you're
12 objection is not at this juncture. Anything
13 specific to the code it's just blanket objections
14 in case the, you know, members of organized labor
15 find any positions that they are objecting to
16 within the codes as they review them, is that
17 correct?

18 MR. CONWAY: Yes, yes.

19 CHAIRPERSON DILAN: All right. So,
20 just to your knowledge, to what extent was labor
21 involved in the various committees that the
22 Buildings Department did for their review?

23 MR. CONWAY: On the codes in 2008
24 we did have a labor advisory committee. The
25 Department of Buildings felt it wasn't necessary

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so there was no labor advisory committee during this time.

CHAIRPERSON DILAN: So, labor advisory committee was removed. Were there any members of organized labor that served on any of the standing review committees that the Department of Buildings used during this process?

MR. CONWAY: Yes, they were at the BTA committee, the one that the BTA hosted. We had several, we had about four members there, four building tradesmen there.

CHAIRPERSON DILAN: On the BT, on the contractors committee?

MR. CONWAY: Yes, yeah, they were there.

CHAIRPERSON DILAN: Okay, and then Mr. Strong, I think it would be very difficult for this committee to do a hearing section by section. It would be ideal, just difficult. What we are going to do, as you heard from Mr. Colgate earlier, is we are going to receive a document on highlighted changes and the major changes. We don't yet have those. This is the beginning of a process, certainly not the end of the process. We

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2 don't expect that this bill will be voted on for
3 passage at this juncture or any time within the
4 next few months. We do expect, however, to have
5 to be done with this before the end of the year.
6 So, with that, there was some specific things in
7 your testimony that were concerning and I wanted
8 to get your opinion. First, let's start out were
9 the Architects Council of New York involved or
10 involved in or members of any of the committees
11 that the Buildings Department had for this review
12 cycle? Could you just state that into the record
13 more clearly? I'm not sure if the record picked
14 that up.

15 MR. STRONG: Yes, we were.

16 CHAIRPERSON DILAN: You were. So,
17 what committees were you members of, to your
18 knowledge if you don't know them all?

19 MR. STRONG: I have, Kim Voss
20 [phonetic] is in the audience. She also, on this
21 thing, she was the member of the committees and
22 she might be able to address that specifically,
23 that question?

24 CHAIRPERSON DILAN: I'm sure she's
25 signed up to testify - - you're signed up to

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testify? [off mic] No?

MR. STRONG: But I--

CHAIRPERSON DILAN: [interposing]

Do you want to join Mr. Strong for the purposes of providing and answer? It's your choice. Why don't you come forward and just identify yourself for the record. I don't know, stay right there. [off mic] Sergeant, could we provide one more chair, just one more chair for? You got, I think we can take the chair next to Mr., Council Member Fidler. Well, Miss Voss, identify yourself in your own voice for the record and you may have got thrown into the fire.

MS. KIM VOSS: Thank you. Hello, my name is Kim Voss. I'm an architect in New York City and I work as a co consultant. I was on the - - Occupancy Building and Classification Egress Committee.

CHAIRPERSON DILAN: Okay, and any other committees that your agency might have been represented on?

MS. VOSS: There were two other members on the committee with me, Michael Zinrich [phonetic] and Steve Zarinski [phonetic] who is in

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the audience.

CHAIRPERSON DILAN: Were you all on the same committee, no other committees?

MS. VOSS: Yes, there was a member on the administration committee.

CHAIRPERSON DILAN: Okay, so I got to imagine that your objections, I guess, went through the normal process and did not achieve consensus or else you wouldn't be here, is that accurate?

MS. VOSS: No, I don't think that we object to the code overall.

CHAIRPERSON DILAN: Uh-huh.

MS. VOSS: It's just some aspects of the code.

CHAIRPERSON DILAN: Uh-huh.

MS. VOSS: And I believe Mr. Strong is really objecting to the revision at the start in the administration provisions that have some ongoing changes to compliance for existing buildings. The previous code did not really apply to existing buildings but they put some changes in the sections at the start of the code, the administrative portion of the code that if you do

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2 a certain amount of work in an existing building
3 it has to be made to comply with the 2008 code and
4 that's more of what his objections were.

5 CHAIRPERSON DILAN: [crosstalk] Is
6 this the provision that Mr. Colgate referenced in
7 his testimony?

8 MS. VOSS: I didn't hear his
9 testimony. I came in afterward. Yes.

10 CHAIRPERSON DILAN: Okay, well, I
11 mean, to me it sounded to be credible. We
12 certainly can have a meeting. I would think it,
13 and maybe not all instances that Mr. Colgate
14 described may fit this description but if you're
15 substantially changing the building beyond 50
16 percent, you know, it would seem to me in my mind
17 fair that you would have to comply with the
18 current code. Now, I'm not a practitioner so I
19 don't know the difficulties that may or may not
20 arise from doing this but I thin the effort is is
21 to keep the code obviously current dealing with
22 the more updated code. Now, could you just
23 describe--

24 MS. VOSS: [interposing] Well,
25 we're two minds about that enough to comment on

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what you're saying.

CHAIRPERSON DILAN: [crosstalk]

Yeah, I know, that's fair. You're allowed to have a voice of opposition here and I certainly appreciate that. Could you just describe what happened at the committee level when you raised this objection? Could you describe that to me - - ?

MS. VOSS: Well, this was not in our committee. This was in the administration committee which [crosstalk] got presented to us, maybe, the start of--

CHAIRPERSON DILAN: [interposing]
Okay, got it.

MS. VOSS: --June, end of June?

CHAIRPERSON DILAN: So, you didn't get a chance to address this yet?

MS. VOSS: We had a few days to make a comment on this when they first brought it up. But I wasn't a part of that committee.

CHAIRPERSON DILAN: Okay. And were any other members of the Architects Council a part of that committee?

MS. VOSS: Yes.

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CHAIRPERSON DILAN: You were?

MS. VOSS: There was one member who was and he said, they actually, the original draft was more severe whereas if you changed, like, 25 percent of a building you would have to comply with the 2008 code and they moved it up to 50 percent. So, they had started with a lower threshold.

CHAIRPERSON DILAN: I see. So, there's still an objection but you were at least part of a process where your organization--

MS. VOSS: [interposing] Yes.

CHAIRPERSON DILAN: --had a member on that committee and that voice was heard and it was worked out at that level?

MS. VOSS: Yes, it was.

CHAIRPERSON DILAN: All right. But this, so there's still, the objection still remains and is it fair to say that that's the position of the Architects Council or just the position of Mr. Strong at this point?

MS. VOSS: It was a position of most of the Council, actually. But again, it was specific provision for specific buildings because,

1
2 you know, most of the building stock in the City
3 of New York is existing buildings. And a lot of
4 that was built prior to '68 under the '38 code.
5 And the leap from '38 to '68 to '08 and up is a
6 lot.

7 CHAIRPERSON DILAN: Okay, so what I
8 will, what I'll do is maybe myself or my staff
9 before passage will commit to a meeting with you.

10 MS. VOSS: Thank you.

11 CHAIRPERSON DILAN: But I do have
12 to say was it was a negotiated consensus process.

13 MS. VOSS: Mm-hmm.

14 CHAIRPERSON DILAN: That you did
15 have a member on and you had a member agree to
16 what was decided at that, in the administrative
17 committee. So I, you know I'm willing to listen
18 but I, you know, I do note that there is a process
19 and that it went through a process. But if you're
20 arrived in some way I, you know, do want to hear
21 that. But, you know, there was a process and you
22 were represented. If you weren't represented I
23 would, you know, think more favorably upon your
24 request but you were.

25 MR. STRONG: May I?

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2 CHAIRPERSON DILAN: Yeah, sure,
3 sure.

4 MR. STRONG: Miss Voss was on the
5 architectural committee and they did address the
6 mediation of the third stair in tall buildings.
7 And she could address--

8 MS. VOSS: [interposing] Oh, yeah.

9 MR. STRONG: --she could address
10 that a little bit.

11 CHAIRPERSON DILAN: Oh, it's been
12 mediated and at this juncture Miss Voss didn't
13 sign an appearance card so she would have to sign
14 one at this point and if she does want to
15 elaborate on that. There's many people that are
16 waiting to testify so she would have to fill out
17 an appearance card and kind of hold on. The time
18 is yours if you want to elaborate on it you can,
19 but--

20 MR. STRONG: [interposing] No, what
21 I would like to elaborate on is that, you know,
22 once we do receive this consensus, the outline of
23 all the changes from Mr. Colgate, we would like to
24 have a little time to fully review all of this
25 code because it's only really been out printed in

1
2 two weeks and it's overwhelming all of us as I'm
3 sure it is you.

4 CHAIRPERSON DILAN: Yeah, no doubt.

5 MR. STRONG: And so, we would be
6 happy to comment on specific provisions which we
7 feel did not turn out as we had thought they would
8 and so on and I think this has come up in a number
9 of different places where the actual written and
10 printed section of the code was not what we
11 thought it was going to be.

