



BUILDINGS 2023-013 BULLETIN TECHNICAL

ISSUANCE DATE
September 27, 2023



ISSUER: Keith L. Wen, R.A. 
Assistant Commissioner
Code & Zoning Interpretation

PURPOSE: This Bulletin rescinds 5 Directives, 10 Memoranda, 1 TPPN and 3 Letters which were issued by the Department but are no longer applicable under current Codes and Local Laws.

SUBJECT(S): Rescinding a Directives, Memoranda, a TPPN and Letters

RESCINDED DOCUMENTS

Directive 2 of 1970, Directive 25 of 1970, Directive 10 of 1974, Directive 1 of 1977,
Directive 5 of 1977

Memo 3/19/63, Memo 10/24/68, Memo 2/11/71, Memo 4/26/72, Memo 5/31/73,
Memo 6/1/73, Memo 4/4/75, Memo 2/21/78, Memo 1/3/79, Memo 4/26/79

TPPN 4/89

Letter 2/22/88, Letter 7/12/88, Letter 2/15/91

BACKGROUND

The Department of Buildings periodically reviews published Buildings Bulletins (BB), Policy and Procedure Notices (Technical, Operational, Legal, Administrative, OTCR) and the various Directives, Executive Orders, Memoranda and Letters issued in the past to ensure their continued consistency with current Departmental practice and to verify that new laws and regulations are incorporated into these documents.

The above listed Directives, Memoranda, Technical Policy and Procedure Notice and Letters are rescinded effective immediately and are attached therein.

The rescinded documents will appear on the Department's website with the watermark **RESCINDED**. Because this review is ongoing, documents not specifically listed in this Bulletin may be addressed in future bulletins. Watermarked Memoranda, Directives, Executive Orders and Letters may be accessed through the online version of this Bulletin at www.nyc.gov/site/buildings/codes/building-bulletins.page.

**RESCINDED BY BUILDINGS
BULLETIN 2023-013**

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DIRECTIVE 2 OF 1970

January 30, 1970

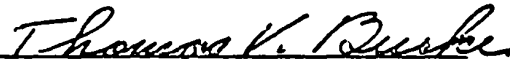
TO: Borough Superintendents

FROM: Thomas V. Burke, Director of Operations

SUBJECT: Interior Finishes & Floor Finishes - Section C26-504.10 and
C26-504.13 (new code)

Interior finishes consisting of wall coverings less than .036 inches in total thickness when applied to a non-cumbustible base and finish flooring and floor coverings are exempt from the requirements of flame-spread, smoke density and toxicity. Such exemptions are contained in paragraph C26-504.10(c) and shall be construed to be incorporated in paragraphs C26-504.10(d) and (e).

The provisions of paragraph C26-504.13 shall apply to floor finishes and floor coverings. In general, this section will prohibit cumbustible floor finishes and floor coverings in exits. In spaces other than exits, carpets installed by the "tackless" method may be fastened to cumbustible wood strips. Cumbustible padding not over $\frac{1}{2}$ inch thick may be placed between the wood strips, under the carpeting. Such carpets and accessory padding do not require a prior approval or acceptance under the Building Code. 'Exits' as used in this directive shall be as defined in the Building Code.


Thomas V. Burke
Director of Operations

TVB/CFD/sl

cc: all staff
engineer employees
inspectional employees
industry

**RESCINDED BY BUILDINGS
BULLETIN 2023-013**



DEPARTMENT OF BUILDINGS
120 WALL STREET, NEW YORK, N.Y. 10005
JEREMIAH T. WALSH, P.E., Commissioner

February 21, 1978

Gerald M. Daub, R.A.
65 Nassau Street
New York, N.Y. 10038

Re: C26-121.5, Change of Use and
C26-607.2, Designation of
Required Means of Egress

Dear Sir:

I am in receipt of your letter dated January 25, 1978, in which you request interpretations with regard to the above subjects.

It is your contention that an Amended Certificate of Occupancy may be issued if an alteration to an existing building with a C.of O. does not exceed 20 % of the total floor area of the building; particularly in the case where the previous amended C.of O. was issued more than one year ago.

I agree that the validity of an amended C.of O. should not be diminished by making it subject to cumulative effect.

Apropos, your inquiry if exit lights need be individually lighted, please be guided by the foregoing:

1. Yes, if required by a code, ordinance, rule, law, etc. enforceable by this department such as for Places of Assembly or Labor Law Premises.

2. Unless "otherwise specified", the surfaces of the phosphorescent signs shall be illuminated by a reliable light source to an intensity of not less than 5 foot-candles, measured on the lettered surface of the sign; and sufficient to maintain such phosphorescence as required.

