

# Cabaret

## *Applications*



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A 'Cabaret' is defined in New York City as any room, place or space in which any musical entertainment, singing, dancing or other form of amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink, (except eating or drinking places, which provide incidental musical entertainment, without dancing, either by mechanical devices, or by not more than three persons). A Cabaret license, issued by the Department of Consumer Affairs, is required for any business that sells food and / or beverages to the public and allows patron dancing in a room, place, or space.

A cabaret shall exercise proper care and responsibility in supervising crowd control in the areas adjacent to the cabaret's entrance. A cabaret shall also make an effort to ensure that the crowd awaiting admission to or leaving the premises does not cause excessive noise or litter or behave in a manner that would disturb the public peace or safety. Cabarets that are required to have an indoor waiting area shall utilize that area to its maximum capacity at all times when crowds are awaiting admission.

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### NYC Building Code + NYC Administrative Code

The NYC Building Code (BC) and the NYC Administrative Code (AC) regulate the design and construction cabarets. The NYC BC outlines the requirements for occupant load limits, exits and exit components, fire protection systems, and accessibility. Where 75 or more people are anticipated indoors or on the roof, cabarets must have a capacity sign and Place of Assembly Certificate of Operation (PACO) posted in a highly visible location within the space. Approved PA plans should also be available at the site for yearly Fire Department inspection. See Code Notes for Places of Assembly, Eating and Drinking Establishment and Adult Establishments for additional information and requirements.

### New York City Fire Code (FC)

As part of the Cabaret license from DCA, the Fire Department performs fire safety inspections in conjunction with the Buildings Department. The NYC FC also outlines requirements for Public Gatherings and regulates decoration, standing areas, egress, fire guards, safety announcements, inspections, evacuation protocol and fire apparatus access. Where a PACO or Temporary Place of Assembly permit is required, a certificate of fitness may be required as part of the fire safety and emergency plan.

*The [Code Notes](#) series has been developed to provide a general overview of the NYC Department of Buildings (DOB) project requirements for the construction industry. The information in this document is only a summary and overview and is not intended to substitute for the full text and meaning of any law, rule or regulation. Users may also consult with a registered design professional for more specific guidance on Construction Codes requirements, other regulatory laws and rules, and technical site-specific requirements.*

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### FIRST STEPS

- Copy of Certificate of Occupancy or schedule A from related Alt1 or NB application confirming number of occupants and zoning use group
- Verify the proposed use based on the number of occupants and whether there is entertainment and verify that proposed used is permitted within the subject Zoning District. If the premises will accommodate 75 or more persons, the premise, room, place or space must obtain a Place of Assembly Certificate of Operation from the Department of Buildings (DOB).
- Construction Code Determinations (CCD1), if applicable

### ADMINISTRATIVE

#### DOB Forms/ Technical Documents

- **PW1** – Plan/Work Approval Application
  - Verify job description
  - Code Applicability – The applicant shall indicate whether the plan review will be under the current code requirements or a prior code per Administrative Code section §28-101.4.
- Asbestos abatement compliance (PW1 box 22), NYC DEP ACP5, or ACP7 (filed at ATRU)
- **TR1**, **TR8**, as applicable
- Energy Code Analysis
- Drawings outlining the entire scope of work, including lighting

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- [PA1](#), where 75 or more occupants are anticipated
  - Completed TR1 for Emergency Lighting progress inspection
  - Drawings indicating the seating and/ or equipment layouts, emergency lighting accessibility, including required clearances, egress calculations, exit requirements and changes in elevation.

### Related Applications

Please note that separate filings will be required for the alternative fire suppression systems (if applicable) in the kitchen, as well as the fire alarm, both of which will be reviewed by the Fire Department.

- Alt1 or NB approved, indicating number of occupants, occupant loads and zoning use group
- Alt2 for construction work (walls, doors, etc.), sprinkler system, fire alarm system, fire suppression system, if not already included in an Alt1 or NB application
- Alt2 for Fire Protection Plan if over 300 occupants – BC [§28-109.2](#), Item 3
- New Certificate of Operation required for changes in zoning or assembly use group – BC [§28-117.1.2](#)
- Amendments to Certificate of Operation – BC [§28-117.1.3](#)

### BIS Required Items

Check current Department memos and service notices

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### ZONING

- Article 1, Chapter 2 definition for “Adult eating and drinking establishment”
- Special provisions for “Adult Establishments” – ZR 32-01 and ZR 42-01
- Zoning Use Group to be determine in accordance with ZR Appendix A – Index of Uses, as follows:

#### **Use Group**

#### **Description**

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Eating or drinking establishments with entertainment and a capacity of 200 persons or fewer, including those which provide outdoor table service or have music for which there is no cover charge and no specified show time.

