



Zoning Resolution

THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Marisa Lago, Chair

15-00 - GENERAL PURPOSES

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15-00 - GENERAL PURPOSES

LAST AMENDED

2/2/2011

Special regulations for the conversion of non-residential floor area to residences have been established in order to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

- (a) to permit owners to increase the return on their investment in appropriate existing buildings by authorizing the conversion to residences without requiring such residences to conform to the provisions of Article II of this Resolution;
- (b) to reduce the deleterious effects on commercial and manufacturing uses caused by the reduction of land and floor area available to such uses permitted under the provisions of this Chapter by providing relocation incentives for such uses;
- (c) to protect important job-producing industries, particularly those with a unique social or economic relationship to the surrounding community;
- (d) to provide sufficient space for commercial and manufacturing activities which are an integral part of New York City's economy;
- (e) to provide for adequate returns to property owners by allowing more profitable residential use with a limited mix of commercial and manufacturing uses;
- (f) to provide a new housing opportunity of a type and at a density appropriate to these Community Districts;
- (g) to ensure the provision of safe and sanitary housing units in converted buildings; and
- (h) to ensure the provision of adequate amenities in conjunction with residential development.

15-01 - Applicability

LAST AMENDED

2/2/2011

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, #conversions# in #buildings# or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of this Chapter.

In addition, in Manhattan Community District 1, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, #conversions# in #buildings#, or portions thereof, erected prior to January 1, 1977, shall be subject to the provisions of this Chapter.

For the purposes of this Chapter, #conversion# shall mean the change of non-#residential# #floor area# to #residences# or #joint living-work quarters for artists#. #Conversions# shall also include the #conversion# of existing floor space used for mechanical equipment and not counted as #floor area# to #residences# or #joint living-work quarters for artists#.

All #conversions# to #residences# shall be permitted only in districts where #residential use# is allowed by the district regulations, or in those #Manufacturing Districts# where #residential use# is allowed pursuant to this Chapter or by authorization or special permit. All #conversions# to #joint living-work quarters for artists# shall be permitted only in districts where such #use# is allowed by the district regulations.

The provisions of Article II, Chapter 8, shall not apply to #buildings# #converted# pursuant to the provisions of this Chapter.

However, #conversions# that meet all the requirements for #residential# #development# of Article II (Residence District Regulations) and are located in R4, R5, R6, R7, R8, R9, R10, C1, C2, C3, C4, C5 or C6 Districts are exempt from the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the applicable zoning districts remain in effect.

#Developments# or #enlargements# shall be in accordance with the applicable requirements of Article II and Article III, except as provided by authorization pursuant to Section 15-41 (Enlargements of Converted Buildings).

15-011 - Applicability within Special Purpose Districts

LAST AMENDED

2/2/2011

The provisions of this Chapter shall apply in Special Purpose Districts in the Community Districts listed in Section 15-01, as may be modified in the provisions of such Special Purpose Districts, except that the Preservation Area of the #Special Clinton District# is excluded from the applicability of the provisions of this Chapter.

In Community Districts not listed in Section 15-01, the provisions of this Chapter shall apply in the following Special Purpose Districts:

any #Special Mixed Use District# as modified by Article XII, Chapter 3 (Special Mixed Use Districts);

the #Special Downtown Jamaica District# as modified by Article XI, Chapter 5 (Special Downtown Jamaica District);

the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District); and

the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

15-012 - Applicability within C6-1G, C6-2G, M1-5A, M1-5B or M1-6D Districts

LAST AMENDED

3/22/2016

#Conversions# in #buildings#, or portions thereof, in C6-1G or C6-2G Districts shall be permitted only by special permit pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts).

Except as specifically set forth in Sections 15-013 and 15-024, the provisions of this Chapter are not applicable in M1-5A or M1-5B Districts.

In M1-6D Districts, the conversion to #dwelling units# of #non-residential buildings# erected prior to January 1, 1977, or portions thereof, shall be permitted, subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b), except as superseded or modified by the provisions of Section 42-481 (Residential use).

15-013 - Building permits and variances issued before the effective date of amendment

LAST AMENDED

2/2/2011

(a) Building permits in Manhattan Community Districts 1, 2, 3, 4, 5 and 6

If, before April 9, 1981, a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before September 1, 1980, construction pursuant to such permit may be continued, at the option of the owner, without regard to the other provisions of this Chapter. In the event that the construction permitted herein is not completed within 2 years from the issuance of said building permit or prior to April 9, 1982, whichever is later, and a temporary or permanent certificate of occupancy has not been issued, the building permit shall automatically lapse for any portion of a #building# for which a permanent or temporary certificate of occupancy has not been obtained and the right to continue construction on such #floor area# shall terminate, except that the Board of Standards and Appeals may reinstate said permit pursuant to the provisions of paragraphs (a)(1) or (a)(2) of this Section:

- (1) for all #floor area# for which the Board has made a finding that, as of April 9, 1981;
 - (i) there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit had been granted; and
 - (ii) the completed construction demonstrated a physical commitment of the #floor area# to a layout as #residential# or #joint living-work quarters for artists# #use#, which construction could not be readily adapted to a non-#residential use# permitted by the Zoning Resolution.