Very truly yours,

Irving Polsky, P.E.
Irving Polsky, P.E.
Acting Executive Engineer

IP:br

1436

**RESCINDED BY BUILDINGS
BULLETIN 2023-013**

C O P Y

The City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION

• Exit Signs
•(AC)-Title C-Part II-Sec. C26-272.0
•(AC)-Title C-Part II-Sec. C26-279.0

DEPARTMENTAL MEMORANDUM

Date: October 24, 1968

TO: Borough Superintendents
FROM: Thomas V. Burke
Director of Operations
SUBJECT: Exit Signs (C26-272.0 and C26-279.0)

The Board of Education, Office of School Buildings, has been in touch with this department on the subject of phosphorescent exit signs for existing buildings and buildings currently under construction.

Phosphorescent exit signs required by provisions of paragraphs C26-272.0 and C26-279.0 Administrative Building Code shall have eight inch high letters except that in existing buildings and in buildings currently under construction signs with letters no smaller than four inches may be accepted where construction features prohibit larger letters.

/signed/

Thomas V. Burke
Director of Operations

TVB:CFJ:njc

**RESCINDED BY BUILDINGS
BULLETIN 2023-013**

The City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION
Department of Buildings

DIRECTIVE NO. 25 OF 1970

TO: Borough Superintendents

DATE: July 13, 1970

FROM: Thomas V. Burke, P.E., Director of Operations

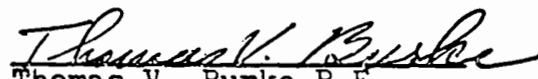
SUBJECT: Classification of Cellars - New Building Code

Cellars under the new building code are defined as stories, however, section C26-406.2 provides that cellars shall not be counted as stories in applying the provisions of the code which relate to height limits. To clarify this apparent conflict, the following shall be the interpretation of this department:-

Wherever any section of the new building code has a requirement or restriction relating to the story height of a building, cellars shall not be counted as stories.

TVB/JTW/sl

cc: Exec. staff
Industry
File


Thomas V. Burke, P.E.
Director of Operations

**RESCINDED BY BUILDINGS
BULLETIN 2023-013**

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: June 1, 1973

TO: Borough Superintendents

FROM: Irving E. Minkin, P.E., Executive Engineer

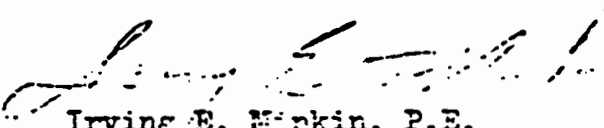
SUBJECT: STC Ratings for Bare Solid Concrete Slabs

Herewith forwarded for your advice and guidance is information in regard to STC ratings for bare, solid concrete slabs.

The enclosures supplement the information forwarded to you with a letter dated May 15, 1973 by former Commissioner Stein; and, in two families of curves (figures 1 and 2 in the enclosures), indicate STC ratings for various thicknesses of solid slabs, both lightweight and stone concrete, with compressive strengths between 2,000 and 5,000 p.s.i.

The enclosures do not, however, provide any information in regard to STC ratings of covered slabs, nor IRR ratings of any type of construction.

IEM:njk


Irving E. Minkin, P.E.
Executive Engineer

cc: Comm. Karagheuzoff
Dep. Comm. Cooke
Ass't Comm. Stulz
Exec. Staff
Robert C. Rosenberg, Dep. Comm.
Pete Brady, Ass't to the Admin.
Max Schreiber, Housing Authority

**RESCINDED BY BUILDINGS
BULLETIN 2023-013**

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: May 31, 1973

TO: Borough Superintendents

FROM: Irving E. Minkin, P.E., Executive Engineer

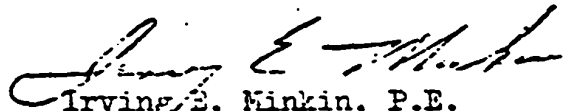
SUBJECT: "Congregate Housing", etc.,

Herewith forwarded for your advice and guidance is a copy of minutes of a meeting held on May 25, 1973 at which representatives of all affected H.D.A. agencies were present.

The institutional classification of "congregate housing" in the Building Code (and coincident classification as a community facility use under the Zoning Resolution) with the arrangement and design described in the enclosure is consistent with the department's past interpretations in regard to "proprietary homes for adults", "therapeutic communities", and the like.

Note that the last item in the enclosure, relating to the number of unrelated persons that may occupy a Class A apartment, (not congregate housing as described above) requires legislation before such an occupancy can be authorized.

