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Saving grace - The start of sub-cycle 8B for Formerly Local Law 11/98 (FISP) - by Esin Pektas

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Grace Gold was struck and killed by a piece of masonry that fell from a building at Broadway and West 115th St. in 1979. In an attempt to save future Graces, the city passed Local Law 10 /1980, later Local Law 11 /1998, and now Façade Inspection and Safety Program (FISP). Since then,

throughout the city, exterior inspections of building façades and appurtenances are required to be performed by a qualified licensed engineer or architect every five years, where buildings are six or more stories in height, including the basement, regardless of the Certificate of Occupancy record of the building.

All exterior walls except the ones that are less than twelve inches from the adjacent building, and all appurtenances must be inspected along with air conditioners, railings, fire escapes, balcony enclosures, antennas; and a Critical Examination Report must be filed with the DOB classifying observed conditions as safe, unsafe or safe with a repair and maintenance program (SWARMP).

The current Inspection Cycle (Cycle 8) runs from February 21st, 2015 to February 21st, 2020 and is divided into three sub-cycles based on the building's block number.

Last month, February 21st marked the start of Sub-cycle 8B that allows building owners only two years to file Cycle 8B façade inspection reports with the NYC Department of Buildings (NYC DOB).

Building owners who receive a report classifying the building as safe within the meaning of FISP should carefully review the professional's report and comply with any suggestions listed to maintain the building in a safe condition, however, building owners who receive reports classifying the building as either Unsafe or SWARMP must perform additional measures to ensure complete compliance of FISP.

Unsafe Condition

Building owners who receive an unsafe report are provided an initial period of thirty days to make repairs recommended by the professional. If repairs cannot be performed due to the need to develop repair documents, obtain competitive proposals and/or file and obtain any required permits, extensions of time may be granted by the NYC DOB. Extensions of time may be granted by the NYC DOB upon receiving reasoning for the delay and documentation that the public and building occupants have either been protected from unsafe conditions or access below and adjacent to unsafe conditions has been restricted. Upon completing all necessary repairs, an amended technical report must be issued to the NYC DOB reclassifying the building as either safe or safe with a required maintenance program.

SWARMP Condition

Building owners who receive a report classifying the building as SWARMP must carefully read the report and recommendations provided by the professional to understand what repairs are necessary and when repairs must be completed in order to remain in compliance with FISP. Building owners must complete repairs to items listed as SWARMP in the report by the repair date and prior to filing the Cycle 9 report or the items will be reclassified as unsafe during the Cycle 9 period and will require repair within thirty days. A subsequent technical report should be filed following completion of repairs to SWARMP items in order to reclassify the building as safe.

Building owners must know that retaining a professional to conduct the inspection and filing of the report is only the first step in compliance with FISP. For buildings classified as Safe, this first step may be all that is required besides normal maintenance of the building; however, buildings with unsafe or SWARMP classifications will require additional steps to be completed for compliance with this law. Building owners should consult their professional immediately after receiving the technical report and fully understand what is required of them to ensure the building is maintained in a safe condition and that unnecessary fines are not levied for non-compliance with the law.

Historic Preservation Approach to Façade Safety Repairs

Over the last decade, as a NYC Landmarks Preservation Commission approved preservation

architect, I have had the great opportunity to work on many landmark building façades preserving the city's extraordinary heritage for posterity.

At the outset of each project, Falcon Engineering professionals ride scaffolds to perform FISP inspections, to examine and sound out the entire facade and to mark defects. Time and again, we are struck by the fact that most of the deterioration and failures do not involve the original building elements but rather along the areas where incorrect repair, restoration, renovation and preservation methods were applied throughout the building's lifetime (sometimes as recent as a year or less).

The scale of failed repairs varies from mismatching new brick or mortar color or improper caulking to dramatic material replacement such as stitching a CMU block into a void left by a missing floral terra cotta unit or a Gothic gargoyle.

Whether the building is a designated landmark or not, façade safety repairs should be performed utilizing a historic preservation approach that is balancing repair and maintenance needs while respecting integrity of original materials, design, and construction.

FISP inspections and technical reports must be performed by a licensed professional engineer or registered architect knowledgeable in building façades and performing work in New York. Falcon Engineering can assist building owners and managers by performing required inspections, preparing and filing necessary reports and assisting with developing repair documents for any unsafe or SWARMP items.

We recommend that the inspection be performed as early as possible in the inspection period. This will allow the flexibility to correct any areas that need repair (but are not necessarily unsafe) before filing the completed report.

The inspection will include an examination of the report from the previous cycle to determine if areas requiring repair (if any) were repaired since the last inspection and to evaluate the history and ongoing maintenance of the building.

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