12 CHAIRPERSON DILAN: Well, at a
13 minimum you have all summer. You may have more
14 time. When you're ready you can contact Laura
15 Rogers who's the Counsel to Committee. I believe
16 you have her contact information? And then we
17 could discuss your document at that time. With
18 that, I want to get to [off mic] I want to get to
19 Miss Keen. Miss Keen, you laid out some specifics
20 as it relates to elevators in your testimony. And
21 I'm, I'll start by asking the same question, and I
22 have to imagine I know the answer but I want to
23 ask it. Was your organization represented in any
24 one of the committees at the Buildings Department
25 for this review cycle?

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2 MS. KEEN: I believe the answer is
3 yes for the Code Committee but much more on the
4 tech, yeah.

5 CHAIRPERSON DILAN: Okay, and which
6 committee was that?

7 MS. KEEN: It's the code committee
8 that deals with more of the technical side - -
9 places.

10 CHAIRPERSON DILAN: Technical?
11 Okay. It, were your objections that you stated in
12 your testimony raised in committee?

13 MS. KEEN: We didn't have this in
14 front of us in time. So, I can't say that they
15 were. However, the modifications that we're
16 asking for, I believe, meet with the intent that
17 the code committee was trying to convey. If you
18 look at the language that we're putting in there
19 it's really just clarifying and removing what can
20 be subject to interpretation. And what has
21 plagued us for the last couple of years with this
22 change.

23 CHAIRPERSON DILAN: All right, so
24 just for my benefit, could you just as simply as
25 you can reiterate your objection? A lot of it has

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2 to do, I believe, with the effective date and
3 communication. If you could reiterate it and
4 clarify it to see if it, I just wanted to make
5 sure I understand.

6 MS. KEEN: Absolutely.

7 CHAIRPERSON DILAN: Yeah.

8 MR. KEEN; Absolutely. The current
9 proposed change is increasing the timeline for
10 curing deficiencies found in a test to 120 days
11 from the date of the test.

12 CHAIRPERSON DILAN: Now, when you
13 say test, you know, the--

14 MS. KEEN: [interposing] Elevator
15 inspection test.

16 CHAIRPERSON DILAN: There's no
17 elevator experts up here so, so--

18 MS. KEEN: [interposing] Sorry,
19 it's an elevator inspection test.

20 CHAIRPERSON DILAN: Okay. Now,
21 what's the timeframe the provision calls for do
22 you recall?

23 MS. KEEN: The current proposal in
24 the draft.

25 CHAIRPERSON DILAN: Uh-huh.

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2 MS. KEEN: Is that the, any
3 deficiencies found during that examination.

4 CHAIRPERSON DILAN: Uh-huh.

5 MS. KEEN: Have to be cured within
6 120 days of that test taking place.

7 CHAIRPERSON DILAN: Okay, I was
8 confusing it with the effective, the objections,
9 to the effect date is different.

10 MS. KEEN: [crosstalk] Absolutely
11 not.

12 CHAIRPERSON DILAN: Okay.

13 MS. KEEN: There's no objection.
14 We welcome that change.

15 CHAIRPERSON DILAN: Okay. Got it,
16 I just wanted to make sure I understand.

17 MS. KEEN: And we are very
18 grateful.

19 CHAIRPERSON DILAN: Okay.

20 MS. KEEN: However, that only works
21 and it presumes that the maintenance provider know
22 what the deficiencies are at the time of the test.

23 CHAIRPERSON DILAN: Okay.

24 MS. KEEN: You're giving me 120
25 days but I have to know it at that date. Under

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current practice that doesn't happen.

CHAIRPERSON DILAN: What happens?

I've heard stories about this but if you could elaborate for the benefit of my colleagues, what happens in the - - ?

MS. KEEN: I have an example of a test result that I've received on last Tuesday and the, it was 43 days after the test took place.

CHAIRPERSON DILAN: Okay. And then the current code, I forget the code, proposed code, the current code allows for it to be cured in what timeframe?

MS. KEEN: 45.

CHAIRPERSON DILAN: So, you had two days?

MS. KEEN: Well, there's an additional, it's a two pronged effect in the current code.

CHAIRPERSON DILAN: Uh-huh.

MS. KEEN: And again, that's pretty much why this is coming up. When a test takes place today you have, and I'm going to be the, ask you to forgive me up front, I'll take you through a little bit of detail here. Currently, test

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2 takes place, there's 45 calendar days to file the
3 result of the test with the City. From that
4 filing date of the test we have 45 business days
5 to cure any deficiencies.

6 CHAIRPERSON DILAN: Okay.

7 MS. KEEN: The proposal change two
8 dynamics. It increases the cure period from 45 to
9 120 but also starts that cure period on the date
10 of the test. So, what we're asking for is to
11 clarify in the code that the practice today and
12 what has been in place since the change in 2009 is
13 that there's not an immediacy. We don't have to
14 know the deficiencies at the time that we're at
15 the test. This would indicate that if you're
16 putting the timeline at 120 from the date of the
17 test we'd have to know those deficiencies on that
18 date.

19 CHAIRPERSON DILAN: All right.

20 MS. KEEN: But without specific
21 provision that requires that, were afraid that it
22 will be subject to interpretation. The words are
23 just after the test. The way it's written today
24 it just says that the results of the test be
25 communicated after the test.

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2 CHAIRPERSON DILAN: Well, as a
3 general practice as it stands now the Buildings
4 Department or any official that they may contract
5 with, at what juncture, at what point in time do
6 they know the results of any violations that are
7 on a test?

8 MS. KEEN: EVT inspectors and ECB
9 that are actually employed by the City report
10 those results immediately, before they leave the
11 location. They leave the documentation at the
12 site.

13 CHAIRPERSON DILAN: All right.
14 So--

15 MS. KEEN: [interposing] There are
16 third party witnesses that are hired by an owner.
17 So, there's a little bit of a difference.

18 CHAIRPERSON DILAN: All right.

19 MS. KEEN: Same scope of the test,
20 same, there's 100 points that you can be evaluated
21 on during a test, same exact list is used for
22 both.

23 CHAIRPERSON DILAN: All right. So,
24 I'm glad that Helen is here, she can take it back.
25 I don't know if there's a mistake in language or

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2 if the Buildings Department did this as a result
3 of this review process intentionally. We, you
4 know, we certainly can find that out.

5 MS. KEEN: I think it's actually
6 with the sprit of what they intended.

7 CHAIRPERSON DILAN: Okay, so then
8 that could, that could be corrected and I think by
9 Miss Gibberson's body language you may be correct.
10 I'm not certain and I don't want to speak for her.
11 [laughter] Which I can't do but we'll certainly
12 follow up. I don't want to misrepresent her, it
13 wouldn't be fair to do that to her 'cause she
14 hasn't spoken and I don't want to put words into
15 her mouth. But we'll follow up and see if that's
16 something that can be corrected and modified. So,
17 with that correction you would be then in favor of
18 these codes, is that correct?

19 MS. KEEN: I'd like to take the
20 opportunity to take that back to NEI and discuss
21 it with then first.

22 CHAIRPERSON DILAN: Well, which
23 would be fair.

24 MS. KEEN: Yes.

25 CHAIRPERSON DILAN: Because it

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2 would be the first chance you get to, as everybody
3 else review the entire document. Okay, so we
4 certainly thank you for your time and testimony
5 and we did have one more question for Mr. Strong.
6 In your testimony you stated that there would be,
7 you highlighted an example on the impacts of the
8 code on not for profits, churches with the public
9 assembly licenses or public assemblies. Is that
10 referenced in the code? I know there was a
11 separate bill that was in the Fire and Criminal
12 Justice Committee. So, do, is that specifically
13 referenced as a change in this code or is that
14 part of another piece of legislation that you're
15 concerned about?

16 MR. STRONG: There are egress.

17 CHAIRPERSON DILAN: More directly
18 into the mic.

19 MR. STRONG: There are egress
20 sections in this code and they--

21 CHAIRPERSON DILAN: [interposing]
22 That would impact--

23 Mr. STRONG: --they're indirectly
24 impacting these old institutions. Most of them
25 are in old buildings, many times converted

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2 townhouses or older churches and the width of the
3 egress and the way the egresses are set up may not
4 be 100 percent compliant with the new code. But
5 they're now being forced to reapply because they
6 may have a public assembly permit issued under the
7 old system and it has to go into the new computer
8 system.

9 CHAIRPERSON DILAN: So, is this in
10 the new administrative sections? Do you know, it
11 is in the new administration? All right, because
12 then because it's in, so it's my understanding if
13 I'm under, I just want to see if I understand you
14 correctly. My understanding is that this largely
15 will deal with new buildings but because it's in
16 the administrative code you think it potentially
17 will deal with existing buildings as well?

18 MR. STRONG: Yes.

19 CHAIRPERSON DILAN: Okay, thank
20 you. I just wanted to make sure I understood you.
21 With that, I'd like to thank you all for your time
22 and testimony. I don't know, Mr. Conway, if you
23 had a chance to and ask if you were involved in
24 any of the disputed items around the rigging
25 portions of the bill that was up for dispute. Do

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2 you have any knowledge of that or any other
3 members are part of the construction trades, a
4 part of that discussion?

