



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

Chapter 5 - Residential Conversion within Existing Buildings

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Chapter 5 - Residential Conversion within Existing Buildings

15-00 - GENERAL PURPOSES

LAST AMENDED

12/5/2024

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 or community facilities with sleeping accommodations without requiring that such uses conform to the provisions of Article II of this Resolution;
 - (b) to provide for adequate returns to property owners by allowing more profitable residential or community facilities with sleeping accommodations uses with a limited mix of commercial and manufacturing uses;
 - (c) to ensure the provision of safe and sanitary housing units in converted buildings; and
 - (d) to ensure the provision of adequate amenities in conjunction with residential development.
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15-01 - Applicability

LAST AMENDED

12/5/2024

#Conversions# in #buildings# or portions thereof, existing on December 31, 1990, 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# of any type, #joint living-work quarters for artists# or #community facilities# with sleeping accommodations. However, non-profit institutions with sleeping accommodations shall be limited to those with Class A occupancy as defined in the New York State Multiple Dwelling Law.

#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# or #community facilities# with sleeping accommodations.

The provisions of this Chapter shall apply in any #Special Mixed Use District# to #buildings# or portions thereof, existing on to December 10, 1997.

All #conversions# to #residences# or #community facilities# with sleeping accommodations 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.

However, #conversions# that meet all the requirements for #residential# #developments# or #community facilities# with sleeping accommodations #developments# pursuant to Article II (Residence District Regulations) and are located in R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, 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 [15-21](#) (Enlargements of Converted Buildings).

Except as specifically set forth in Section [15-024](#) (Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists), the provisions of this Chapter are not applicable in M1-5B Districts.

The [conversion](#) of [floor area](#) within [transient hotels](#) to [residences](#) or [community facility](#) [uses](#) with sleeping accommodations pursuant to the provisions of this Chapter shall be limited to those [buildings](#) eligible for [conversion](#) pursuant to the rules of this Chapter in effect prior to December 5, 2024.

15-02 - General Provisions

LAST AMENDED

4/9/1981

15-021 - Special use regulations

LAST AMENDED

12/5/2024

- (a) 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 (a) shall be required to comply with the requirements of Section [15-024](#) (Special bulk regulations for certain pre-existing dwelling units, and joint living-work quarters for artists) where applicable.

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 [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) [referenced commercial and manufacturing uses](#) located on [floor area](#) to be used for [dwelling units](#) that 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](#).

- (b) 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 (b) shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

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 and joint living-work quarters for artists

LAST AMENDED
12/5/2024

- (a) The minimum size, #yard# and density requirements of Sections [15-111](#) (Number of permitted dwelling units) and [43-17](#) (Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts) may be replaced by the requirements of this Section for #dwelling units# and #joint living-work quarters for artists#:

- (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 paragraph (b) of Section [15-021](#) (Special use regulations), paragraph (b) of Section [42-314](#) (Use regulations in certain M1-1, M1-5 and M1-6 Districts), paragraph (c)(2) of Section [42-315](#) (Use regulations in M1-5B Districts); 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.

No #building# that meets the density requirements of Section [15-111](#), 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](#) and [43-17](#), the following regulations shall apply:
- (1) The minimum size of a #dwelling unit# or #joint living-work quarters for artists# 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# or #joint living-work quarters for artists# 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.

15-10 - REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN RESIDENCE AND COMMERCIAL DISTRICTS

LAST AMENDED

12/5/2024

15-11 - Bulk Regulations

LAST AMENDED

12/5/2024

The #conversion# of non-#residential# #floor area# to #residences# or #community facilities# with sleeping accommodations, including the #conversion# of #floor area# on a #zoning lot# that exceeds the maximum #floor area# permitted by the applicable district regulations, shall be permitted in accordance with the provisions of this Section.

For the #conversion# of non-#residential# #floor area# to #residences# or #community facilities# with sleeping accommodations, the applicable density requirements shall be modified in accordance with the provisions of Section [15-111](#) (Number of permitted dwelling units), and the regulations governing #open space ratio#, #yards#, the minimum distance between two or more #buildings# on a single #zoning lot# and the minimum distance between windows and walls or #lot lines# are hereby superseded and replaced by the requirements of Sections [15-112](#) (Light and air provisions) and [15-12](#) (Required Recreation Space).

15-111 - Number of permitted dwelling units

LAST AMENDED

12/5/2024

The maximum number of #dwelling units# permitted shall be determined in accordance with the applicable district regulations pursuant to Section [23-50](#) (DENSITY REGULATIONS), inclusive. Any #floor area# in excess of the district regulations shall be included in the amount of #floor area# to be divided by the #dwelling unit# factor, where applicable.

