

Ref. No. MCHI/PRES/19-20/645

August 26, 2020

To,

Shri Vinod P. Chithore

Chief Engineer (Development Plan)

Municipal Corporation of Greater Mumbai

Sub : 1) Charging of staircase, lift, lift lobby premium under DCPR 31(1)(iv).

2) Reduction in premium for commercial project

3) Charging of premium for Staircase under Regulation 48(5)(A) of DCPR 2034

4) Exemption under Regulation 31 from FSI in respect of lobbies as specified for Hotels and Commercial Establishment

Ref : 1) Our letter No. MCHI/PRES/19-20/611 dated August 4, 2020

2) Our letter No. MCHI/PRES/19-20/613 dated August 4, 2020

Dear Sir,

Reference is requested to the above. In continuation to our earlier letters referred to above, we would like to further submit as under :

A) Exemption from payment of premium of 2nd staircase

1) Under the DCR 1991 prior to 6th Jan 2012, there was no stipulation for providing 2 staircases in a residential building and only 1 staircase was required irrespective of the height of the building. However, the concept of the 2nd staircase as an extra means of exit/egress during an emergency was prescribed by the High Rise Committee (HRC) vide guidelines issued by the HRC dated 16.07.2011 (Copy Enclosed). According to the said guidelines any building over 70 meters irrespective of the area of the floor plate, was required to have the 2nd staircase as an emergency exit.

2) The HRC guidelines were then incorporated in the DCPR 2034 and in Regulation 48(5)(A) and (B) of the DCPR 2034 which inter alia reads as under:

5) (A) Additional Staircase:

(a) *In case of high-rise Residential buildings of 70 m or less, additional staircase shall be necessary.*

Provided, however, it will not be necessary, if,

(i) *Travel distance does not exceed that mentioned in sub regulation (3)(ii)(i) (i&ii) of regulation 47 and;*

(ii) *If floor area on any floor does not exceeds 500 sq. m*

Note: These staircases shall be of enclosed type having minimum width of 1.5 m.

(b) *Buildings having height 70 m or more, shall be provided with two enclosed type staircases, each having width not less than 2.0 m.*

(c) *Whenever two staircases are necessary, both the staircases shall open & terminate at ground floor or to any other place of safety. The staircases shall be as remote as possible from each other*

(d) *Staircase leading from basement shall be staggered at ground floor and then diverted to upper floor*

(e) *The fire escape staircase other than **one required per building/wing** shall be free of FSI without charging premium.*

(B) *In case of Institutional/Special Buildings, non-residential high-rise buildings minimum two staircases shall be necessary.*

As can be seen from the above, building having height of more than 70 meters is mandated to have 2 staircases each having width of not less than 2 meters, in line with the HRC Guidelines issued in 2011.

It may be noted that prior to 6th Jan 2012 as per regulation 35(2) (d) Area of Fire escape stairways according to requirements of Chief Fire Officer requirements were allowed free of FSI without special permission and accordingly now as per DCPR 2034 (5)(A) additional Staircase is required to be provided for certain category of building.

- 3) Reference in this regards is also requested to Table No.22 of the DCPR 2034, which is reproduced as under :

Table No: 22

Width and Number of Exits for various Occupancies

Serial No. (1)	Type of Occupancy (2)	Stairway/Corridor Minimum Multiplier width in m (3) (4)		Door Minimum width in m (5)	Exit Multiplier (6)
1	Residential Dwellings row-housing/Duplex Flats (2 storeys) hotels	1.2 0.90 1.5	0.145 0.213 0.107	....	} 0.053
2	Educational- -upto 32m high -over 32 m high	1.5 2.0	0.333 0.250	.... ....	0.667
3	Institutional i.e.Hospitals- -upto 10 beds -over 10 beds	1.5 2.0	.089* .067*	....	0.044 0.044
4	Assembly** -fixed seats or loose seats and dance floor. -no seating facilities and dining rooms	.... 2.0 2.0	.... 0.694 0.278	1.0 .... ....	.... 0.926 0.370
5	Mercantile- -street floor and basement -upper sales floors	1.5 1.5	0.222 0.111	.....	0.222 0.111
6	Business, Industrial	1.5	.067	....	0.067
7	Storage	1.5	.022	....	0.022
8	Hazardous	1.5	.133	....	0.125

