

Appendix B

Additional comments on Violation #3 Complaint #4660

What the architects incorrectly call a rooftop “mezzanine” cannot be defined as a rooftop bulkhead/penthouse, and *must be counted as an additional story*, per Section 1510 (Rooftop structures) of the 2015 NYS Building Code.

First, the Code defines penthouses according to permitted uses, which consist of “the shelter of mechanical or electrical equipment, tanks, or vertical shaft openings in the roof assembly.” (1510.2.3) For the record, Section 1510.2.2 the 2018 IBC, not yet adopted by NYS, extends the use limitations for penthouses to include elevators and related machinery. However, bathrooms are not permitted within penthouses in either the 2015 or 2018 versions of the Code.

Second, the Code defines bulkheads, “used for the shelter of mechanical or electrical equipment or vertical shaft openings in the roof assembly,” according to the same permitted uses as penthouses (1510.8.2) and expressly states that such rooftop structures “used for any other purpose *shall be considered as an additional story of the building.*”

Since the rooftop structure in the Rand Hall project contains elevators and bathrooms, it cannot be counted as a penthouse/bulkhead, and must be considered as an additional story.

Following are the relevant code sections:

Section 1510.2 Penthouses. Penthouses in compliance with Section 1510.2.1 through 1510.2.5 shall be considered as a portion of the story directly below the roof deck on which such penthouses are located. All other penthouses shall be considered as an additional story of the building.

Section 1510.2.3 Use limitations. Penthouses shall not be used for purposes other than the shelter of mechanical or electrical equipment, tanks, or vertical shaft openings in the roof assembly.

Section 1510.8.2 Bulkheads. Bulkheads used for the shelter of mechanical or electrical equipment or vertical shaft openings in the roof assembly shall comply with Section 1510.2 as penthouses. Bulkheads used for any other purpose shall be considered as an additional story of the building.