9 or 13

Banquet Halls. Dancing, entertainment and music without restrictions are permitted in such establishments provided such use is contracted for between the proprietor and the individual and/or organization that will invite guests to a specific function.

10

Eating or drinking establishments without restrictions on entertainment or dancing but limited to location in hotels

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Eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

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### MULTIPLE DWELLING LAW

- N/A

### BUILDING CODE

#### General

- Optional use of 1968 Building Code for prior code buildings with exceptions to conform with 2014 Building Code – 2014 Administrative Code AC [28-101.4.3](#), Exceptions 1 through 19
- Place of Assembly Certificate of Operation, required for applications with 75 or more occupants – AC [28-117](#) (See Code Notes on [Place of Assembly](#))

#### Occupancy Group

- 2014 Building Code: A2 – BC [303.1](#)
- 1968 Code: F4 – BC 27-241 and Table 3-2
- 1938 Code: Commercial – C26-235

#### Occupancy Load

- 2014 Building Code: BC [1004](#) and Table 1004.1.1
- 1968 Code: BC 27-358 (1) actual load or Table 6-2
- 1938 Code: C26-273

#### Number of Exits

- 2014 Building Code: BC [1021.1](#), Table 1021.1 and Table 1021.2
- 1968 Code: BC 27-365, 27-366 and Table 6-3
- 1938 Code: C26-273.0(b)

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### Exit Capacity and Travel Distance

- 2014 Building Code: BC [1005](#), BC [1016](#) and Table 1016.1, BC [1028.7](#) and BC [1028.17](#) (Special egress provisions for Places of Assembly with an occupant load less than 12 square feet per person)
- 1968 Code: BC 27-359 and Table 6-1
- 1938 Code: C26-273 (d)

### Fire Protection

- BC [903.2](#) – Installation requirements for sprinklers
- BC [901.9](#) – Special provisions for prior code buildings
- BC [907.2](#) – Installation requirements for fire alarm system

### Accessibility

- BC [1101.3](#) – Special provisions for prior code buildings
- BC [1104](#) – Accessible route
- BC [1109.2](#) – Toilet facilities
- BC [1109.6](#) – Elevators
- BC [1109.7](#) – Lifts

## ENERGY CODE

- See Code Note on Energy Code

## APPLICABLE BULLETINS, DIRECTIVES, PPNS, MEMOS

- [Operations Policy and Procedure Notice \(OPPN\) #1/00](#) for Adult Establishments - Factors Evidencing Sham Compliance



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## Applications

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- [Operations Policy and Procedure Notice \(OPPN\) #1/95](#) for Adult Establishments
- [Operations Policy and Procedure Notice \(OPPN\) #8/96](#) for Adult Establishments - Measuring the 500 feet distance requirement
- [Operations Policy and Procedure Notice \(OPPN\) #7/96](#) Adult Establishments - Places of Worship/Churches
- [1RCNY 9000-1](#): Zoning for Adult Establishments
- [1RCNY 15-02](#): Interior Fire Alarm and Signal System for Place of Assembly Used as a Cabaret and for stages, dressing rooms, and property rooms
- [Department Memo 1-3-79](#): "Blue Angel Law"
- [Department Memo 4-4-79](#): Local Law 41 of 1978 – Places of Assembly clarifications
- [Buildings Bulletin 2009-06](#): Automatic sprinkler requirements
- [Buildings Bulletin 2009-07](#): Fire Suppression requirements
- [Buildings Bulletin 2010-029](#): existing sprinkler systems being altered
- [Buildings Bulletin 2009-025](#): requirement for a new or amended Certification of Occupancy (Also see Code Notes for Letter of No Objection)
- [Directive 16 of 1969](#): catering and banquet halls

### OTHER AGENCY APPROVALS

- NYC Department of Consumer Affairs: Cabaret License
- NYC Fire Department: fire protection plan, fire suppression and fire alarm approval
- NYC Department of Health and Mental Hygiene: food service establishment permit prior to opening
- NYC Department of Environmental Protection: grease trap, backflow preventer