For the #conversion# of non-#residential# #floor area# to #residences#, pursuant to Section [74-71](#) (Landmark Preservation), in C7, C8 and #Manufacturing Districts#, the maximum number of #dwelling units# shall be determined by applying the density regulations set forth in Section [23-50](#) in accordance with the applicable geography.

In addition, the following provisions shall apply:

#Dwelling units# may be distributed anywhere within a #building# provided that any portion of a #dwelling unit# located in a #cellar# shall also comply with the provisions of Section [15-112](#) (Light and air provisions).

Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #dwelling units#

provided that the gross area of such mezzanine does not exceed 33 1/3 percent of the #floor area# contained within such #dwelling unit#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #dwelling unit# or for calculating #floor area# devoted to #dwelling units#.

The density provisions of this Section may be replaced by the regulations of Section [15-024](#) (Special bulk regulations for certain pre-existing dwelling units and joint living-work quarters for artists) for #dwelling units# that are registered Interim Multiple Dwellings or are covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law or that the Loft Board determines were occupied for #residential use# on September 1, 1980.

15-112 - Light and air provisions

LAST AMENDED
2/2/2011

- (a) Spaces other than #rooms#:
- (1) Mezzanines shall be lit and ventilated in accordance with the provisions of Section [27-732](#) (Natural light requirements) and Article 6 (Standard of Natural Ventilation) of the New York City Building Code.
 - (2) #Cellar# space is not permitted in #dwelling units# with three and one-half #rooms# or fewer, unless such #dwelling units# contain at least 1,200 square feet of interior #floor area#.
 - (3) Spaces, other than "living rooms," kitchens, bathrooms or mezzanines, with a minimum width of five feet in the narrowest dimension measured perpendicular to a wall enclosing such space, are not permitted in #dwelling units# with two #rooms# or fewer, unless such #dwelling units# contain at least 1,200 square feet of interior #floor area#.
- (b) Every #dwelling unit# shall meet the light and air requirements of Section 277 of the Multiple Dwelling Law.
- (c) Width to depth ratio

Where there is more than one #dwelling unit# per #story#, the average width of each #dwelling unit# shall be at least one fourth of the depth. Depth is the farthest point within the #dwelling unit# from the exterior #building# wall containing windows used to meet the requirements of paragraph (b) of this Section, measured perpendicular to such #building# wall. Width is the distance between exterior #dwelling unit# walls measured perpendicular to the depth.

15-12 - Required Recreation Space

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LAST AMENDED
12/5/2024

All #conversions# in #buildings# that are #multiple dwelling residences# which result in nine or more new #dwelling units# after December 5, 2024, shall provide recreation space in accordance with the provisions of Section [23-63](#) (Required Recreation Space in Multi-family Buildings). However, such provisions shall be modified as follows:

- (a) where recreation space is provided outdoors, the minimum amount of recreation space required pursuant to Section [23-63](#) may be reduced to an equivalent of two percent of the #residential# #floor area# of the #building#; and
- (b) the provisions of paragraph (d) of such Section need not apply.

15-13 - Special Home Occupation Provision

LAST AMENDED
6/6/2024

In C6 Districts, and in C5 Districts in the Borough of Manhattan in the area south of Murray Street, its easterly prolongation, and the Brooklyn Bridge, the #home occupation# provisions of Section [12-10](#) shall apply, except that a #home occupations# may occupy more than 1,000 square feet of #floor area# and up to three persons not residing in the #dwelling unit# or #rooming unit# may be employed.

15-20 - AUTHORIZATION

LAST AMENDED
12/5/2024

15-21 - Enlargements of Converted Buildings

LAST AMENDED
12/5/2024

In all #Commercial Districts# and #Residence Districts#, for #enlargements# of #buildings# #converted# to #residences#, the City Planning Commission may authorize modifications to #bulk# regulations of Section [23-30](#) (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS), inclusive, as modified for #sky exposure plane buildings#.

In order to grant such authorization, the Commission shall find that:

- (a) the #enlarged building# is compatible with the scale of the surrounding area;
- (b) open areas are provided on the #zoning lot# that are of sufficient size to serve the residents of the #building#. Such open areas, which may be located on rooftops, courtyards, or other areas on the #zoning lot#, shall be accessible to and usable by all residents of the #building#, and have appropriate access, circulation, seating, lighting and paving;
- (c) the site plan includes superior landscaping for all open areas on the #zoning lot#, including the planting of #street trees#; and
- (d) the #enlarged# #building# will not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.