5 MR. STRONG: Yes, there was. That
6 was a - - and the others were involved in that.

7 CHAIRPERSON DILAN: Oh, okay.

8 MR. STRONG: So, they'll be there
9 tomorrow so we'll have more - -

10 CHAIRPERSON DILAN: Okay, thank you
11 all for your time and testimony. Thank you.
12 Okay, next we'll have Angela Pinski [phonetic],
13 Hannah O'Grady [phonetic], Phillip Parisi, Jr.
14 [phonetic] and Ramone Gilsance [phonetic]. And
15 please correct me for the record if I
16 mispronounced your name. You can give it to the
17 Sergeant at Arms and he'll give it to us. Phil
18 here too, he's hiding out in the back. I didn't
19 see you there, James. It's a good thing you're
20 standing. [laughter] I'm the only one that's
21 allowed to be incognito. You can't be incognito.
22 All right, why don't we begin with, we'll start
23 with the ladies again, that's going to be the
24 practice, sorry guys. You know, my mama raised a
25 proper gentleman. We'll start with Miss Pinski

1
2 and Miss O'Grady and then the guys will testify in
3 the order they were called up.

4 MS. ANGELA PINSKI: Good afternoon,
5 Chairperson Dilan and Members of the Committee on
6 Housing and Buildings. The Real Estate Board
7 representing over 14,000 owners, developers,
8 managers and brokers of real estate, real property
9 in New York City thank you for the opportunity to
10 testify about the triennial review of the New York
11 City Building Code. This review has been a
12 tremendous effort and represents thousands of
13 hours volunteered by industry professionals and by
14 the City and we are supportive of the
15 administration and the Council's effort to renew
16 and improve the building code regularly. Revenue
17 supportive of almost all of the provisions of the
18 code with the exception of a new requirement for a
19 redundant stairwell and a fire service access
20 elevator. The provisions are from the 2009 IBC
21 which adopted the provisions in response to the US
22 Department of Commerce National Institute of
23 Standards and Technology, also known as NIST,
24 study on the evacuation times conducted after the
25 events of September 11th. It requires a commercial

1 building taller than 420 feet to put in a
2 redundant stairwell or to make every tenant
3 elevator and occupant evacuation elevator or to
4 provide one elevator per bank as an OEC with an
5 additional 44 inches of stairwell along with the
6 time egress study to demonstrate superior egress
7 times to the three stairwells option. REB objects
8 strongly to this decision. The Department of
9 Buildings has stated that we would be remiss not
10 to apply the redundant stairwell requirement to
11 the city where the events of September 11th
12 occurred. However, we do not believe that this,
13 it to be suitable as written. First, the
14 provisions disproportionately penalize high rise
15 construction, of which New York City commercial
16 construction is largely comprised. Second, it
17 disproportionately penalizes constrained
18 footprints, which again, New York City
19 construction is exclusively constrained.
20 Complying would take away a tremendous amount of
21 rentable square footage, create a complex and
22 inefficient building core and would add a
23 tremendous cost to commercial construction.
24 Furthermore, the Department of Buildings has not
25

1
2 just fed the chosen thresholds given to New York
3 City's unique conditions. Additionally, there is
4 a lack of demonstrated need for a new safety
5 requirements. After September 11th, New York City
6 passed local law 26, a well thought out response
7 that required retroactive sprinklerization in all
8 buildings and the implementation of emergency
9 action plans the fire safety directors as well as
10 fire and emergency and full evacuation drills.
11 The need for a redundant stairwell envisions full
12 evacuation which with the exception of 9/11 has
13 not occurred in New York City's recent history.
14 In every other emergency, fire, biologic,
15 earthquake, et cetera, the fire and police
16 departments suggest either a shelter in place, a
17 partial evacuation or a managed evacuation to
18 avoid chaotic and hazardous crowding and
19 impediments to emergency response personnel.
20 Similar to the Real Estate Board's position, the
21 IBC technical committee that reviewed these
22 provisions agreed that these associated costs and
23 difficulties outweighed any potential benefit when
24 they rejected this proposal. It was only at the
25 general board of the ICC, which is comprised only

1 of government representatives and no private
2 industry where the rejection of the provision was
3 overruled. Moreover, the Bloomberg Administration
4 has actively sought ways to increase the amount of
5 office space in New York City in order to attract
6 businesses and create viable spaces to house new
7 employers, including the rezoning of Hudson Yards,
8 downtown Brooklyn, 125th Street and the new
9 proposed rezoning of Midtown East. Even with all
10 those efforts Manhattan has only seen the
11 construction of 23 commercial buildings in the
12 last decade compared to 483 residential projects
13 in the same period. If all of the other boroughs
14 were also included in this the comparison would be
15 even more traumatic. Many of those office
16 buildings required heavy public investment or
17 tenant commitments such as the World Trade Center
18 in Long Island City. The takeaway is that
19 commercial construction in New York is very
20 expensive, very difficult and should not be
21 burdened with unnecessary costs. Our specific
22 concerns, which I'll just summarize is that we
23 believe that the 420 foot height trigger for the
24 mandate is too low for New York City. In the NIST
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1
2 report that was based off of national data it
3 showed that only .16 percent of the buildings
4 constructed nationally would fit this, would meet
5 this requirement. In New York City 68 percent of
6 the buildings would meet this, were over 500,000
7 square feet. Additionally, international
8 buildings currently implementing--

9 CHAIRPERSON DILAN: [interposing]

10 Excuse me a second, Miss Pinski. Sergeant, could
11 we shut the door? It's too much noise coming from
12 outside. It's tough for me to follow. If you
13 could just shut the door. Yeah, it's too much
14 noise coming from outside. Thank you, go ahead.

15 MS. PINSKI: Additionally,
16 internationally buildings currently implementing a
17 redundancy are well, or OEE's start at the 800
18 feet range, which is the height that REB agrees is
19 appropriate. Number two, the phasing period of 18
20 months for a grace period for existing buildings
21 is too short to exclude buildings that are
22 currently in design, financing and assemblage
23 processes. These, we believe that three years is,
24 would be more appropriate for that and a four year
25 grace period would mirror the precedent set by the

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2 stalled sites program. There should be a minimum
3 floor plate size. These stairwells have a square
4 footage associated with them that there is a
5 building size where it makes it appropriate to
6 eliminate this requirement since you would have
7 almost more core than rentable square feet and
8 that should apply to the building, to the floor
9 size as well 'cause buildings tend to taper as
10 they get taller. And that we believe that there
11 are alternatives that should be considered. When
12 we had commissioned a study, an impendent study by
13 code consultants we showed that the redundant
14 stairwell, the three stairwells at 44 inches is
15 actually a slower option than two 55 inch
16 stairwells or any additional width in stairwell
17 plus one occupant evacuation elevator. The City
18 should provide floor area and zoning relief for
19 this new provision and then REB believes that a
20 minimum of one elevator car serving every floor of
21 a building would provide redundant egress capacity
22 while a combination of increased stair width or
23 additional OEE's would meet the same egress
24 capacities of the third stair. For the fire
25 service access elevators we support this proposal

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2 although the requirement currently in the code
3 requires a minimum dimension of a lobby size of
4 120 square feet which we believe is too large for
5 commercial and residential buildings to comply
6 with. In talking to the Fire Department they
7 agree that a fire, a minimum size is not required
8 since they tend to enter the floor below any
9 emergencies. So, they don't go into a floor where
10 there's smoke, they go a couple floors below and
11 then they walk up. So, they don't need a fire
12 rated lobby. Given the substantial impact of this
13 proposal, that it would have in commercial
14 development, the complex nature of the proposal
15 and the administration and REBNY's desire to
16 maintain the building code's approval schedule,
17 REB recommends separating the redundant stairwell
18 mandate from the rest of the building code to be
19 proposed as an independent introduction along with
20 recommendations from the building resiliency
21 taskforce, SRII at a later date. Thank you again
22 for the opportunity to comment. We look forward
23 to continuing our conversation with the
24 administration and the City Council to create
25 legislation that benefits both the city and its

1
2 inhabitants though cooperation.

3 CHAIRPERSON DILAN: Thank you very
4 much.

5 MS. HANNAH O'GRADY: My name is
6 Hannah O'GRADY. I'm a Vice President with the
7 American Council of Engineering Companies of New
8 York. I'm very happy to be here today to testify
9 in support of the Intro 1046, 56, founded in New
10 York City in 1921, ACEC New York is one of the
11 oldest continuing organizations of professional
12 consulting engineers in the US. We represent over
13 220 engineering firms throughout New York State
14 that collectively employ more than 20,000 people
15 statewide, with a concentrated presence of firms
16 located in New York City. Since September of
17 2011, 54 members of ACEC New York have donated
18 thousands of hours chairing and/or serving on the
19 City's technical committees reviewing specific
20 chapters of the New York City Construction Codes
21 and updating them based upon the 2009 edition of
22 the IBC. We applaud the work of the Department of
23 Buildings and the Technical Code Committees and
24 the Managing Committee which is composed of
25 representatives from all sectors of industry and

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2 government. The end result is a true consensus
3 document that reflects the on the ground issues
4 encountered by out engineers, architects and
5 builders every day as well as best practices for
6 procedure and sustainability. We respectfully
7 offer our support for this current round of
8 amendments which reflect those objectives and urge
9 the Council to swiftly pass this bill.

10 CHAIRPERSON DILAN: Thank you.

11 It's good to see you again. Okay, gentlemen,
12 which, who did I call first? I believe it was Mr.
13 Parisi [phonetic]? Yeah? And if I mispronounced
14 your last name please correct me.