The Table No.22 essentially provides a guidelines as to a number of staircase that are required to be provided based on the occupancy load per floor. As per Regulation 47(1), the design of any building shall be as per the DCPR and National Building Code (NBC) as amended from time to time. As per the NBC the number of staircase required based on area of floor plate is as under :

No Of Staircase as Per NBC and DCR

	National building Code 2005			AS PER OCCPANT LOAD Floor Area served as per NBC 2005/ dcr 1991/ dcpr 2034	AS Per DCPR 2034						
	per 500mm width (i.e one unit width as per cl 4.4.1)	Width of staircase	No of Persons		NBC/DCR						
	Number of occupants				Occupant Load	Table 20		Table 20		Table 20	
	Table No 21 of NBC			Area sqm / person	Stair Width	Multiplying Factor	No of Staircases	Exit Multiplier	No Of Exit		
Residential 1.5m	25	1.5	75	937.5	12.5	1.5	0.107	1.00	0.053	0.50	
Residential 1.2m	25	1.2	60	750	12.5	1.2	0.145	1.09	0.053	0.40	
Residential 0.75 m	25	0.75	37.5	468.75	12.5	0.75	0.213	1.00	0.053	0.25	
Educational	25	1.5	75	300	4	1.5	0.333	1.00	0.667	2.00	
	25	2	100	400	4	2	0.25	1.00	0.667	2.67	
Institutional assembly For 2 m	25	1.5	75	1125	15	1.5	0.089	1.00	0.044	0.50	
	40	2	160	96	0.6	2	0.694	0.67	0.926	0.89	
assembly For 2 m	40	2	160	240	1.5	2	0.278	0.67	0.37	0.89	
Business	50	1.5	150	1500	10	1.5	0.067	1.01	0.067	1.01	
Mercantile	50	1.5	150	450	3	1.5	0.222	1.00	0.222	1.00	
	50	1.5	150	900	6	1.5	0.111	1.00	0.111	1.00	
Industrial	50	1.5	150	1500	10	1.5	0.067	1.01	0.067	1.01	
Storage	50	1.5	150	4500	30	1.5	0.022	0.99	0.022	0.99	
Hazardous	25	1.5	75	750	10	1.5	0.133	1.00	0.125	0.94	

Table No 20 (For Staircase other than fire escape)

Sr No	Type Of Occupancy	Minimum Width of Staircase in M
1	Residential	
	a)General	1.2
	b) Row Housing (2 stores)	0.75
	c)Hotels	1.5
2	Educational Buildings	
	a)up to 24m	1.5
	b)Over 24m high	2
3	Institutional Buildings	
	(a) up to 10 beds	1.5
	(b)Over Beds	2
4	Assembly Buildings	2
5	Mercantile, business, industrial , storage	1.5
	hazardous	1.5

Fire escape Staircase requirement 0.75m

In view of the above, therefore any staircase provided in excess of the occupancy load as per table above, is deemed to be an additional staircase under Regulation 48(5)(A). In fact the title of the regulation itself refers to the same as “Additional Staircase” and not staircase required under Table No.22. A cogent reading of the Table 22 and regulation 48(5)(A) clearly indicates that staircases provided in excess of what is required under Table 22 has to be considered as an “Additional Staircase” and thus exempted under Regulation 48(5)(A)(e) as reproduced above.

In view of the above, it is submitted that the additional staircase provided in a building in accordance with the Regulation 48(5)(A), be exempted from computation of the FSI without charging any premium as explicitly provided under Regulation 48(5)(A) (e), provided further that the same is in excess of the staircase required under Table 22 as per occupancy load and NBC.

B) Premium charged for exemption from FSI under Regulation 31(1)(iv)

- 1) It is submitted that as per the current policy of the MCGM, premium at the rate of 25% of the RR rate is charged for exempting the area of staircase, lift and lift lobby from computation of FSI. Further in case of commercial building 50% of the RR rate is charged for exemption of the staircase, lift and lift lobby from computation of FSI. Reference in this regard is requested to the premium charged by the MCGM under the DCPR for grant of additional FSI under the various provision of the DCPR viz a viz premium charged by MCGM for Staircase, Lift Lobby exemption under Regulation 31(1) (iv) is as under :

