

## **Cornell AAP Building Safety and Code Compliance**

November 19, 2013

In an interview posted online in October 2013, Cornell Professor Jonathan Ochshorn raised questions about safety and code compliance of several College of Architecture, Art, and Planning (AAP) buildings. In response to questions about our facilities, the college offers the following information in order to inform discussions about building safety at Cornell University and AAP.

### **1. Was Milstein Hall designed and built according to all applicable codes?**

*Milstein Hall was designed and built according to all applicable codes, zoning laws, and preservation regulations as they were understood by the authorized code officials and the building's architects of record. The building was granted a certificate of occupancy on February 24, 2012, after final compliance review by the City of Ithaca's Building Division. Further, the architects employed the services of Accessibility Services of the United Spinal Association to ensure compliance with the Americans with Disability Act and its local compliance practices.*

### **2. Do questions ever arise about what a building code section means and a building's compliance with building codes?**

*Yes, differences of opinion over what a particular section or sections of code mean can and do arise among professionals. Sometimes these differences are between the municipal code official and a building's architect of record or owner, and sometimes they are between interested private individuals and the code official. They can arise before or after the issuance of a Certificate of Occupancy. Such differences are decided by one of the state's regional Boards of Review of the New York Division of Code Enforcement and Administration (DCEA).*

### **3. A number of code-related issues were raised by Professor Ochshorn, suggesting that Milstein Hall is not code compliant. Did he appeal them to the Board of Review?**

*Yes, in an appeal dated May 28, 2013, Professor Ochshorn raised eight questions related to code compliance in Milstein Hall and the adjacent buildings, Rand Hall and Sibley Hall. On July 18, 2013, these issues were presented by Professor Ochshorn to the Regional Board of Review. At this hearing, the acting building commissioner of the City of Ithaca presented his reasons for granting the building permit and certificate of occupancy. Cornell representatives also spoke at the hearing, as did a representative of one of the architects. Written responses from the architects of record were also presented.*

### **4. What was the outcome of the appeal?**

*The board sustained the determination of the City's Acting Building Commissioner on six of the eight issues and reversed the decision of the City's Acting Building Commissioner on two of the eight issues. One of these two issues was related to egress provisions from the Milstein Hall critique dome; the other related to the location of a library in adjacent Rand Hall.*

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### **5. What has Cornell done in response to the two items that were ruled against the code official and Cornell?**

*Building owners typically have several alternatives available to achieve code compliance following an adverse ruling. Following the July decision on the Milstein Hall critique dome's egress provisions, for example, Cornell could either add code-compliant exiting or reduce the size of the room so that its occupancy was 49 persons. Either would achieve compliance. Both involve determining feasibility, followed by a design phase and then construction to implement the design. Cornell and its advisors are at the stage of studying feasibility. In the meanwhile, immediately after the Board's decision for a maximum occupancy of 49 persons, Cornell posted signs in the space, not because signage is the code-compliant fix (it would not be), but because it was an appropriate interim response while a permanent solution is studied. In the case of the library in Rand Hall, Cornell is seeking a code variance to permit this use in Rand Hall. Cornell's variance petition is before the board.*

### **6. Professor Ochshorn has asserted that Milstein Hall is too large to comply with the building code and that it is therefore unsafe. Is this correct?**

*Milstein Hall was designed and constructed to be compliant with code sections governing its size. Milstein Hall is non-combustible construction and fully sprinklered. It was determined by the authorized city code official to be compliant in terms of size and configuration, and this determination was upheld by the Regional Board of Review.*

### **7. Claims have been made that Milstein Hall has leaks and other construction failures due to its ambitious architectural design. Is this true?**

*Shortly after occupation, several construction issues were identified and entered on to a list for the contractor to repair since the construction is warranted by the builder. This list—commonly called a “punch list”—is standard in construction projects. One such issue was a roof leak, which was repaired by the contractor along with other punch-list items. There are extended warranties on the waterproofing membranes and curtainwalls. These warranty or punch-list items are not related in any meaningful way to the ambitions of the architectural design.*

### **8. As a faculty member, does Professor Ochshorn represent the university?**

*Professor Ochshorn does not represent the university. He is an individual faculty member and he represents himself. AAP is proud to have commissioned an architectural work of the highest quality, and was pleased to advocate for special access for Professor Ochshorn to the Milstein Hall construction site so that he could obtain videos and images of the construction process for use in his classes and in his scholarship. After construction, AAP provided use of the architect's construction documents to support his teaching. But this access does not change the status of the public remarks he has made about the building as coming from a private citizen, not as a representative of the college or the university.*