15 MR. PHIL PARISI: Thank you,
16 Chairman. My name is Phil Parisi and I'm here to
17 support Intro 1056, the proposed updated
18 construction codes for the City of New York. I'm
19 the Director of the Plumbing and Fire Protection
20 Department at JB&B here in New York. JBB is
21 considered one of the foremost consulting
22 engineering firms in the world and as our managing
23 partner stated, many buildings, including the
24 original World Trade Center, the Sears Tower, the
25 new Seven World Trade Center, other buildings such

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2 as Times Square Tower, One Bryant Park, Beakman
3 Tower. We're currently the design engineers for
4 the four Trade Center towers, the Memorial and
5 Museum at the Trade Center site, Manhattan West,
6 Hudson Yards Project, Columbia University and NYU
7 Campus. I'm currently the co chairman of the New
8 York City Code Revisions Plumbing Technical
9 Committee, a member of the New York City Code
10 Revisions Managing Committee and a member of the
11 New York City Master Plumbers and Master Fire
12 Suppression Contractors Licensing Board. During
13 the previous code revisions which began in 2006
14 and resulted in the 2008 construction codes, I
15 participated on the technical committee for the
16 New York City Plumbing Code Revision, revising
17 chapter 11 focusing on storm water design
18 standards and requirements. During this time I
19 worked with numerous other committee members over
20 a year and a half to adapt a 2003 international
21 plumbing code to meet this special needs of New
22 York City and currently created the 2008 New York
23 City plumbing code, which is currently in use.
24 Moving forward, the goal of the City was to keep
25 with the same code revision, code update procedure

1 as the International Code Council, three plus
2 years. In the last four plus years that the 2008
3 building code has been in existence I believe that
4 the time and effort put into the 2008 building
5 code has been shown to be a great benefit to New
6 York City based on the ease of use and industry
7 response. We have found the plumbing codes
8 simplified, still maintaining high standards yet
9 easier to apply in practice. This code revision
10 has also opened the pathway for the industry to
11 better communicate and interact with the
12 Department of Buildings in addressing special
13 situations and complex designs, both in new and
14 existing construction. In January of 2011 I was
15 again asked to volunteer my time on the Plumbing
16 Technical Committee to update the 2008 Plumbing
17 Code and portions of the 2008 New York City Fuel
18 Gas Code. The Plumbing Technical Committee began
19 working on March 29th, 2011 and was comprised of 22
20 members including representatives from the
21 engineering community, contractors, REBNY and the
22 building and - - . Representatives from the DOB,
23 the DEP, the FDNY, the SCA and the housing
24 authority have also included the former broad and
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1
2 diverse consensus group. During this process the
3 Building Department provided a proposed code which
4 incorporated the 2006 and 2009 revisions of the
5 International Codes into the 2008 New York City
6 Codes as a base document for our review. We
7 worked for approximately two years and over 1,000
8 hours in 20 plus committee meetings reviewing and
9 implementing the changes that would improve upon
10 the current New York City Construction Codes,
11 removing ambiguity and improve the safety and
12 performance for new and existing construction. To
13 highlight some of these significant updates in the
14 plumbing code, which was previously presented last
15 year, we added and refined definitions within the
16 code to better reflect today's technology, we
17 coordinated multiple sections among the
18 administrative sections for licensing, plumbing,
19 fuel, gas and fire codes to simplify and make them
20 consistent across all the construction codes. A
21 significant achievement was the creation of the
22 appendix C, water recycling systems, which didn't
23 exist previously, provides a high standard for
24 safety performance and operation of recycled water
25 systems in the City of New York. We also created

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2 another new appendix, appendix H, the individual
3 on site sewage treatment systems, which
4 incorporates both new and existing technology to
5 significantly improve the requirements and
6 performance of private, on site sewage disposal
7 systems serving one and two family dwellings. We
8 coordinated the plumbing code with the New York
9 City DEE Detention Facility Requirements for
10 clarity and to eliminate conflicts that may have
11 existed in previous years. We updated the
12 reference standards to be consistent with national
13 reference standards which is ASME, AWWA and the
14 National Fire Protection Association to name a
15 few. To highlight some of the significant updates
16 in the portions of the fuel gas code in which the
17 plumbing technical committee was involved, we
18 added and refined the definitions to better
19 reflect today's technology, we coordinated the
20 welding requirements for fuel gas piping across
21 multiple disciplines including sections among the
22 administrative section for licensing, the
23 mechanical and fuel gas codes, making it
24 consistent across the other construction codes.
25 We also clarified the sections of the 2008 New

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2 York City fuel gas code that were not clear as
3 originally envisioned. A significant achievement
4 was the creation of Appendix G, which didn't
5 previously exist, high pressure gas installations,
6 which provides a high safety standard performance
7 and installation requirements for high pressure
8 gas systems in the City of New York. In addition,
9 we also clarified appendix E, meters and gas
10 service piping, which coordinates gas utility
11 company requirements and fuel gas code
12 requirements to eliminate the ambiguity between
13 the codes, such as Con Edison and national grid
14 requirements. We improved Chapter Four covering
15 gas piping installation requirements focusing on
16 the safety and efficiency in regards to new and
17 existing construction. We updated the reference
18 standards similar to the plumbing code such as
19 ASME, and NFPA as well as other reference
20 standards used across the other building, the New
21 York City building code. The results of our hard
22 work are the code changes presented here in Intro
23 1056. I believed that these changes to the new,
24 to the plumbing code and the fuel gas code would
25 make significant improvements to the current two

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2 codes. The proposed changes will allow our codes
3 to remain current with the construction industry
4 and eliminate ambiguity and keep our codes updated
5 and consistent with New York State and the
6 International Building Codes. On behalf of the
7 New York City Plumbing Technical Committee and the
8 Engineering Community I urge that the Houses and
9 Building committee to accept and approve Intro
10 1056.

11 CHAIRPERSON DILAN: Thank you, Mr.
12 Parisi. And Mr. Galance, Gilsance, did I? I got
13 it. I got it. Please correct me for the record.

14 MR. RAMONE GILSANCE: Good
15 afternoon Committee Members, thank you for giving
16 me the opportunity to testify on Intro 1056, the
17 proposed revisions to the New York City
18 Construction Codes. My name is Ramone Gilsance
19 [phonetic] and I am a Structural Engineer and
20 Founding Partner of the Firm, Hilsom - - LLP. I
21 am speaking to you as Chair of the Structural
22 Technical Committee for the Department of
23 Buildings revision of the New York City Building
24 Code. As a member of the DOB's managing committee
25 for the code revision effort I am also the Chair

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2 of the Structural Code Committee of the New York
3 Metropolitan section of the American Council of
4 Engineering Companies, a member of the American
5 Society of Civil Engineers, EOC Seven, Committee
6 on the Decision Loads, and Honorary Member of the
7 Structural Engineers Association of New York City
8 and the Structural Engineering Institute Fellow.

9 I am here on behalf of the structural and design
10 professionals that have invested their time, more
11 than 6,000 person hours at committee meetings
12 alone to propose, to produce the proposed
13 legislation before you which aims to update the
14 New York City Building Code. My testimony today
15 is in support of Intro 1056, which is a
16 comprehensive revision of the New York City
17 Construction Codes. In two days I will testify
18 before you again in support of the work product of
19 the Building Resiliency Taskforce. Both of these
20 code revision efforts are important to ensure safe
21 construction in our city. They are not mutually
22 exclusive and when combined will put New York City
23 at the forefront of innovation, resiliency and
24 safety and construction. Intro 1056 revises the
25 2008 construction code as part of the three year

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2 code revision cycle set up by the Council. This
3 effort began in 2011 and involved more than 18
4 months of diligent attention by many stakeholders
5 and experts in the construction industry. The
6 result of this effort is a significant improvement
7 over the present building code, which will bring
8 the City and the Code up to date with the latest
9 standards, resulting in the safety enhancements
10 and providing the ability to utilize innovative
11 methods that will result in cost and overtime
12 savings. As you may be aware the 2008 New York
13 City Building Code presently in use by the City is
14 based on the 2003 addition of the International
15 Building Code. The proposal before you would
16 update the New York City Building Code to be based
17 on the 2009 of the IBC with some elements thrown
18 from the 2012 IBC. Thereby, incorporating
19 advances that have procured in the profession with
20 our past six to nine years. many of these
21 proposed amendments are based on the latest
22 national standards but some are unique to New York
23 City and address our specific needs as a dense
24 urban environment. Some key improvements include,
25 codifying requirements for environmental loads,

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2 such as wind loads on temporary structures
3 including tents, scaffolds and cranes to improve
4 safety. Requirements include provisions for
5 providing annual inspections and action plans for
6 added safety in case of extreme weather events.
7 Prohibiting aggregate gravel and stone from being
8 used as roof covering or from being used as
9 ballast on roofs. These implement recommendations
10 of the National Council of Structural Engineers
11 Associations that such materials must not be place
12 do roofs as they can be blown off during the
13 storms and cause damage to adjacent structures.
14 Updating wind exposure requirements to match the
15 national standard, the American Society of Civil
16 Engineers minimum laws for buildings and other
17 structures, ESE Seven, which improves wind safety
18 in new buildings. Updated exposure maps are
19 provided so that the practitioners will be able to
20 indentify which wind exposure requirements apply
21 based on the building location by borough.
22 Updating earthquake requirements to match the ESC
23 Seven national standard which results in
24 substantial savings in construction costs. For
25 example, using the latest earthquake respace

