

6 September 2011

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Subject: Occupancy of Rand III by Fine Arts Library

Dear Peter,

I am writing in response to your request for advice concerning Professor Jonathan Ochshorn's opinion that Rand III cannot be legally occupied by the Fine Arts Library under the Building Code of New York State and the Existing Building Code of New York State. It goes without saying that I disagree with his conclusions. Rather than enter into what I understand is an ongoing debate, I will simply provide the following information in support of my conclusion that the proposed library move meets code.

- Sibley Hall (East, West, and the Dome) was connected to Rand Hall when Milstein Hall was built as an addition to both buildings. Milstein Hall was built under a building permit that was issued under the original (2002) Building Code of New York State, and was issued a certificate of occupancy under that code. It is now a legal non-conforming building.
- Sibley/Milstein/Rand is now considered to be a single mixed-use building with five separate fire areas (West Sibley, Sibley Dome, East Sibley, Milstein Hall, and Rand Hall), separated from one another by 2 hour fire barriers.
- Sibley/Milstein/Rand is three stories in height. It is equipped with sprinkler protection throughout, and, with the exception of East Sibley, all have frontage increases. All of the fire areas except East Sibley are within the height allowances for their construction and use. East Sibley is grandfathered and the 2002 code permitted its incorporation. The grandfathering is not affected by a change of occupancy in Rand III.
- Moving the Fine Arts Library from Sibley Dome to Rand III does not constitute a change of occupancy classification for the building (Sibley/Milstein/Rand); the A-3 library use was already a component of the mixed use building.
- The area of the Fine Arts Library is not being increased with the move to the new location.
- Rand Hall had been a B use (education above the 12th grade) building. Introducing the A-3 library use to the third floor constitutes a change of occupancy for the Rand Hall fire area. The Rand Hall fire area is separated from Milstein Hall by a 2 hour fire barrier. Rand Hall is not directly connected to East Sibley. Section 912.1.2 of the Existing Building Code of New York State requires that the portion of the building (Rand III in this case) undergoing a change in occupancy comply with the requirements of Chapter 5 of the Building Code of New York State. Professor Ochshorn has alleged that the building does not comply with the allowable height and building areas of Table 503.



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- Using the most restrictive occupancy classification (use) for each fire area, and applying the permitted increases for each fire area based on sprinkler protection and frontage, I found the following total allowable fire areas:

East Sibley: Type VB construction, A-3 use 18,000 SF
 Sibley Dome: Type IIIB construction, A-3 use 30,875 SF
 West Sibley: Type IIIB construction, B use 66,500 SF
 Milstein Hall, Type IIB construction, A-3 use 30,875 SF
 Rand Hall, Type IIB construction, A-3 use 30,875 SF

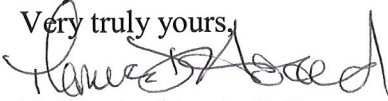
Each of the fire areas is within the corresponding allowable fire area.

To summarize, Professor Ochshorn is correct that the construction of Milstein Hall has resulted in the combining of West Sibley, Sibley Dome, East Sibley, Milstein, and Rand into a single building, because they are separated by fire barriers rather than fire walls. However, he did not consider that the combined building is a mixed occupancy building with five separate fire areas, each of which meets the allowable fire areas with permitted area and height increases for sprinkler protection and frontage increases, as shown in the following chart:

Building, Construction Type, Use	Basic Allowable Area per BCNYS Table 503	Frontage Increase per BCNYS 506.2		Sprinkler Increase per BCNYS 506.3		Total Allowable Fire Area
	SF	%	SF	%	SF	SF
East Sibley, VB, A-3	6,000	0%	0	200%	12,000	18,000
Sibley Dome, IIIB, A-3	9,500	25%	2,375	200%	19,000	30,875
West Sibley, IIIB, B	19,000	50%	9,500	200%	38,000	66,500
Milstein, IIB, A-3	9,500	25%	2,375	200%	19,000	30,875
Rand, IIB, A-3	9,500	25%	2,375	200%	19,000	30,875

In conclusion, it is my opinion that the move of the Fine Arts Library to Rand III is permitted by the Existing Building Code of New York State and the applicable sections of the Building Code of New York State. I trust that this responds to Professor Ochshorn's concerns. Please advise if you need any additional information.

Very truly yours,



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