A finding of substantial construction shall not be made unless, on April 9, 1981, the #floor area# was either vacant or occupied by #residential# or #joint living-work quarters for artists# #use#, and unless the expenditures prior to April 9, 1981 were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or financing;

- (2) for all #floor area# for which the Board has made a finding that, as of the date said building permit lapsed, there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit has been granted. A finding of substantial construction shall not be made unless, as of the date said permit lapsed, the #floor area# was either vacant or occupied by #residential# or #joint living-work quarters for artists# #use#, and unless the expenditures prior to the date said permit lapsed were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or financing. Notwithstanding anything to the contrary above, the building permit shall only be reinstated pursuant to the provisions of this Section, provided that for any portion of the #building# for which said permit is reinstated:
 - (i) the #conversion# shall comply with the provisions of Sections 15-12, 15-24 or 42-14, paragraph D.(1)(e), as appropriate in the zoning district in which the #building# being #converted# is located, except that the Board may modify the requirements of Sections 15-12, 15-24 or 42-14, paragraph D.(1)(e), provided that the rooftop open space was not permitted under said building permit and the Board determines that the roof either is unsuited for open space #use# or cannot be made suitable for open space #use# at a reasonable cost;
 - (ii) there shall be double glazing on all windows in all #dwelling units# or such other window treatment as the Board deems appropriate;

- (b) Building permits in Brooklyn Community Districts 1, 2, 6 and 8 and Queens Community Districts 1 and 2

If, before October 25, 1984, a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before April 1, 1984, construction pursuant to such permit may be continued.

- (c) Variances

If, before April 9, 1981, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or before October 25, 1984, in Brooklyn

Community Districts 1, 2, 6 and 8 and Queens Community Districts 1 and 2, a variance to permit the #conversion# of a #building# or portion thereof, to #residential# or #joint living-work quarters for artists# #use#, which variance has not lapsed pursuant to the provisions of Section 72-23, and a building permit was issued in accordance with the terms of said variance for such #conversion# by the Department of Buildings within two years of the grant of said variance, construction pursuant to such permit may be continued, without regard to the other provisions of this Chapter.

#Dwelling units# #converted# pursuant to the provisions of this Section which are not subject to the provisions of this Chapter shall also not be subject to the provisions of Section 32-42 (Location Within Buildings).

15-02 - General Provisions

LAST AMENDED
4/9/1981

15-021 - Special use regulations

LAST AMENDED
3/22/2016

- (a) In C5 and C6 Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all existing lawful #uses# in Use Groups 17B or E in #buildings# erected prior to December 15, 1961, shall be considered conforming. Such #uses# may be extended within such #buildings#.
- (b) In C6-2M and C6-4M Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all new #uses# listed in Use Groups 17B or E are permitted as-of-right in #buildings# erected prior to December 15, 1961, subject to the provisions of Section 32-42 (Location Within Buildings).
- (c) In M1-5 and M1-6 Districts located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted #use# provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

All #dwelling units# permitted pursuant to this paragraph (c) shall be required to comply with the requirements of Sections 15-22 (Number of Permitted Dwelling Units) or 15-024 (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) where applicable, and with Section 15-23 (Light and Air Provisions).

Where the Chairperson of the City Planning Commission has determined that #floor area# was occupied as #dwelling units# on September 1, 1980, and where such #dwelling units# are located in a #building# which, on the date of application to the Department of City Planning under the provisions of this Section, also has #floor area# which is occupied by a #use# listed in Section 15-60 (REFERENCED COMMERCIAL AND MANUFACTURING USES), the Chairperson may permit that any #floor area# in the #building# be used for #dwelling units# provided that:

- (1) the total amount of #floor area# to be used for #dwelling units# does not exceed the amount of #floor area# occupied as #dwelling units# on September 1, 1980;
- (2) any #use# listed in Section 15-60 which is located on #floor area# to be used for #dwelling units# has been offered

a new or amended lease within the #building#, with a minimum term of two years from the date of application, at a fair market rental for the same amount of #floor area# previously occupied, and such lease is not subject to cancellation by the landlord;

