



ISSUANCE # 119

DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES  
60 HUDSON STREET, NEW YORK, NY 10013

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

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Building Construction

TECHNICAL  
POLICY AND PROCEDURE NOTICE #13/88

TO: BOROUGH SUPERINTENDENTS

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

DATE: June 14, 1988

SUBJECT: ATTIC SPACE AND FLOOR AREA  
Section 12-10 Zoning Resolution

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This memorandum supersedes Department Memo dated February 20, 1975.

Section 12-10 of the New York City Zoning Resolution, relating to the floor area, reads in part as follows:

"floor area includes:

(d) attic space (whether or not a floor has been laid) providing structural head room of eight feet or more.

(g) any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded."

Accordingly, an attic used for dwelling purposes shall have the entire attic, regardless of head room, considered as "floor area". An enclosed storage space within the attic with no head room of eight feet or more shall not be considered as "floor area".

Section 12-10 Zoning Resolution further reads:

"However, the floor area of a building shall not include:

(d) attic space whether or not a floor actually has been laid) providing structural head room of less than eight feet."

In order to be considered attic space within the intent of the exemption from floor area, pursuant to Section 12-10 of the Zoning Resolution, the following guidelines are to be used:

1. The exempt space must be adjacent to the perimeter of the building directly below the roof, and the measured head room of less than eight feet, shall be between the floor level and ceiling fastened directly to the roof rafters. All other floor space below dropped ceilings, collar or tie beams or any other type of ceiling construction shall be countable floor area, regardless of the head room.
2. The roof rafters slope upward toward the ridge with a minimum rise of  $3\frac{1}{2}$  inches per foot.
3. The exterior side walls enclosing the exempt attic area are not to exceed 7'-0" in height.
4. The space contained between the finished ceiling of the attic area and ridge of the roof construction is not to be used or usable for any purpose, except normal household storage when properly designed.
5. Except for split-level buildings with a maximum difference of 12' between average roof levels, only the portion of the building located on the highest story shall be considered as having any attic space.

This change in Department interpretation shall be treated as an Amendment to the Zoning Resolution subject to the provisions of Section 11-33. However, applications which meet any of the following criteria shall be examined and approved pursuant to Department memorandum dated February 20, 1975:

1. Applications which as of the date of this memo:
  - a) have a New Building, Alteration or Building Notice Number, or

b) had been filed with the City Planning Commission, the Department of Health, the Landmark Preservation Commission or the Department of Environmental Protection for any approval which would be required prior to issuance of a Department of Buildings permit, e.g., ULURP or SEQRA filings, drainage plans, SP-1s and SP-2s and connections to private sewage treatment plans.

2. Application for tax lot subdivision which are filed with the Tax Department on or before August 15, 1988.

3. All applications filed with this Department on or before September 15, 1988.