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2 design maps allows buildings supported on rock to
3 be more appropriately classified in the - -
4 earthquake risk categories. Updating structural
5 integrity that definitions include more critical
6 elements such as long span room members or
7 verandas. This will increase safety by requiring
8 additional load requirements for those critical
9 members or redundancy in the structural design to
10 improve building safety in an extreme event,
11 requiring new buildings with 3,000 or more
12 occupants in one area, such as theaters or arenas,
13 to comply with the structural and engineering
14 requirements for critical structural members to
15 improve safety and undergo a structural peer
16 review of the design by a qualified independent
17 structural engineer. Increasing maximum limits of
18 - - and other - - as a cement substitute in
19 exposed - - chemicals allowing for the use of less
20 cement and concrete. This proposed change is in
21 line with the recommendations of the major - -
22 code task force. Because the safety enhancements
23 are so significant we urge the Committee and
24 Council to support and pass Intro 1056 quickly.
25 It is a comprehensive code that deals with the

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2 entire spectrum of construction in our city,
3 including situations encountered everyday on a
4 construction site. My testimony on Thursday will
5 focus on - -proposals with the specific
6 improvements to those emergency situations. We're
7 all aware that this issue is also critical to
8 construction standards in our city. I have been
9 honored to participate for the past two years in
10 this code revision effort and as a structural
11 engineer I look forward to utilizing this modern
12 up to date code. I urge your support and quick
13 approval of Intro 1056.

14 CHAIRPERSON DILAN: Mr. Gilsance,
15 hopefully I'll see you Thursday and I'll have the
16 pronunciation of your name down. I will probably
17 be exhausted because we will be passing the City
18 Budget late into Wednesday night and they'll have
19 me here bright and early in the morning on
20 Thursday. So, with that I want to thank you all
21 for your time and testimony that there are going
22 to be some questions, Angela, you will, you know,
23 I guess you were expecting it. So, I guess, I got
24 confused because I looked at your appearance card
25 and you checked in favor but then you spoke mostly

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2 about your oppositions and I was led to believe
3 that your mediation has resolved your issue but
4 according to your testimony unresolved. Is that
5 or unresolved to your satisfaction. Is that
6 correct?

7 MS. PINSKI: Yes. So, the
8 mediation, the way that it worked is if there was
9 anybody of the committee who didn't agree with the
10 - - objective during the committee process it
11 would go to mediation which it did. There was a
12 hearing at DOB where several people put in their
13 objections or support and it was heard at this
14 meeting. And then the outcome of the mediation is
15 that the Department of Buildings decides what it's
16 going to do based off that. So, we had, at the
17 time, put in our objection at the committee, put
18 in our objection at the mediation and then when
19 DOB had told us what their direction was headed
20 towards for the mediation we had several
21 conversation at that point. I think where we came
22 out is that we believe that this code is very
23 important. We didn't want to ask that any part of
24 this code be held up for this particular provision
25 but by the time, at the time that DOB made its

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2 decision we were, you know, I think we feel that
3 there's more of a conversation to be had. It's a
4 very significant proposal, out of all of the code
5 changes I think this is the most significant in
6 terms of how it's going to change design going
7 forward.

8 CHAIRPERSON DILAN: Okay, so you
9 feel that, and I think that if I understand
10 correctly, [background noise] Tom Fariella, First
11 Deputy Commissioner of the Buildings Department
12 presided over the mediation?

13 MS. PINSKI: Right.

14 CHAIRPERSON DILAN: Okay. So, I
15 get, you highlighted the reasons why you thought
16 that they, that you have the objection. I guess,
17 so you're just, your objection is to the mediation
18 process and that it was done within the agency, is
19 that it or?

20 MS. PINSKI: Well, I think we don't
21 believe that it applies in the same way that ICC
22 had envisioned it applying to the rest of the
23 country. You know, this is supposed to be a
24 requirement that applies to tall buildings, you
25 know, buildings that are out of the ordinary for a

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2 certain density. And in New York the 420
3 threshold does not describe a tall building, it
4 describes an average and even a small building
5 for commercial development. So, I think that we
6 were envisioning that during the mediation process
7 a lot of people had raised the question, should we
8 change the thresholds for New York City. I think
9 that would have been something that we would have
10 been supportive of but those changes didn't make
11 it through the mediation process.

12 CHAIRPERSON DILAN: So, your
13 testimony states that maybe less than half a
14 percent of the buildings around the country, about
15 68 percent of the buildings within the City of New
16 York?

17 MS. PINSKI: Yeah, I misspoke when
18 I was testifying, it's, I thought it was, met the
19 420. It's buildings that are over 500,000 square
20 feet. So, across the country only less than one
21 percent of the buildings are over 500,000 square
22 feet in New York, that's 68 percent.

23 CHAIRPERSON DILAN: And New York is
24 68 percent. Okay. All right, so, I guess that
25 apparently--

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2 MS. PINSKI: [interposing] Of
3 commercial construction.

4 CHAIRPERSON DILAN: Apparently,
5 yeah, only commercial, the Buildings [crosstalk]
6 Department didn't clarify that part during their
7 testimony. So, I guess even though the item has
8 been mediated at the Buildings Department REBNY's
9 objection to this issue still stands?

10 MS. PINSKI: Right.

11 CHAIRPERSON DILAN: Did I get that
12 correct? Okay. Council Member Fidler, I wasn't
13 done with my questions. I'll come back, no, I'll
14 come back but I'll, you've been quiet all day.
15 [off mic] You've been quiet all day. I, you know?

16 COUNCIL MEMBER FIDLER: I'm not
17 really sure what the relevance, Angela, is, of the
18 percentages you just gave.

19 MS. PINSKI: Okay.

20 COUNCIL MEMBER FIDLER: If a
21 building, if there's a recommendation is being
22 made for a certain type of construction in a
23 building of a certain type, does it really matter
24 if it's built in New York or in Kansas? I mean,
25 the building size is what triggered the

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2 recommendation, not how common it is amongst its
3 neighboring buildings.

4 MS. PINSKI: Correct. So, there's
5 two schools of thought there. One is, you know, I
6 think that there's very few instances where you
7 would require a full building evacuation and those
8 are instances such as 9/11. And so you want to
9 take the buildings that stand out and are
10 potential targets. You do things to buildings in
11 New York that you don't do to buildings across the
12 country. We, the NYPD requires you to harden your
13 buildings in a way that you aren't required to in
14 other parts of the country. So, even in the case
15 of a normal emergency like a fire or a biologic
16 you don't evacuate the building in its entirety so
17 you really are only talking about these certain
18 instances which are going to be high visibility
19 targets. So, that's why they picked the
20 buildings. The second is, you know, we were
21 looking for, what is the benchmark for evacuating
22 the building quick enough? Is it two hours, is it
23 three hours, is it four hours? And the NIST study
24 doesn't really say, you know, this time is good
25 time and this time is a bad time. so, we were

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2 comparing a building with, against itself, which
3 is looking at the third stairwell proposal. And
4 when we did our comparison study of the different
5 options of doing wider stairways plus elevators or
6 all elevators or, you know, variations of that, we
7 found that three stairways at 44 inches is
8 actually slower than some of the other options
9 that are available to us that are more desirable
10 and less demanding on a building design because 44
11 inches is enough for, I think either between one
12 and a half and one and three quarters of a person.
13 So, if you have a slow person walking down the
14 stairs or a disabled person walking down the
15 stairs they tend to block the whole stairway and
16 it's very difficult for people to go around them.
17 so, if you widen the stairways a little then you
18 have two clear paths of egress. So, either the
19 Fire Department can make it come up or you can
20 have two rows of people going down and so that's
21 why it's so much faster to go to alternatives like
22 that.

23 COUNCIL MEMBER FIDLER: You know, I
24 really don't know if I agree or disagree but I
25 just figured going back to the initial point, if

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2 you're saying that, because New York City has so
3 many of these buildings that their less likely to
4 be a target because there are so many of them as
5 opposed to, say, the one building in Topeka that
6 meets the standard in it, right? Which would be a
7 target in Topeka. And, you know, the flip side of
8 that is so much more likely to be a target, you
9 know, in general. I mean, I realize that they're
10 not likely to pick out a lesser building but, you
11 know, amongst many but...

12 MS. PINSKI: And I agree with that
13 and, you know, I think that everybody who builds
14 in New York City would agree with that. I think
15 the response to that that we've heard from our
16 members which we agree with is that New York City
17 requires you to do things that other cities don't
18 do. First of all, we have a premier fire
19 department which practices drills with high, with
20 very high end commercial buildings, larger
21 commercial buildings, which is something that
22 doesn't happen in other cities. The full
23 sprinklerization of buildings is something that,
24 the retroactive sprinklerization is something that
25 doesn't happen in all other cities. These EAP

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2 plans which are extensive documents, if you
3 haven't seen them they're inches tall and they
4 are, they cost millions of dollars to put together
5 and they describe every reaction, every
6 circumstance to every sort of instance within a
7 building and what the interaction between the
8 police and the fire department are supposed to be
9 with the building staff and with the tenants.