IEM:njk


Irving E. Minkin, P.E.
Executive Engineer

cc: Comm. Karagheuzoff
Dep. Comm. Cooke
Ass't Comm. Stulz
Exec. Staff

RESCINDED BY BUILDINGS BULLETIN 2023-013

MEETING 5/23/73 ON CONGRESSIONAL HEARING

| | | |
|----------|--------------|----------------------------|
| PRESENT: | A. Gleidman | Rent & Housing Maintenance |
| | F. DellMira | Rent & Housing Maintenance |
| | I. Minkin | Buildings |
| | J. Hack | Legal |
| | E. Baer | Special Purpose Housing |
| | H. McClellan | Design |

It was agreed that the Building Code designation of E-2, Institutional, will be acceptable for units without individual cooking spaces but with a common dining room, and that the term "public institution" in the Multiple Dwelling Law and Housing Maintenance Code will cover them also, so that they will not be bound by those two laws. Such buildings will be privately owned, but for public use. This will be confirmed by memo from Rent and Housing Maintenance.

Being a community facility under Use Group 3 of the Zoning Resolution, no room count is required for zoning purposes. If a room count must be established for financing or rental purposes where the project is to be City Mitchell-Lama, this has to be done administratively by the Development Department.

A separate proposal by Special Purpose Housing was also discussed concerning revised wording of the Housing Maintenance Code which would permit up to six unrelated persons in an apartment instead of 3 as per present definition of "family". This is also basically acceptable to Buildings and Rent and Housing Maintenance. The Building Department wishes to amend the definition of "family" in the Building Code in the same manner. Such apartments would have individual kitchens and remain Class A multiple dwellings, with J-2 Building Code classification.

HM:rg

cc: All above
J. Christian
R. Rosenberg
R. Rosenthal

**RESCINDED BY BUILDINGS
BULLETIN 2023-013**



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013
RUDOLPH J. RINALDI, COMMISSIONER

CAROLE S. SLATER
General Counsel & Director
Office of Legal Affairs
(212) 312-8130

February 15, 1991

Andrew Leder, Esq.
Stangler, Edelman & Binder
One Old Country Road
Carle Place, New York 11514

Re: Revolving Doors in a 1920 building

Dear Mr. Leder:

This letter responds to your request for information regarding revolving exit doors in a building which was constructed circa 1920.

Provided no significant alteration work has been done at the premises pursuant to Administrative Code ("A.C.") §§27-115 and 27-116, and provided there has been no change in the use or occupancy of the building pursuant to A.C. §27-112, the building code which existed at the time of the initial construction is the controlling law. If, however, there was an alteration involving the change in occupancy or use of any space in the building, pursuant to A.C. §27-118 the owner may have been required to comply with the current code with respect to the entire building as was necessary to protect the safety and welfare of the occupants.

Given the above provisos, the following addresses your specific questions assuming no changes have been made since the initial construction:

1. A revolving door constructed in 1920 would not have to be renovated to comply with the floor level requirements of A.C. §27-371(h) (formerly §C26-604.4(h)), since the building code in effect in 1920 did not address floor level.

2. Rules adopted by the Board of Standards and Appeals ("BSA") which became effective on March 10, 1919 address both existing and new revolving doors. If the doors existed prior to the adoption of these rules and were the type of revolving doors that automatically collapsed when excessive pressure was exerted on them ("Type A") then these doors could be retained as a required means of egress. If the existing doors had a rigid brace ("Type B")

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then an administrative official having jurisdiction who deems that a dangerous condition exists could require the owner to replace such door with the Type A door or could require him to supplement the revolving doors with at least one swinging door not less than three (3) feet wide located adjacent to the revolving door. (Exit Rules, rule 4) If, however, the revolving doors were erected after the adoption of the BSA rules then either type of door would be acceptable but only if such revolving doors did not exceed three in a unit and had an outwardly swinging door at least three (3) feet wide located immediately adjacent thereto. (Exit Rules, rule 5)

3. There is no minimum size requirement for a stoop outside a revolving door. However, the maximum projection allowed beyond the building line if there is such a stoop is eighteen (18) inches.

4. No warning sign is required for such a stoop.

If we can be of further assistance to you, please do not hesitate to contact us.

Carole S. Slater



General Counsel & Director
Office of Legal Affairs

CSS:fm

**RESCINDED BY BUILDINGS
BULLETIN 2023-013**



*The
City
of
New York*

DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

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

CORNELIUS F. DENNIS, P.E.
Deputy Commissioner

312-8120

February 22, 1988

Mr. Jay A. Segal
Rosenman & Colin
575 Madison Avenue
New York, New York 10022-2585

Re: 309 West 91st Street
National Expert Care Consultants,
Inc.
Drug Rehabilitation Program

Dear Mr. Segal:

Your letter of January 19, 1988 has been reviewed in relation to the proposed occupancy of the five story residential building located at 309 West 91st Street.

From your letter you propose to have the first floor occupied and used as medical offices for the treatment of persons residing on the upper floor (2 through 5) as well as out-patients. You characterize this proposed residential occupancy as constituting a family consisting of "not more than four unrelated persons maintaining a common household."

