

**RESCINDED BY BUILDINGS
BULLETIN 2022-004**



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

CHARLES M. SMITH, Jr., R.A., Commissioner

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GEORGE E. BERGER, P.E.
Assistant Commissioner
Building Construction

**TECHNICAL
POLICY AND PROCEDURE NOTICE NO. 5/88**

TO: BOROUGH SUPERINTENDENTS

FROM: George E. Berger, P.E. *HEB*
Assistant Commissioner

DATE: April 21, 1988

SUBJECT: SECTION 12-10 ZONING RESOLUTION FLOOR AREA

Under Item (i) for the definition of 'Floor Area' under Section 12-10 of the New York City Zoning Resolution, "except in R-4 and R-5 Districts, the lowest story (whether a basement or otherwise) of a residential building" is exempt from floor area under certain conditions.

Item (2) requires as one of the conditions that the lowest story and the immediate story above are portions of the same dwelling unit.

Item (3) also requires as one of the conditions that the lowest story be used for purposes which are customarily found in basements.

Commencing immediately, if any portion of the lowest story contains living space charged to floor area (whether undivided or not) none of the lowest story shall be exempt from floor area except for the garage portion. In order to be exempt from 'Floor Area' the entire lowest story must be used with the dwelling unit immediately above, as well as, containing only uses indicated in Item (3). In order to show compliance with item (2), in other than one-family dwellings, there must be a direct access from the lowest story to the dwelling unit immediately above within the apartment.

This change in Department interpretation shall be treated as an Amendment to the Zoning Resolution subject to the provisions of Section 11-33.

GEB:rmr