

**RESCINDED BY BUILDINGS
BULLETIN 2023-021**

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS
DIRECTIVE No. 6 of 1979

DEPARTMENTAL MEMORANDUM

DATE: December 7, 1979

TO: Borough Superintendents

FROM: Irwin Fruchtman, P.E., Commissioner

Subject: PRIVATE DWELLING (Occupancy Group J-3)
Building Construction Limitations
(Supplements Directive No. 5/77)

1. Floor area for lowest story or basements in R4 and R5 zoning districts.

Such floor area as defined in Section 12-10 Zoning Resolution (See subparagraph (i) and (j) of that portion of the definition of "Floor Area" under the "shall not include" heading) shall not be excluded from the zoning floor area calculations for new buildings. For alterations, however, such floor area may be excluded for one, two or three family residences not more than 32 feet in height which received a certificate of occupancy prior to December 1, 1972.

2. Class II-D and II-E Construction

- (a) These classes of construction shall not be permitted for one or two family dwellings where the design or arrangement is such that they may be readily converted to J-2 multiple dwelling usage.
- (b) One family dwellings may be 3 stories in height.
- (c) Two family dwelling may be three stories in height, provided the two top stories are one dwelling unit containing an unenclosed stair. Otherwise, they shall be limited to two stories in height.

3. Class II-B and II-C Construction (exterior walls).

- (a) Combustible elements in the exterior wall construction of this construction class shall not be permitted, except for exterior trim as permitted by the code.
- (b) Buildings exceeding height limitations of II-D and II-E construction specified in paragraph 2 above, shall be constructed under II-B or II-C type construction, or of a higher fire rated type of construction; and, conform fully with Directive No. 5/77, as appropriate.

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4. Fire Divisions (Demising Walls - Classes II-B, II-C, II-D and II-E).

(a) Vertical fire divisions shall be required to separate any two dwelling units from a third dwelling unit and shall be of 2 hour non-combustible construction, continuous between foundations and roof, or horizontal fire division, and through any concealed space in floor or roof construction. When roof construction, on the same levels, is combustible on both sides of a vertical fire division, the vertical fire division shall extend through the roof construction to a height of at least 4 inches above the high point at the roof framing. Alternately, Tectum Board, or an approved equivalent, may be installed as per the attached detail, so as to provide a minimum of 18 inches of non-combustible roof construction on each side of the fire division.

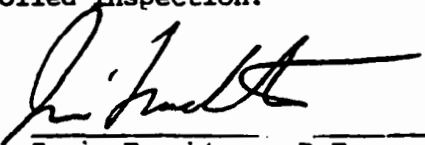
(b) When used in conjunction with combustible construction such two hour non-combustible construction may consist of a one inch solid gypsum wallboard core as per Fire Resistance Design Manual, Reference Standard RS-5-1 (WP 1850), covered on each side by a one-half inch moisture re-compound over the entire surface to each side of the one inch interlocking coreboard, or as approved by the Board of Standards & Appeals or the MEA Lateral support may be 2 X 4 load bearing studs at 16 inches o.c. staggered each side of the party wall, with one-half inch type X gypsum wallboard on the interior face. The fire division shall be secured to the studs on both sides.

5. On-Going Construction.

Buildings presently in the construction phase with components not consistent with the criteria stated herein, shall be modified as required by the Borough Superintendent. Modifications shall be as nearly consistent as practical with the criteria set forth herein.

6. C26-504.7 Firestopping.

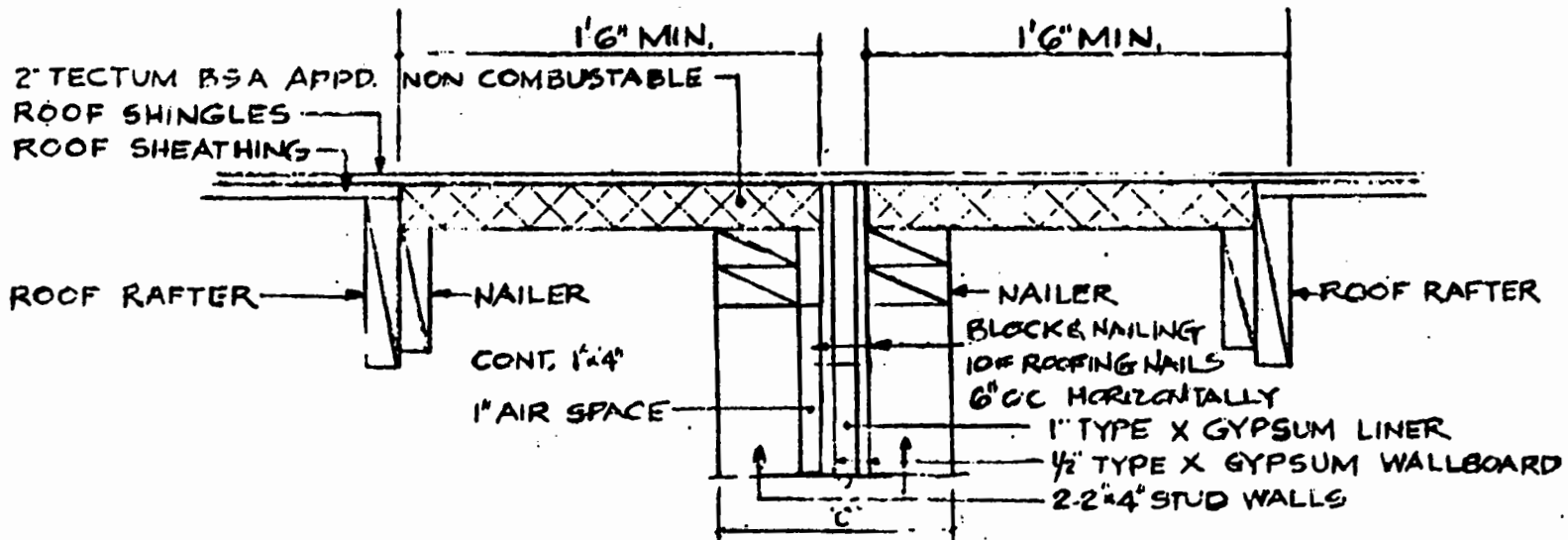
The Borough Superintendents are to remind their plan examiners that Directive 2 of 1975 for Partial Examination requires checking for firestopping and fire protection details. In conjunction with this, all concealed draft openings, both horizontal and vertical, shall be firestopped to prevent the spread of fire within the concealed space, and shall be subject to controlled inspection.



Irwin Fruchtman, P.E.
Commissioner

cc: Executive Staff
Professional Societies
Building Associations

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SECTION OF PARTY WALL AT ROOF FOR
ROOFS AT SAME LEVEL
SCALE 1/2" = 1'0"

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