It is my determination that the occupancy of the entire building by a "for profit entity" for medical offices with sleeping accommodations for the patients constitutes a proprietary hospital, Use Group 4, under the New York City Zoning Resolution. Such a use is permitted in a residence zone.

**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.

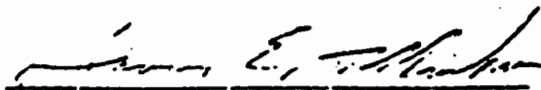
This directive shall take effect immediately, except that in the case of applications already approved and currently active, compliance with only item #2 above shall be required before a certificate of occupancy and place of assembly permit are issued or renewed.

IEM/df

CC: Exec. Staff

Restaurant League

Professional Societies



Irving E. Minkin
Director of Operations

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**RESCINDED BY BUILDINGS
BULLETIN 2023-013**

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DIRECTIVE #10 of 1974

DATE: May 23, 1974

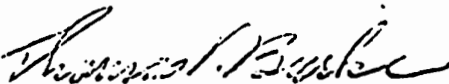
TO: Borough Superintendents

FROM: Thomas V. Burke, P.E., Director of Operations

SUBJECT: STAIR AND ELEVATOR IDENTIFICATION SIGNS
LOCAL LAW #5/1973

The requirement for stair and elevator identification signs, specified in Sec. C26-608.4 of the Building Code, shall apply on every floor including the street (entrance) floor.

The identification shall designate the alphabetic letter of the elevator bank or stair respectively.


Thomas V. Burke, P.E.
Director of Operations

TVB:JWS:ASR

cc: Comm. Walsh
Deputy Comm. Jenkins
Assistant Comm. Parascandola
Kenneth Patton, Real Estate Board
Mayor's Advisory Council on
Building and Construction
Fire Chief O'Hagan
Executive Staff

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**RESCINDED BY BUILDINGS
BULLETIN 2023-013**

EXTRACT FROM:

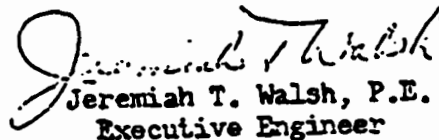
Minutes of Borough Superintendents Meeting
of February 11, 1971

Commissioner Ferro, Deputy Commissioner Stein, Assistant Commissioner Padavan, Executive Engineer Walsh, Director of Operations Burke, Director of Special Projects Schneider, Ass't. Director of Operations Chomoy, Borough Superintendents Cohen, Dennis, Sigman, Pinsker, J. Walsh, Messrs. Sakona, Kupfer, Linker, Healy, Grill, Beck, Mersky, Nelson, Schegel and Goldstein

7. Change of use from residential to commercial in an existing wood frame building.

There was considerable discussion in this area. Two decisions were arrived at; they are as follows:

- (a) The fire districts prescribed in the new Building Code (Reference Standard 4) are applicable to every application filed whether the application elects to perform alteration work under the old Building Code or the new Building Code.
- (b) Existing wood frame structures previously erected outside the fire limits and presently located inside the fire districts may be altered, converted, enlarged, etc., only in accordance with the provisions applicable to wood frame buildings located inside the fire limits (old Building Code) or inside the fire districts (new Building Code).


Jeremiah T. Walsh, P.E.
Executive Engineer

**RESCINDED BY BUILDINGS
BULLETIN 2023-013**

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

File

TV

DEPARTMENTAL MEMORANDUM

DATE: April 4, 1975

TO: Borough Superintendents
FROM: Jeremiah T. Walsh, P.E., Commissioner
SUBJECT: Group Homes *der*

Intro No. 717 has been introduced in the City Council to delineate in the Building Code the decision of the New York State Court of Appeals and Corporation Counsel Opinion No. 108,058 regarding group homes, and to authorize a reduction in the stair width for four story buildings in occupancy group J-3 to 33 inches.

Based on the above-mentioned legal rulings, group homes conforming with Section 374 (c) of the Social Services Law, may be considered as analogous to one family dwellings, and subject to Building Code requirements for occupancy group J-3, and Zoning Resolution provisions applicable to Use Group 1 or 2 as appropriate for all current applications.

Note, however, that the rules of the New York State Board of Social Welfare requires a fire escape as a second means of egress where a second interior vertical exit is not provided. Further, present code provisions regarding J-3 occupancies, including present stairway width requirements, must be adhered to unless the enclosed proposed legislation is enacted into law.