- (3) any #residential# tenant who occupied a #dwelling unit# shall be relocated to a #dwelling unit# within the #building# with a #floor area# equal to not less than 95 percent of the amount of #floor area# in the #dwelling unit# previously occupied; and
 - (4) as a result of such action by the Chairperson, #residential uses# will be located on #stories# above #manufacturing# #uses#.
- (d) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:
- (1) #dwelling units# which the Chairperson determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#.
 - (2) in any #building# for which an alteration application for conversion of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this paragraph (d) shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.
- (e) In C6-1G and C6-2G Districts, in all #manufacturing# and #commercial# #buildings# except police stations, courthouses and fire houses, or portions thereof, erected prior to December 15, 1961, #residential use# shall not be permitted unless the Commission has granted a special permit pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts). However, if the Chairperson determines that #floor area# in such #buildings# was occupied for #residential use# on April 1, 1984, such #residential use# shall be permitted to remain and no special permit shall be required, provided that a complete application for determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than April 17, 1985.
- (f) In C8 and M1 Districts, no new #dwelling units# are permitted. However, within such districts in the following areas:
- (1) Areas in Brooklyn Community District 1
 - (i) bounded by South 10th Street, Berry Street, Division Avenue and Wythe Avenue;
 - (ii) bounded by South 6th Street, Broadway, Driggs Avenue, South 8th Street and Wythe Avenue;
 - (iii) bounded by South 4th Street, Driggs Avenue, South 5th Street and Berry Street;
 - (iv) bounded by North 4th Street, Berry Street, North 3rd Street and Wythe Avenue;
 - (v) bounded by Metropolitan Avenue, Havemeyer Street, Hope Street and Roebling Street; and
 - (2) Area in Brooklyn Community District 2, bounded by Water Street, Washington Street, Plymouth Street, Bridge Street, Front Street, Jay Street, York Street, Washington Street, Front Street and Dock Street;

#dwelling units# which the Commissioner of the Department of Buildings determines were occupied on June 4, 1981, and are located in a #building# in which more than 45 percent of the #floor area# consists of #dwelling units# that were occupied on June 4, 1981, shall be a permitted #use#, provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than May 30, 1986.

Such a determination of #residential# occupancy on June 4, 1981, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

15-022 - Location within building

LAST AMENDED
2/2/2011

#Dwelling units# #converted# under the provisions of this Chapter are not subject to the provisions of Section 32-42 (Location Within Buildings).

15-023 - Notice to residential tenants in mixed use buildings

LAST AMENDED
2/2/2011

The owner or developer of a #building# #converted# under the provisions of this Chapter and containing one or more #dwelling units# and one or more #commercial# or #manufacturing# #uses# above the first #story# shall be required to notify all prospective #residential# occupants of such #dwelling units# that:

- (a) such #dwelling units# are located in a #building# containing #commercial# or #manufacturing# #uses# which the City is committed to maintain; and
- (b) such prospective occupants should make any investigation they deem necessary to determine that the conditions existing or permitted to exist are not offensive to such prospective occupant.

Prior to the issuance of a building permit, the owner or developer shall file an affidavit with the Department of Buildings that such notice will be provided in all #residential# leases and offering plans.

15-024 - Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings

LAST AMENDED
3/22/2016

- (a) The minimum size, #yard# and density requirements of Sections 15-111, 15-22, 43-17 and 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010), may be replaced by the requirements of this Section for #dwelling units#, #joint living-work quarters for artists# or #loft dwellings#:
 - (1) existing on September 1, 1980, for which a determination of #residential# or #joint living-work quarters for artists# occupancy has been made pursuant to Sections 15-021, paragraph (c), 15-215, 42-133, paragraph (a), 42-141, paragraph (b) or 74-782; or
 - (2) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

(3) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.

(b) Unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law, #dwelling units# or #joint living-work quarters for artists# described in paragraph (a) and existing on such dates may not be divided subsequently into units or quarters of less than 1,200 square feet, and #loft dwellings# may not be divided subsequently into dwellings that do not meet the requirements of Section 111-40.

No #building# that meets the density requirements of Section 15-111 or paragraph (c) of Section 111-40, may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of this Section have been applied may subsequently add additional units or quarters except in accordance with the requirements of Sections 15-111.

(c) In lieu of the stated minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and 111-40, the following regulations shall apply:

(1) The minimum size of a #dwelling unit#, #joint living-work quarters for artists#, or #loft dwelling# may be no less than 415 square feet of #floor area#, provided that all of the following requirements are met:

- (i) the unit or quarters shall contain one or more windows that open onto a #street# or 30 foot #yard#;
- (ii) the area of such required window shall be not less than eight percent of the #floor area# of the unit or quarters and 50 percent of the area of such required window shall be openable; and
- (iii) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width; or

(2) The minimum size of a #dwelling unit#, #joint living-work quarters for artists#, or #loft dwelling# may be no less than 600 square feet of #floor area#, provided that all of the following requirements are met:

- (i) the unit or quarters shall contain one or more windows that open onto either:
 - (a) a 10 foot #yard#, where the window sill of such required window is at least 23 feet above #curb level#;
 - (b) a 15 foot #yard#, where the window sill of such required window is less than 23 feet above #curb level#;
 - (c) a #court# with a minimum dimension of 15 feet perpendicular to such required window and 375 square feet or more in area; or
 - (d) a #street#;
- (ii) the minimum horizontal distance between such required window opening onto a #yard# and any wall opposite such window on the same or another #zoning lot# shall be at least 15 feet;
- (iii) the area of such required window shall be no less than five percent of the #floor area# of the unit or quarters, and 50 percent of the area of such required window shall be openable;
- (iv) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width;

- (v) the average width of such unit or quarters shall be no less than 14 feet; and
- (vi) not less than two-thirds of the #floor area# of the unit or quarters shall have a floor-to-ceiling height of nine feet or more.