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One victim of new code may be the small developer.

by Zenreich, Michael
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In a city where the fundamental economics are based on real estate—the buying of, the selling of, the remodeling of, the taxation of—it's difficult to believe that New York's Building Code hasn't been updated in 40 years.

Through Wall Street crashes, real estate booms, bubble markets and the gentrification of countless neighborhoods that were once off-limits for the city's most affluent and safety-conscious residents, New York's Building Code has remain unchanged. It's rather extraordinary when you consider it.

This month, the 2008 New York City Building Code took effect—the result of a monumental effort within the City's Department of Buildings that spanned six years. During this process, I chaired the Existing Buildings Technical Committee. It's an effort I'm proud of, both as an architect and a Manhattan resident.

The New Building Code, in effect as of July 1, is based upon the national standard called the International Building Code (IBC). The IBC is the Building Code adopted by most of the States and Municipalities around the Country.

The New Building Code changes are overwhelmingly positive, often with improved safety in mind. But some of the changes do impact design and space-use in ways many New York residents—and brokers—won't realize until six to 12 months from now, when the New Building Code's changes really start to take effect on new development and remodeling projects.

Without the proper guide or interpreter, the next year for developers and architects will involve occasional trial and error, as the New Building Code impacts plans for new construction citywide.

What follows is a brief summary of things everyone should know about the New Building Code—it's not the entirety of the changes, but a good place to start learning about what's new and how it impacts real estate.

* Scissor Stairs and the Narrow Lot

One change that is certain to impact the smaller developer—who often buys and builds on the city's narrower lots—say 25-30 feet wide—is the new code impacting the use of scissor stairs: Almost every design for a narrow lot, be it residential or commercial, has taken advantage of the scissor stair design, which saves space. Now, any new residential construction building on a narrow lot of 25-30 feet, and over 12 stories, will require two full sets of fire stairs, which ultimately impacts usable square footage (refer to diagram #4). These code changes may also severely compromise the flow of the narrow-lot floorplan. The result: in order to keep the floorplans fluid, developers working with this size lot will have to design full-floor units, or smaller studios. Either direction changes the building's appeal, customer base, marketing and sales.

* Handicap Bathrooms

With the prior Building Code, any major residential renovation required that every bathroom in the home be upgraded to "handicap adaptable". The result: more expense, more time and lost space. Small guest bathrooms or washrooms all had to be renovated to accommodate handicap access. No longer. The New Building Code now requires that only one bathroom be upgraded to a fully accessible bathroom. The remaining bathrooms can either remain unchanged or remodeled without having to be handicap adaptable. The result: less expense, more space and in some cases, more design integrity for the use and flow of the Original spaces. The winners here: owners of large apartments or lofts and developers of such properties.

* The End of the Floating Staircase

I'm biased. I'd like to think New Yorkers invented the floating staircase, since the design has been a staple of some of the city's most striking residences for 30 years. With the implementation of the New Building Code, all staircases will now have closed risers, meaning that the maximum

open space between stairs can only be four inches, and all railing will have to be vertical with no more than four inches between the rails. I have no doubt New York City's architects will rise to the challenge and still design stunning staircases in townhomes, duplex apartments and retail stores, but the code does mark the end of this Manhattan design staple.

* Better Fire Safety

Gone are the days of miscellaneous smoke detectors outside of bedroom doors. The New Building Code requires that in new construction, all smoke detectors household-wide be wired together for improved safety. The benefit: a synchronized alarm system that informs the resident quickly of any smoke or fire danger in their home. The downside: if your cooking sets off the alarm in the kitchen, everyone in every room of the home will know. The cost: approximately \$600 more per unit for the average two-bedroom apartment.

* Easier on the Architect

Another benefit of New York City's New Building Code—its newfound compatibility with the current International Model Building Code. Whereas the prior code was New York-centric, the new code's sections relate to other major cities' building codes, allowing New York architects to working more easily in different regions of the U.S.

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