Jeremiah T. Walsh
Jeremiah T. Walsh, P.E.
Commissioner

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ADD O

**RESCINDED BY BUILDINGS
BULLETIN 2023-013**



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N. Y. 10013
CHARLES M. SMITH, Jr., R.A., Commissioner
312-8100

ISSUANCE # 216

GEORGE E. BERGER, P.E.
Acting Deputy Commissioner
Technical Affairs
(212) 312-8120

**TECHNICAL
POLICY AND PROCEDURE NOTICE # 4/89**

To: DISTRIBUTION

From: GEORGE E. BERGER, P.E.
Acting Deputy Commissioner *GEB*

Date: December 20, 1989

Subject: J-1 Classification Under LL 16/84

**Superseded: Technical Policy and Procedure Notice #3/89,
dated October 23, 1989.**

Any premises whose Certificate of Occupancy classifies it as either a "Class B Hotel" or "Class B" or whose Certificate of Occupancy or Department of Buildings records classifies it or lists its uses as "Hotel," "SRO" or "Lodging House," or other such residential classification other than a "Class A" or "Apartment Hotel," is for the purposes of Local Law 16/84 and Local Law 16/87 classified as being in Occupancy Group J-1. However, any such building so classified as a J-1 Occupancy may still qualify as a Residential Hotel if such premises meets standards for Residential Hotels pursuant to the rules and regulations of this Department.

RESCINDED BY BUILDINGS

BULLETIN 2023-013

**THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION**

DEPARTMENT OF BUILDINGS

DIRECTIVE NO. 5 of 1977.

DATE: November 4, 1977

TO:

Borough Superintendents

FROM:

Jeremiah T. Walsh, P.E., Commissioner

SUBJECT:

QUESTIONABLE PLANS OF TWO-FAMILY DWELLINGS

This directive supercedes Directive 6 of 1973 and all prior Memorandums and Directives on this subject Directive.

BACKGROUND:

This directive is issued to achieve a uniform application between the boroughs for the above subject matter particularly in regard to egress, fire protection, noise control and facilities for the handicapped.

The illegal conversion of ostensible 2-family dwellings to 3-family dwellings has serious ramifications, both zoning wise as well as Building Code.

Also, the New York State Multiple Dwelling Law states that a "multiple dwelling" is a dwelling which is either rented, leased, let or hired out, to be occupied, or is occupied as the residence or home of three or more families living independently of each other.

Said law takes precedence over local law when its prima facie that usage is intended for more than two families.

When a 2-family dwelling is illegally converted to 3 (or more) family occupancy, much fire protection, and other requirements, included in the Building Code for multiple dwellings is omitted.

APPLICABILITY:

- a. This directive applies to all New and Existing 3 story (basement and attic count as stories) residential buildings, filed for 2-family occupancy.
- b. Buildings with an "E" occupancy on the lowest level and with two families above, shall be reviewed to determine if the requirement of this memo shall be complied with.

PROCEDURE:

1. Buildings of frame construction, Class II-D, or II-E may not be converted to use by more than two families.
2. When plans are filed for a 3 story residential building of other than Class II-

continue.....

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RESCINDED BY BUILDINGS BULLETIN 2023-013

- Ordinance No 5 of 1977-

-2-

D or II-E construction indicating dwelling units, on the upper 2 levels, in other than R1, R2 and R3-1 Zoning Districts, no partitions or plumbing fixtures shall be permitted in the cellar or basement, or in the first story where plans indicate dwelling units on two upper stories above the first story, except as follows:

- (a) Enclosed garage
- (b) Boiler room enclosure
- (c) Auxiliary recreation room without closets in a cellar or basement if not provided on the first story.
- (d) Additional partitions and plumbing fixtures, when reviewed by the Chief Engineer (Engineering), Deputy Borough Superintendent or Borough Superintendent, may be permitted if all construction features listed in (3), without exception, are provided.

3. Additional partitions to form accessory kitchens with a sink and range and a three fixture bathroom and rooms for laundry and storage may be provided in the cellar, basement or first story if all construction features listed below, without exception are provided.

(a) Boiler room enclosure, with proper ventilation, of non-combustible construction having a one hour rating with 3/4 hour F.P.S.C. door. Borough Superintendents may allow non-combustible partitions for existing building where sufficient safeguards are provided to his satisfaction.

(b) All egress stairs shall be enclosed with either a combustible or non-combustible enclosure having a one hour rating with 3/4 hour F.P.S.C. doors and shall be protected with an automatic sprinkler system complying with construction provisions of article 17 Building Code. Where each apartment has private and direct access to the street, stairs need not be enclosed or sprinklered, however, where closets are located under stairs that lead to the street, the closets, shall be sprinklered.

(c) Ceilings of all stories, including the cellar, shall be fire retarded with material having at least a one hour fire resistance rating. Section C26-504.3 Administrative Code.

(d) "Kitchenettes", if provided, shall have one hour fire-retarded walls and ceilings, or sprinklered in lieu thereof.

