

**RESCINDED BY BUILDINGS  
BULLETIN 2023-013**

THE CITY OF NEW YORK  
**HOUSING AND DEVELOPMENT ADMINISTRATION**  
DEPARTMENT OF BUILDINGS  
DIRECTIVE NO. 1 OF 1977

DEPARTMENTAL MEMORANDUM

DATE: January 31, 1977

TO: Borough Superintendents

FROM: Director of Operations Irving E. Minkin

SUBJECT: Restaurants, Cabarets, Discotheques, Night Clubs, and Dance Halls

Restaurants, cabarets, discotheques, night clubs, and dance halls are all classified in Occupancy Group F-4 under the new Building Code. However, depending upon the dominant use, these establishments can be classified as either a commercial or public use under the old Building Code.

In view of the recent proliferation of many of these establishments, the great numbers of people assembled, and the variations in application of section C26-254.0 of the old code and sub-article 103.0 of the new code, the following uniform criteria shall be adhered to for any of the subject uses established as a new use, or accommodating an increased number of persons:

1. Unless the percentage of the establishment devoted to eating exceeds 75% of the assembly space, such establishment shall be classified as a public use under the old code, and subject to all of the provisions of section C26-254.0 therein relating to such uses.
2. Regardless of the old code use classification, all establishments as noted above shall be required to install emergency lighting as set forth in section C26-801.18 of the new code.
3. Public building construction requirements of the old code may be waived, provided all of the pertinent fire protection and egress provisions of Articles 3,4,5,6,8 and 17 of the new Building Code are complied with for the building or building section in which the subject establishment will be located.

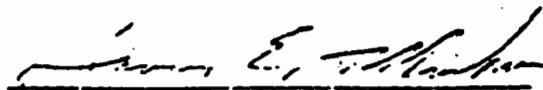
This directive shall take effect immediately, except that in the case of applications already approved and currently active, compliance with only item #2 above shall be required before a certificate of occupancy and place of assembly permit are issued or renewed.

IEM/df

CC: Exec. Staff

Restaurant League

Professional Societies



Irving E. Minkin  
Director of Operations

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