10 That doesn't happen in every other city. So, I
11 think that it's not this particular proposal that
12 is the solution or it solves everything. It's the
13 comprehensive package that New York construction
14 does that we say, look at the package and look at
15 what we're doing overall and that makes the
16 building safer than just the third stairwell - - .

17 COUNCIL MEMBER FIDLER: I imagine
18 we're going to be discussing this much more than I
19 would like in the future, so I'll defer the rest.

20 CHAIRPERSON DILAN: Well,
21 unfortunately, I've already been involved in
22 discussion in and around this matter and I thought
23 for a moment they were over but apparently they're
24 not. So, with that 42, in your testimony you said
25 that it's the position of the Real Estate Board

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2 that these conditions are acceptable with our
3 zoning relief. I imagine that comes in the form
4 of some sort of FAR relief or a change in the
5 requirement from about 42 stories to about 80
6 stories. Why do you think the change in stories,
7 why does the change in the number of stories
8 change your organizations position.

9 MS. PINSKI: With the taller
10 buildings you can have, you will likely have a
11 bigger footprint of a building. It's just, you
12 don't have these tiny sliver buildings that go up
13 80 stories into the sky. So, the larger the
14 building the better it is it can tolerate some of
15 these requirements and the FAR is, the FAR is, it
16 would be great if we can get the lost FAR that's
17 in the stairwells and they would lose some FAR due
18 to the lobby because you're required to put a fire
19 rating around the lobby. But one of the bigger
20 issues is that actually heightens that back as the
21 building gets taller you have to make it narrower
22 and so one of the things, if you have a
23 requirement for a third stairwell the narrower the
24 building gets at the top the more percentage wise
25 of the usable square feet it takes up. So, we are

1
2 actually looking for relief in the FAR and for the
3 height set back requirements.

4 CHAIRPERSON DILAN: So, if you went
5 to 800 feet in FAR then you would seek no relief
6 from City Planning? Is that?

7 MS. PINSKI: We would seek relief
8 from City Planning. Is my understanding of it is
9 that, is already looking at this.

10 CHAIRPERSON DILAN: All right, but
11 it, so I just want to be clear on the, under both
12 scenarios are you still going to be looking for
13 relief from City Planning?

14 MS. PINSKI: Yes.

15 CHAIRPERSON DILAN: Correct? Okay.
16 I just wanted to make sure I understood the
17 position. I don't see any other questions. I
18 think the rest of the group was largely in favor
19 and we certainly thank you all for your time and
20 testimony and, Angela, you know, I did for a
21 moment thought that this was done but apparently
22 it's not. Thank you all for your time and
23 testimony. Is it just me or is it a little cold
24 in here? Is anybody? Sergeant, could you reduce
25 the, yeah [off mic] Okay, so I think there is,

1
2 thanks - - [off mic] there are five people who are
3 left to testify. I'll call you all up at the same
4 time. Sergeant, if we can accommodate for one
5 more chair so that we can allow this group to get
6 out? It will consist of James Bifucco [phonetic]
7 and correct me if I get the names wrong, Eli
8 Gottlieb [phonetic], David May [phonetic], Adrian
9 Smith [phonetic], and Mark Weissback [phonetic].
10 For all you gentlemen can come forward and please
11 correct any mispronunciations in the name. Okay,
12 yeah, it's cold man, yeah, it's cold, it's
13 freezing in here. [off mic] Okay, gentlemen, why
14 don't we begin in the order that you were called
15 up and just for the record I understand, and
16 correct me if I'm wrong, Mr. Gottlieb had to
17 leave? I think somebody told, Mr. Gottlieb had to
18 leave? Do you know if they, he said, submitted
19 testimony for the record or he just, he don't,
20 okay. So, Mr. Gottlieb will not be on this panel.
21 Why don't we start in the order that you were
22 called up? [off mic] Let's start again. Lights
23 on, mic's on.

24 MR. JAMES BIFUCCO: Good afternoon,
25 Chairman Dilan and Council Members. My name is

1
2 James Bifucco. I want to thank you for allowing
3 me this opportunity to testify today on Intro 1056
4 and specifically on the updates to Chapter 33,
5 Construction Safety and demolition. In am the
6 Managing Consultant with TSE North America. I am
7 the past President of the Safety Executives of New
8 York and past President of the New York City of
9 the Chapter of the American Society of Safety
10 Engineers. I'm a practicing safety professional
11 licensed as a site safety manager, master rigger
12 and certified by the Board of Certified Safety
13 Professionals as a certified safety professional.
14 I am, I managed the activities of over 150
15 certified safety professionals working on major
16 building sites throughout the New York City
17 metropolitan area. I've acted as the senior
18 advisor for the implementation of comprehensive
19 safety programs for many notable projects
20 including the World Trade Center site, the World
21 Trade Center transportation hub, Columbia,
22 Manhattan Ville campus, the Goldman Sachs
23 Headquarters, East Side Access, Second Avenue
24 Subway, the Madison Square Garden upgrades and
25 many other projects. I have a unique perspective

1
2 on the building code and the provisions, maybe not
3 completely like other stakeholders. I certainly
4 am concerned with quality and production and
5 schedule but my primary focus is to the safety of
6 the public, - - property and the constriction
7 workers. I'm proud to have co chaired the
8 Committee on Construction Safety and Demolition
9 with my co chairman Mr. Hank Kita [phonetic] Vice
10 President of the Building Trades Employees
11 Association. I did want to send Mr. Kita, his
12 thoughts, he's recovering from some knee surgery,
13 he wanted to be here today but was unable to
14 attend and he did forward a comment to be read
15 into the record. I wanted to talk a little bit
16 about the Committee. It was made up of a diverse
17 group of 27 dedicated professionals that worked
18 over an 18 month period with, at a minimum of 34
19 separate meetings. The group make up included
20 representatives from the Building Trades Employees
21 Association and other building construction trades
22 association owners and developers, safety
23 professionals, organized labor, construction trade
24 organizations, union and non union contractors and
25 many agencies and authorities including DOB, DEP,

1
2 Fire Department, school construction authority and
3 housing authority. The group worked tirelessly,
4 members presented their positions forcefully but
5 their opinions and the opinions presented by
6 others were respected and well received. In the
7 end we came up with a consensus on the
8 overwhelming majority of the items. Where
9 consensus was not possible the suggested
10 corrections were based on input for most
11 stakeholders and an acceptable and workable
12 compromise was achieved. You know, we were
13 involved in several of the major items that Mr.
14 Colgate indicated. Of those five major items that
15 came up and were not agreed to. I just wanted to
16 highlight some of the accomplishments of our
17 committee. Overall, you know, what came of the
18 changes and recommendations were, that certainly
19 aided best practices for safety were put forth that
20 will improve safety and won't increase additional
21 cost. Many corrections and clarifications were
22 made after inadvertent changes that occurred
23 during the passage of the 2008 IBC and Building
24 Code. There were significant improvements to fire
25 and life safety during the process that came from

1
2 the findings and recommendations that came after
3 the Deutsche Bank fire. There were improvements
4 recommended during the high risk construction
5 oversight committee and there were practices that
6 were implemented reflecting new and improved
7 technology. I did want to emphasize that all of
8 this information was related to construction in an
9 ongoing process. It's not the final buildings.
10 It's not, you know, changes to the configurations
11 but it's measures that were discussed and changed
12 and implemented for the construction during the
13 construction process. Some specific changes that
14 I'll highlight which did achieve that overall
15 enhancement are enhancements to the fire
16 protection during the construction for a large
17 footprint buildings that mandate fire hydrants be
18 located within close proximity to the building
19 perimeter and one within 50 feet of the main
20 entrance. It clarified current requirements of
21 when a stand pipe is required during construction
22 and makes certain that fire stand pipe that does
23 go into place is in full code compliance and not
24 in some process of completion. It also enhances
25 fire protection during construction on below grade

1 spaces. It now requires an elevator at readiness
2 for fire department use to go to below grade
3 structures where that wasn't the case in the past.
4 It codifies current interpretation requirements
5 for stand pipes during alteration of partial
6 demolition operation. It eliminates the confusion
7 in the industry regarding the intent of the
8 current standpipe requirements. It clarifies
9 where a dry stamp is provided during construction
10 alteration demolition and codifies the new system
11 of air pressurization and alarms on stand pipes
12 during the construction process. It improves fire
13 fighter access during underground construction by
14 requiring the installation of a hoist underground
15 for underground construction work that will have
16 occupied space and depths greater than 75 feet.
17 It improves these of use by relocating provisions
18 of steel, concrete, aluminum construction that
19 relate to safety into this chapter. It adds a new
20 exception to clarify the use of an excavator to
21 remove a foundation after the building has been
22 reduced to a grade not to trigger requirements for
23 mechanical demolition. This certainly will speed
24 the project time approval and reduce costs. It
25

1 eliminates the requirement to show means and
2 method on demolition submittal documents. Again,
3 this was intended to increase speed, approval and
4 reduce cost. It enhances safety by mandating
5 daily inspections of sidewalk sheds to check for
6 common hazards which the public is exposed to. It
7 also adopts the latest technology enhances in
8 safety by improving and citing current national
9 standards concerning design, testing, installation
10 and use of safety netting. It establishes minimal
11 guard rail requirements. It establishes a new
12 requirement to notify adjoining property owners at
13 least 60 days in advance of projects. It codifies
14 the monitoring requirements for historic sites
15 during construction. It clarifies the
16 responsibility of the site safety managers
17 including when they must be on site, when and what
18 type of stand pipe inspection they must perform,
19 the requirements for what's included in the site
20 safety job. It codifies best practices concerning
21 scaffold design and clarifies for the industry and
22 streamlines the submittal process. It requires
23 that concrete formwork be inspected periodically by
24 the designer and someone retained by the designer.
25

1
2 It requires rigging operations on construction
3 sites that are not already supervised by a
4 licensed rigger to be supervised by trained
5 personnel and requires critical picks on
6 construction sites that are not always supervised
7 by licensed riggers to be performed pursuant to a
8 plan designed by a registered architect or a
9 licensed master rigger. It authorizes persons to
10 inspect facades by ascending or descending the
11 building by rope provided by persons using
12 accepted methods and have adequate training.
13 These modifications will undoubtedly improve
14 safety during the construction operation. It will
15 increase the safety of the public, the property
16 and the workers and I therefore strongly urge the
17 Committee to accept and approve Intro 1056, and
18 specifically Chapter 33. Thank you.