(e) Where sprinklers are required the minimum size of the service pipe for the sprinkler system shall be 1½" inside diameter. A curb valve must also be provided. The domestic water supply system may be used to supply sprinklers as permitted in Section C26-1703.9 (e). No miscellaneous application shall be required where no more than 10 heads are supplied from a domestic water riser.

continue:.....

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**RESCINDED BY BUILDINGS
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-Directive No. 5 1977- -3-

4. Where permitted by the Zoning Resolution and the Building Code to have bedroom(s) on the first story or basement, all construction requirements of Item (3) must be installed.

5. SPECIAL SITUATIONS:

In R1, R2 and R3-1 Zoning Districts, unless there are no plumbing fixtures whatsoever, no construction other than a garage and a boiler room shall be permitted in the story in which the garage is located.

6. SPECIAL REQUIREMENTS:

(a) Where a convenience kitchen is provided or roughing for same is installed:

(1) For existing buildings the Public Hall doors of all apartments shall have a minimum impact noise rating (INR) of 0.

(2) In new construction the premises shall comply with the noise control requirements of Section C26-1208.0 Administrative Code.

(3) Facilities for the handicapped are required for buildings constructed after the effective date of the New Building Code. The Borough Superintendent may waive this in the alteration of buildings constructed under prior codes where compliance would impose such a hardship because of the physical impossibility of construction of the required ramp or access without making the building virtually unusable.

(4) In new construction the entrance hall shall be at least 4 feet in clear width, and the door shall be not less than three feet in width.

(b) An accessory attached garage accommodating not more than three non-commercial motor vehicles shall comply with C26-711.3.

(c) The Specification Sheet and the Certificate of Occupancy shall contain the following statement in capital letters:

"THIS IS A TWO FAMILY DWELLING
and occupancy by more than two families is unlawful."

(d) "Convenience Kitchen" shall not be shown on specification sheet, but may appear in description of proposed work.

(e) Within one week prior to issuance of a certificate of occupancy, an inspection must be made to ascertain that there are no more than 2 doorbells, mail boxes and electric or gas meters on the premises.

continue.....

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**RESCINDED BY BUILDINGS
BULLETIN 2023-013**

-Directive No. 5 of 1977- -4-

The procedure set up with the Bureau of Gas & Electricity in departmental memorandums of November 13, 1975 and November 24, 1975 are to be followed in the case of existing buildings.


Jeremiah T. Walsh, P.E.
Commissioner

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**RESCINDED BY BUILDINGS
BULLETIN 2023-013**

The City of New York
HOUSING AND DEVELOPMENT ADMINISTRATION
Department of Buildings

DEPARTMENTAL MEMORANDUM

DATE: April 26, 1972

TO: Borough Superintendents

FROM: Thomas V. Burke, P.E., Director of Operations

SUBJECT: Mezzanines - Uniform Interpretation of Definition -
Article 2 Building Code Sub-Article 201.0 Admin. Code


Article 2 (definitions) of the 1968 Building Code defines a mezzanine as follows:

"An intermediate floor between the floor and ceiling of any space. When the total gross floor area of all mezzanines occurring in any story exceeds 33 1/3% of the gross floor area of that story such mezzanine shall be considered as a separate story".

There are various sections in the Building Code which provide special exemptions for mezzanines insofar as exit provisions and fire protection construction requirements are concerned.

In order to qualify for such consideration, a mezzanine will be required to be an intermediate floor between the floor and ceiling of any story, and be limited in size so as not to exceed 33 1/3% of the gross floor area of the portion of the story with which the mezzanine is used conjunctively. In addition, the mezzanine must be connected by a stair or stairs with the floor with which it is used. Also, mezzanine floor area must be included when applying the occupant area ratios from table 6-2.

TVB/IEM/PEO/sl
cc: Executive staff


Thomas V. Burke, P.E.
Director of Operations

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**RESCINDED BY BUILDINGS
BULLETIN 2023-013**

DEPARTMENT OF BUILDINGS
Intradepartmental Memorandum

To: Borough Superintendents

Date: March 19, 1963

From: Joseph Ferro
Director of Operations

Subj: Application of the Sanitary
Facilities Requirements of
Sec. D26-6.1 and D26-7.1
Multiple Dwelling Code

The purpose of this memorandum is to provide for uniform interpretation and application of the requirements for sanitary facilities under Sec. D26-6.1 and Sec. D26-7.1 of the Multiple Dwelling Code.

Sec. D26-6.1 and Sec. D26-7.1 shall be interpreted to require that sanitary facilities be provided on the basis of the maximum lawful occupancy as determined by floor area in accordance with Sec. D26-3.0. Where an owner requests approval of sanitary facilities based upon a present number of occupants which is less than the maximum lawful occupancy, the request shall be approved upon the condition that a certificate of occupancy be obtained limiting the occupants to the number for which adequate toilet facilities are provided.