Sr.No.	Provision	Premium for additional FSI (Habitable Area)	Premium for exemption of staircase lift, lift lobby under Regulation 31(1)(iv)
1.	Fungible Compensatory Area	35%	25-50%#
2.	Additional FSI under Table 12	35%	25-50%#
3.	33(1) Religious Building	25%	25%*
4.	33(2) Educational Building	10%	25%*
5.	33(2) Medical Institution	20%	25%*
6.	33(2) Other Institutional	30%	50%
7.	33(3)(b) Police Housing (Free Sale Component)	30%	25-50%
8.	33(4) Hotel	30%	50%
9.	33(5) LIG/EWS	22.5%	25%
10.	33(13) IT Building	40%	31.25%
11.	33(13)(a) Smart Fintech Building	40%	50%
12.	33(17) Biotechnology Building	40%	50%
13.	33(19) CBD Building	40%	50%

*Non charitable#Depending on user

- 2) As can be seen from the above, the premium charged by the MCGM for the non habitable area of staircase, lift, lift lobby exempted under 31(1)(iv) is much higher than the premium charged by the MCGM under the various provision of the DCPR 2034 for additional habitable area. As such there is a glaring anomaly insofar as the premium being charged by the MCGM for the exemption of staircase lift, lift lobby under regulation 31(3)(iv) and additional FSI is concerned. In this regard reference is also requested to the letter of the then Hon'ble MC dated 24.07.2019, wherein after considerable discussion with our association it was agreed to rationalize the rate of premium charged by the MCGM under regulation 31(1)(iv). It was agreed that irrespective of the user, premium at the rate of 12.5% shall be charged for exempting staircase lift, lift lobby under regulation 31(3)(iv). It is submitted that even at 12.5% of the RR rate this premium is equal to between 25-50% of the premium charged by the MCGM for grant of additional FSI for habitable area. It is our submission that the premium of 12.5% is fair and reasonable and takes into consideration the significant hardship faced by the entire construction industry in view of the economic slow down as a consequence of the COVID 19 epidemic

C) Specified lift lobbies for Hotels and Commercial Establishment

- 1) It is submitted that as per Table 16 the minimum width of corridors for various occupancies has been specified the same is as under :

Table No: 16

Minimum width of common Stairways/Corridors for various occupancies.

Sr. No.	Type of Occupancy	Minimum width of stairway/corridor (in meters) for buildings upto 70.00 m height	Minimum width of stair-way/corridor (in meters) for buildings more than 70.00 m height
1	Residential buildings-		
	(a) General	1.50	2.00
	(b) Row housing (2 storeyed) or internal staircase in duplex flat	0.90	-
	(c) Hotels	1.50	2.0
2	Educational buildings		
	(a) Upto 32 m high	1.50	-
	(b) Over 32 m high	2.0	-
3	Institutional buildings	1.50	2.0
4	Assembly buildings	2.0	2.0
5	Mercantile storage, hazardous buildings	1.50	2.0
6	Industrial Building	2.00	

As can be seen from the Table 16, for Hotels, the minimum width of corridor has been specified as 1.5 meters (upto 70 meter height) and 2 meter (beyond 70 meter height). Similarly for institutional building it has been specified as 1.5 meter (upto 70 meter) and 2 meter (beyond 70 meter).


- 2) The MCGM circular No. ChE DP/110/Gen dated 30.01.2020 specifies the passages leading from the elevators to the habitable area and the plan enclosed thereto generally pertains to a residential building. The said plans takes into consideration the possibility of misuse of such exempted lift lobby in a residential building. However, the planning requirements of hotel and commercial building are distinct and therefore it is necessary to have a representative plan for hotels and commercial building which takes into consideration the specific planning requirements as also the possibility of misuse of such area that are exemption from computation of FSI under regulation 31(1)(iv).
- 3) It is submitted that the representative plans attached alongwith our representation dated 04.08.2020 depicts a typical floor plan of a hotel and commercial building and the requirement of passages from the lift to access the habitable area in such buildings. In the spirit of regulation 31(1)(iv) all passages that are not capable of being misused as habitable area and which lead from the lift to the habitable area are to be exempted under regulation 31(1)(iv). In view thereof it is necessary that a representative plan of the passages that may be exempted under Regulation 31(1)(iv) for commercial building/hotel be specified by virtue of specific representative plan based on peculiar requirement of the user. .

We request you to kindly take note of the above into consideration the same at the earliest and oblige.

Thanking you,

Yours Sincerely,
For CREDAI-MCHI


Nayan A. Shah
President


Bandish Ajmera
Hon. Secretary