19 CHAIRPERSON DILAN: Thank you.

20 Thank you. And the testimony in this format,
21 believe it or not is very helpful, very helpful.
22 Next.

23 MR. ADRIAN SMITH: Good afternoon.

24 Thank you for the opportunity to testify before
25 you today. My name is Adrian Smith and I am one

1
2 of about 500 landscape architects in our area. I
3 know that sounds like a small number but until
4 recently we had about probably ten people in your
5 gallery here but they all had to go back to their
6 offices. So, one of my colleagues is still here.
7 But I'm representing you, before you today I'm
8 representing the New York Chapter of the American
9 Society of Landscape Architects. We have been
10 working with the Department of Buildings for over
11 a year on an initiative that we initiated and is,
12 was outside of the committee process that was
13 outlined by the Department today toward this code
14 revision. But we are here today to support the
15 code revision language in this current version
16 that now includes a definition of the term,
17 landscape architect, and a brief description of
18 the tasks that landscape architects are
19 professionally and technically licensed to
20 perform. I'd like to explain why this is so
21 important to me and my fellow licensed landscape
22 architects who practice in this great city.
23 Currently, the Department of Buildings does not
24 accept applications from landscape architects
25 since they are not recognized as design

1
2 professionals in the current code language. The
3 new language before you today still does not
4 include landscape architects in that category of
5 quote, unquote, design professional, but it does
6 take an important step in that direction by
7 including a definition of our profession that has
8 been absent from the code until now. Landscape
9 architects are uniquely qualified to lead teams of
10 fellow design professionals, including architects
11 and engineers to design vital projects for our
12 city, like parks, playgrounds and other civic
13 spaces as well as the green infrastructure that
14 will help New York protect itself from the effects
15 of climate change. The fact that the DOB does not
16 recognize landscape architects prevents us and the
17 design construction industry from working
18 efficiently and effectively. This policy is in
19 direct conflict with what the licensing law
20 permits licensed landscape architects to do in the
21 State of New York. Additionally, landscape
22 architects are currently forced to enter into odd
23 agreements with architects or engineers to sign
24 and seal their documents for submission to the
25 DOB. These other design professionals sign the

1 forms and drawings as the applicant, even though
2 this work strictly deals with the landscape design
3 developed under the professional responsibility
4 granted to landscape architects by State law.

5 This puts all parties in a legally awkward
6 situation that drives up costs. We believe that
7 if DOB can engage directly with a licensed,
8 professional landscape architect, it will
9 eliminate the double layering of consultants and
10 improve public safety. In conclusion, we agree
11 that this code language revision is a good first
12 step, however, we encourage this Committee and the
13 City Council and the Department of Buildings to
14 support additional future changes to correct the
15 remaining problems I have just outlined above.
16 Our group stands ready to assist the city to
17 achieve those results. We look forward to that
18 collaboration. Thank you for your time and
19 consideration.
20

21 CHAIRPERSON DILAN: Thank you.

22 MR. DAVID MAY: Good afternoon. My
23 name is David May. I'm a registered architect and
24 I'm here this afternoon to speak in support of
25 Intro 1056, an important bill to update the New

1
2 York City Construction Codes. I am a founding
3 partner of the firms, Superstructures and
4 Engineers and Architects. Superstructures,
5 founded in 1981 is a 90 person firm of architects,
6 structural engineers and material scientists
7 specializing in matters related to the building
8 envelope. We are an accredited class one special
9 inspection agency. We have received the
10 prestigious Lucy Moses Award from the New York
11 City Landmarks Conservancy for four projects in
12 the past three years. Superstructures has been
13 awarded repeat requirements contacts by many of
14 the city's agencies including DDC, HHC, NYCHA, ACA
15 and Port Authority of New York and New Jersey as
16 well as numerous others. Over the past 35 years I
17 have served as a building code consultant to major
18 New York City based architectural firms as well as
19 developers and attorneys. I am conversing with
20 the complex and often contradictory requirements
21 of the prior New York City Building Codes
22 including the '68 code, the '38 code and the 1916
23 code. In 2005 I served on the Administration
24 Enforcement Committee of the DOB's initiative to
25 adopt a 2003 international construction codes for

1
2 New York City. That monumental effort involving
3 several hundred professional volunteers resulted
4 in the groundbreaking 2008 New York City
5 Construction Codes. The purpose of that
6 initiative, as you may recall was to update the 40
7 year old New York City Building Code and bring it
8 in line with modern codes making it clearer to New
9 York City based design firms, which based on my
10 own experience as a co consultant and a tendency
11 to treat the code as a black box and run the other
12 way leaving the code to expeditors and
13 consultants. Another byproduct of that initiative
14 was to make the New York City Code accessible to
15 design firms nationwide with the intent of making
16 it easier to do business here in New York City. I
17 believe the 2005 project achieved its goals.
18 Another critical element in adopting the
19 international construction codes was the
20 commitment to update the New York City Codes on a
21 three year cycle similar to the National codes.
22 It brings us to the reason we are here this
23 afternoon. In the summer of 2001 the Department
24 of Buildings assembled a team of outside, 2011,
25 the Department of Buildings assembled a team of

1
2 outside professionals to tackle the first planned
3 update of the 2008 New York City Construction
4 Codes. That was discussed previously so I'll
5 skip. In the current initiatives I served as co
6 chair of the construction requirements and
7 materials committee. This committee was charged
8 with reviewing and updating 12 technical chapters
9 of the building code and consulting on numerous
10 others. I also had the honor of serving on the
11 managing committee consisting of the subcommittee
12 chairs as well as the major New York City
13 stakeholders representing City agencies as
14 previously described. The managing committee met
15 monthly and then weekly as our deadline
16 approached. This committee was charged with
17 reviewing and approval of the work of the
18 technical subcommittees with the goal of reaching
19 consensus. Every word of the code was parsed.
20 Hours were spent codifying the numerous uses of
21 the word approved. [laughter] The out, it still
22 goes on. The output of the managing committee was
23 converted to legislative form by the Department
24 legal staff and is here before you today in the
25 form of Intro 1056. There are several important

1 things you need to be aware of in considering
2 Intro 1056. The organization and intelligence
3 brought to process by the staff at the Department
4 of Buildings was extraordinary. The Departmental
5 staff provided the technical subcommittees with
6 annotated working materials indicating corrections
7 and cross referenced with other applicable
8 sections of the code. THE Department provided
9 competent administrative and technical support
10 ensuring that the committee members could focus on
11 the subject matter. After providing the materials
12 the Department building staff stepped back and let
13 the committees do their work supported but
14 unhindered. Our process is one of consensus.
15 Everyone in the room had to agree on the text.
16 This was true of the technical subcommittees as
17 well as the managing committee. Being part of
18 such a dynamic and selfless process at the City
19 level was both exciting and humbling. New York
20 City is a place like no other. The population
21 density and the development forces at play in the
22 city require the highest level of attention be
23 paid to its construction codes. In its current
24 revision New York City gets the benefit of the
25

1 nationwide code development and try any old
2 revision effort of the International Building Code
3 introducing new materials and technologies and
4 referencing updated national standards. Then,
5 during a rigorous review by the technical and
6 managing committees this national code is adopted
7 to the more stringent fire safety, structural
8 accessibility as well as energy efficiency
9 requirements necessitated to ensure the health,
10 safety and welfare of the city's residents and
11 businesses. You know, for example, the current
12 revision provides reference standards for the
13 installation of green roofs. It also, there are
14 others already described. With the professional
15 fire power brought to bear in this effort, New
16 York City earns its place as the industry leader
17 in code development. You can have confidence that
18 Intro 1056 embodies a code that is clear, well
19 organized and sets the standard for construction
20 codes in other jurisdictions. The current
21 revision guarantees access to current technologies
22 at competitive prices. I have reviewed the
23 findings and recommendations of the building
24 resiliency taskforce, the adoption of many of
25

1
2 these recommendations will be crucial to the
3 future well being of the cities residents and
4 business. I believe the building resiliency code
5 revisions that will eventually be adopted can
6 reasonably be knit into the fabric of codes as
7 realized by Intro 1056. I also firmly believe
8 that the revisions to the construction codes
9 contained at 1056 need to be enacted now without
10 delay. For these reasons I urge the Committee on
11 Housing and Buildings to accept and improve Intro
12 1056, thank you for your time.