The installation of the required sanitary facilities may be filed on a "Building Notice" application except when a certificate of occupancy is required in which case an "Alteration" application shall be filed. In all instances a plumbing application shall be filed to cover the plumbing charges.

Key plans to scale of all floors shall accompany the application showing the following:

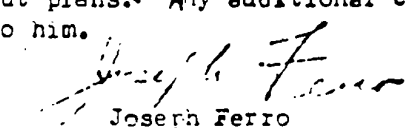
- Occupancy and size of rooms.
- Number of occupants in each room.
- Location and description of existing sanitary facilities.
- Location and description of new sanitary facilities.

In addition, a 1/4" scale partial plan showing the new work shall be filed.

A shower or bathtub in a separate compartment shall be provided with standing room for one person outside the shower or bathtub and within the compartment. The floor and walls of the shower enclosure shall have an impervious surface.

An additional copy of the floor layout plans shall be required which upon approval shall be forwarded to the borough unit which processes registration and rooming house diagrams. This shall be filed with the rooming house diagrams upon the completion of the work. The borough superintendent shall set up a procedure to accomplish this. The applicant may require additional copies of the approved floor layout plans. Any additional copies submitted shall be approved and returned to him.

JWS:dv


Joseph Ferro
Director of Operations

cc: Comm. Birns
Dep. Comm. Kane
Dep. Comm. Gribetz

Asst. Dir. Opers. Schneider
Exec. Engr. Asst. Cohen
Exec. Hsg. Asst. Riley

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**RESCINDED BY BUILDINGS
BULLETIN 2023-013**



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

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

July 12, 1988

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

Mr. Michael M. Robbins, Ass.AIA
Wank Adams Slavin Associates
Architects & Engineers
740 Broadway - 10th floor
New York, N. Y. 10003

Re: Fordham University Law School
at Lincoln Center, Manhattan

Dear Mr. Robbins:

This office has received your letter dated June 15, 1988 with regard to classrooms which have an occupancy of 75 or more persons.

Please be advised that C26-116.0 of the 1938 Building Code and Section 27-232 of the 1968 Building Code defines Place of Assembly as an enclosed room or space in which 75 or more persons gather for educational purposes.

Therefore, any classroom that has an occupancy of 75 or more persons requires a Place of Assembly Permit.

Very truly yours,

A handwritten signature in black ink, appearing to read "George E. Berger".

George E. Berger, P.E.
Assistant Commissioner

GEB:rmr

cc: Executive Staff
Borough Superintendents

**RESCINDED BY BUILDINGS
BULLETIN 2023-013**

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: January 3, 1979

TO: Borough Superintendents & Executive Staff

FROM: Irving E. Minkin, P.E., Deputy Commissioner

SUBJECT: LOCAL LAW 41 of 1978

"Blue Angel" Law - Places of Assembly

Attached hereto are copies of Local Law 41 of 1978, approved December 13, 1978 and effective January 12, 1979, which amends various sections of the Administrative Code in relation to fire protection for places of assembly and incorporates recommendations resulting from an investigation into the reasons for a fire at the Blue Angel Cafe in Manhattan, for distribution to all plan examiners and all construction inspectors.

A. Some of the highlights of the new provisions of this local law as it pertains to this department are as follows:

1. Section C26-100.6A.C. - Provides that the Fire Commissioner, as well as the Building Commissioner may enforce provisions of the Building Code as it pertains to the approved number of persons in places of assembly and the maintenance of fire alarm equipment and devices, exit and directional signs and emergency lighting. This is in addition to previous provisions authorizing the Fire Commissioner, as well as the Building Commissioner, to enforce provisions of the Building Code as it pertains to the obstruction of aisles, corridors and exits, and also the maintenance of fire-preventive and fire-extinguishing equipment and devices.

2. Section 643(a)-8.0 A.C. - Provides that persons who own or operate a place of assembly without a current permit or emergency lighting are guilty of a misdemeanor.

3. Section C26-85.5(a) 5A.C. - Permits the issuance of an immediate summons for a violation for failure to have a required current place of assembly permit or failure to have sprinklers or emergency lighting installed as required by law.

4. Section C26-103.0 A.C. - Requires that alterations to sprinkler, alarm protection, and emergency lighting requirements for places of assembly as provided in Article 8 of the Building Code comply with the new code, even though the application is filed in compliance with the old code.

5. Sub-article C26-201.0 A.C. - Defines "Cabaret" and "Stage".

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6. Section C26-801.18 A.C. - Requires the installation of emergency lighting for all existing F3 and F4 places of assembly in accordance with a time schedule based upon the occupant load and use.

7. Section C26-802.2(b)(7)g A.C. - Requires stages in existing F-1a places of assembly to be provided with a sprinkler system within one year, if presently no so protected.

8. Section C26-802.3(b)(2)d A.C. - Requires stages, dressing rooms and property rooms in all new and existing F-1b places of assembly providing live entertainment to be provided with automatic sprinkler and fire alarm protection. Existing F-1b places of assembly not already sprinklered have one year to comply.

9. Section C26-804.1(a)(3) A.C. - Requires stage dressing rooms and property rooms in all F-4 places of assembly used as a cabaret to be provided with automatic sprinkler and fire alarm protection. Existing premises must comply within one year.

10. Section C26-804.1(b) A.C. - Requires all existing F-3 and F-4 places of assembly providing live entertainment or used as a cabaret to be provided with automatic sprinkler and fire alarm protection within one year.

11. Section C26-801.17 A.C. - Requires all exit or directional signs to be placed so they are clearly visible from all parts of the assembly spaces.

12. Section C26-802.2(b)(9) - Requires curtains between the audience area and the stage to be made of non-combustible fabrics.

13. Sections C26-1700.7 A.C., C26-1703.1(j) A.C., C26-1703.1(S) A.C. and C26-1704.1.(a)(10) A.C. - Requires the filing of an application within 90 days, noting compliance and installation within one year, of required sprinklers and fire alarm signal systems, as follows:

Required Sprinklers:

(a) Dressing rooms and property rooms used in conjunction with all places of assembly, except F-1b places of assembly not providing live entertainment.

(b) All F-4 places of assembly used as cabarets.

(c) Stages in all places of assembly, except F-2, providing live entertainment at anytime.

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Required Fire Alarms:

(a) Stages, dressing rooms and property rooms used in conjunction with all places of assembly used as cabarets.

(b) Places of assembly used as cabarets.

B. It is the intent of this department to enforce all the requirements of this local law to provide the public with the added safety that such law provides while allowing the owners of such places of assembly with ample opportunity to comply. Therefore:

1. The issuance of a violation by this department for not complying with the provisions of Section C26-1700.7 A.C., which requires the filing of an application within 90 days noting compliance and installation within one year of required sprinklers and fire alarm signal systems, shall not be cause for not renewing the Place of Assembly Permit. However, the Place of Assembly Permit shall not be renewed if such installation is not completed within the required time, and an immediate summons is to be served under the provisions of Section C26-85.5(a) 5A.C.

Likewise, if the installation of emergency lighting as required by the provisions of C26-801.18 A.C. is not completed within the permitted time, the Place of Assembly Permit shall not be renewed and a violation issued with an immediate summons served.

2. Departmental memorandum dated October 7, 1977, entitled "Service of a Summons Without a Prior Order; Court Complaint (Information) - Personal Service (B Form 39B)", is hereby amended. The procedure for the service of an immediate summons provided therein is expanded to apply to the new Section C26-85.5(a) 5A.C., for failure to have a required current Place of Assembly Permit or failure to have sprinklers or emergency lighting installed as required by law.


Irving E. Minkin, P. E.
Deputy Commissioner

IEM:WCK:ah

Attachments (Local Law 41/1978)

Distribution (w/attachments)
Chief Construction Inspectors
P.E. Olin (2)
Chief Ifshin, Fire Department
Bureau Gas & Electricity

Metropolitan Motion Picture Assn.
Independent Theater Owners Assn.
Restaurant League of New York
Professional Societies
B.C.A.C.

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**RESCINDED BY BUILDINGS
BULLETIN 2023-013**

**THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS**

DEPARTMENTAL MEMORANDUM

DATE: April 26, 1979

TO: Borough Superintendents

FROM: Irwin Fruchtman, P.E., Commissioner

SUBJECT: Use of Vacant Second Stories of Buildings for Accessory Store Storage where there is no direct means of egress from such story.

The following conditions are to be met for a store occupying an otherwise vacant building to use its second floor for accessory store storage and to provide for such exiting via an interior stair through the store:

1. There is no zoning non-compliance.
2. The second floor to be capable of carrying a live load of 100lb./sq. ft.
3. The interior stair is of steel and is enclosed.
4. The stair from the second floor terminates not more than 25 ft. from the first floor building line.
5. Automatic wet sprinklers are provided on the first and second floors and any other spaces (cellar or third floor) that the store communicates to.
6. Wire connected smoke detectors are provided at strategic locations at the first and second stories.
7. Fire Department access panels are provided as required by C26-401.2.
8. Such access panel, if at the second story, shall be openable from the inside and be provided with an acceptable non-combustible ladder for emergency use.
9. The Fire Department concurs.


Irwin Fruchtman, P.E.
Commissioner

IF:IP:se

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