13 CHAIRPERSON DILAN: Thank you.

14 MR. MARK WEISSBACH: Good
15 afternoon, Chairman Dilan. My name is Mark
16 Weissbach. I'm a registered architect and I am
17 the President and Chief Operating Officer of
18 Fidoris Inc. [phonetic] I come before you today in
19 support of Intro 1056, an important bill to update
20 the construction code of the City of New York.
21 Fidoris is a consulting group with more than 125
22 experts from the architectural, engineering and
23 construction community specializing in building
24 envelope and energy efficiency construction and
25 technologies. We are known worldwide and have

1
2 worked on some of the most prestigious projects
3 our city has completed or is currently
4 undertaking. Projects include all of the
5 buildings as well as the memorial and plaza on the
6 World Trade Center site, the three major new
7 sports arenas, revitalization of the Jacob Javits
8 Center [phonetic] restoration of historically
9 significant landmarks such as Carnegie Hall and
10 countless numbers of buildings and apartments
11 throughout all five boroughs. Our company was the
12 first entity in New York City to become accredited
13 for special inspection of building exteriors as
14 required by the 2008 building code and performs
15 roughly 100,000 hours of inspection on projects
16 throughout our city annually. Fidoris is often
17 called upon in instances where building failures
18 or disasters occur such as water leaks, façade
19 collapses and most recently damage and flooding
20 resulting from Super Storm Sandy. It is critical
21 that our codes are current, relevant and most
22 importantly clear so that users can comply
23 effectively and efficiently to maintain the
24 health, safety and welfare of the public. I am
25 honored to have been selected and served as the

1 chair for the construction requirements and
2 materials committee, the CRM. This committee was
3 charged with reviewing several chapters of the
4 2008 building code to ensure its content was
5 consistent with the 2009 International Building
6 Code and relevant to New York City. 35 States
7 have already put into effect the 2009 or 2012 IBC.
8 New York City is presently using the 2003 IBC as
9 modified, a code that has since been updated three
10 times to reflect current knowledge, trends and
11 standards. The construction requirements and
12 material committee was well balanced and included
13 members representing various stakeholders of our
14 city, designers, developers, manufacturers,
15 contractors and residents. We held more than 38
16 meetings over a period of 18 months totaling
17 hundreds of hours vetting specific code language
18 for impact and improvement on the existing code as
19 well as the residents and businesses of New York
20 City. Each of the Committee Members volunteered
21 additional time beyond the meetings to further
22 research code provisions to ensure our work was
23 focused on moving New York City forward and to
24 maintain New York City's position as a leader and
25

1 innovator. Our focus was not simply directed
2 towards cost or construction detailing but was
3 sensitive and sensible towards occupant comfort,
4 safety, durability and energy efficiency. The
5 committee included some of the most hardworking,
6 dedicated and sophisticated individuals I've had
7 the pleasure to work with and I'm, again, honored
8 to have been part of this important Department of
9 Buildings initiative. The product of the CRM was
10 the result of consensus, a process whereby every
11 member of the committee agreed that the code
12 provisions are well balanced, reasonable and
13 necessary. Above and beyond the construction
14 requirements and materials committee I served as a
15 member of the managing committee. This expanded
16 group included members of governing agencies
17 including the Department of Buildings, design,
18 engineering, development, construction and labor
19 stakeholders. And again, reached consensus on
20 proposed modifications to the construction code of
21 the City of New York that reflected in Intro 1056.
22 Incorporation of pertinent IBC provisions into the
23 Construction Code of the City of New York is
24 critical for several reasons. Among them,
25

1 learning from natural disasters and building
2 failures that have impacted cities throughout out
3 country and recently out own, allows us to
4 capitalize on best practices and provisions and
5 stay current. Consistent text and provisions
6 encourage manufacturers and suppliers to work with
7 New York City and affords the City's employees and
8 employers to do the same elsewhere, thereby
9 affording us access to the most current
10 technologies and competitive prices as well as
11 opening up commerce and opportunities.

12 Maintenance and monitoring of the code will occur
13 on a three year cycle and New York City will avoid
14 finding itself with outdated provisions as was
15 true when we used the 1968 code until 2008.

16 Ongoing participation in code review at the
17 national level will ensure that we remain current,
18 relevant and an industry leader. Supporting
19 provisions that capitalize on available
20 technologies, efficiencies and lessons learned.

21 In a few days the Committee on Housing and
22 Buildings will meet to discuss rebuilding after
23 Sandy and improving the resiliency of the city's
24 infrastructure. Much of the recent product
25

1
2 available on this topic was produced by the
3 building resiliency taskforce. I participated on
4 the structure, façade and interior working group
5 and congratulate the BRTF for their efforts. The
6 work of the BRTF and Intro 1056 are mutually
7 exclusive. Each deserves its respective
8 consideration. While the BRTF offers insight and
9 suggestions into resiliency and sustainability
10 considerations for today and the future, the
11 Construction Code of the City of New York provides
12 the guidelines, parameters and tools to implement
13 the provisions which have been deemed necessary
14 for the governance of our build environment. The
15 building code is establishes the threshold to
16 maintain health, safety and welfare to available
17 residents and building occupants and needs to
18 reflect current technologies, standards and
19 thinking. I urge the Committee on Housing and
20 Buildings to accept and approve Intro 1056.

21 CHAIRPERSON DILAN: We thank you,
22 Mr. Weissbach and apparently we'll be seeing each
23 other in a couple of days as well? And again, I
24 want to thank you all for your efforts in getting
25 this document before me. I only have one question

1
2 and that was to Mr. Bifucco. You mentioned in
3 your testimony that you looked at an updated items
4 of the code that dealt with technology and to keep
5 the code, I guess, current with updated standards
6 and technology practices. Could you give me an
7 example of a few of the technological efforts that
8 you made?

9 MR. BIFUCCO: I think one example
10 would be, you know, some of the scaffold design,
11 you know, the, there was no allowance for modern
12 scaffold design in the current code. They
13 referred to things like wood scaffolds and pole
14 scaffolds and, you know, design criteria for
15 wooden scaffolds. And in the modifications
16 there's an allowance for new materials, so that's
17 one area. Another area was the safety netting
18 that's being used. I think the first provision
19 for safety netting were requirements that came
20 from the 1980's, '82, '84, and they haven't been
21 changed and one of the new provisions allowed for
22 scaffold with fire, I mean, safety meeting with
23 certain design criteria and fire rating which
24 didn't exist when the provisions went at first and
25 there were no mechanisms for you to allow the use

1
2 of them yet. So, those are two things that, you
3 know, come to mind, you know, right off the top of
4 my head. Another thing is the use of the mass
5 climber scaffolds. That again, in the old code,
6 there was no provision for it because it, you
7 know, it was not in existence. Now, provisions
8 for mass climbing scaffolds are allowed,
9 considered and not only that, the provisions are
10 made dynamic so if there are changes they can
11 adapt with them.

12 CHAIRPERSON DILAN: Thank you.

13 Thank you very much for that clarification or for
14 that insight. I'd like to thank you all again for
15 your time and your testimony and your efforts on
16 this and this will begin a period of extensive
17 review of not only my Committee but I would
18 imagine the entire legal division of this
19 institution on this document hopefully for passage
20 later this year. So, thank you all and at this
21 juncture we have some items that have been
22 submitted to the Committee to be entered into the
23 record, one from the New York City Council of
24 Cooperatives and Condominiums and I believe it's
25 in support of the Code as well as from the Master

1
2 Plumbers Council of, via their General Counsel,
3 Arthur Goldstein [phonetic], which state that
4 they're just under review and they wanted that
5 into the record, no position on the bill at this
6 time. For the record from Mr. William Stein,
7 FAIA, and his testimony will be entered into the
8 record, from Kenneth Buttoner [phonetic] from New
9 York Scaffold Equipment Corp., I believe in
10 support but only offers, can't offer comment past
11 the technical committee but largely in support.
12 From the AIA New York Chapter and I believe it's
13 in support as well, that'll be entered into the
14 record, from Parsons - - oh, I can't pronounce,
15 Brinkerhoff [phonetic], let's say, I can't
16 pronounce this, in full support and that will be
17 entered into the record. As well as testimony
18 from the New York City, oh no, okay, yeah, yeah,
19 yeah, Building Trades Employees Association of the
20 City of New York, Mr. Henry Kita who was
21 referenced by the last panel, his testimony will
22 be entered into the record. As well as the
23 Plumbing Foundation of the City of New York which
24 is, I believe, largely in support. With that,
25 Intro 1056 will be laid aside and that will

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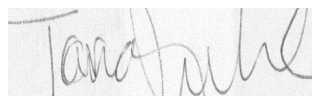
2

conclude this hearing.

C E R T I F I C A T E

I, Tara Juhl certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script, appearing to read "Tara Juhl", is written over a light gray rectangular background.

Date 7/15/13