

Residential Loft Conversions

Multiple Dwellings Law, Article 7B



Photo: Samantha Modell

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Multiple Dwelling Law, Article 7B
Alteration Type-1

Existing commercial or manufacturing buildings in specified districts of Manhattan, Brooklyn and Queens may be converted to general residential use or to “artist lofts” under modified rules. These legal conversions are governed by Multiple Dwelling Law, Article 7B, often referred to as the Loft Law. In addition, artists must be certified by the New York City Department of Consumer Affairs.

New York City Construction Codes

Among the essential elements regulated by the NYC Building Code (BC) are site safety, structural standards, fire protection, exits, height and area limitations, and accessibility. Many building systems are further regulated in conjunction by the NYC Mechanical Code (MC), NYC Plumbing Code (PC) and Fuel Gas Code (FGC).

New York City Zoning Resolution

The NYC Zoning Resolution (ZR) outlines the specific community districts in which such conversions may be allowed, and it provides the regulations for use, bulk and the rules for applying for modifications from the City Planning Commission. Artist lofts, in particular, have additional restrictions.

New York State Multiple Dwelling Law

Article 7B of the Multiple Dwelling Law (MDL) outlines requirements regarding: fire protection; light and air; unit size; egress; enlargement; restrictions regarding, use in parts of the building; and requirements for building construction classification.

New York City Fire Code

Access to rooftops and restrictions on rooftop obstructions must be ensured to facilitate firefighting operations.

New York City Energy Conservation Code

A change in a building’s use will trigger a requirement of full compliance with the NYC Energy Conservation Code (Energy Code or NYCECC) for the areas being residentially converted and the building systems being altered. Required efficiency levels for the building envelope, heating and cooling systems, and lighting systems must be met.

This publication is an overview of the requirements for this type of work. There may be additional, applicable Zoning Resolution, Construction Code, Multiple Dwelling Law or Energy Code requirements.

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FIRST STEPS

- PW1 review for scope
- Zoning district, site designations (*community board district, special purpose districts, fire district, landmark district, little 'e' DEP designated block, wetlands.*)
- Lot diagram (*dimensions of lot, building, yards, distance to corner street intersection, street names, zoning use group, building occupancy group, construction classification, number of stories, buildings on adjacent lots, distance to nearest fire hydrant, curb cut application numbers*)
- Existing legal use and conditions
- Zoning exhibits
- Borough commissioner determinations, if applicable

ADMINISTRATIVE

DOB Forms

PW1 (with house number verification stamp)

PW1-B (if plumbing or sprinkler work involved)

PD1 (with Topographical stamp required from Borough President's Office)

PW3

PW4 (for new mechanical equipment greater than 36,000 btu)

TR1

ST1

Technical Documents

- Zoning exhibits (for enlargements), restrictive declarations, easements
- ACP5 asbestos report
- Initial survey

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Related Applications

- Fence application if filed separately (prior to conversion approval)
- Sidewalk shed application if filed separately (prior to conversion approval)
- Scaffold application if filed separately (prior to conversion approval)
- Sprinkler and/or standpipe application if filed separately (prior to conversion approval)

BIS Required Items

- Check current Department memos and service notices

ZONING

Residential (Use Group 2)

Conversion of Existing Non-Residential Buildings – ZR 15-00

- Applicable to certain community districts in Manhattan, Brooklyn and Queens only
- Special use regulations by district
- Within a C6-1G, C6-2G, M1-5A, M1-5B, M1-6D zoning district or manufacturing zoning districts – ZR 15-021
- Notice requirements to tenants of mixed-use buildings and to Department of Buildings – ZR 15-023
- A duplicate copy of “Notice of filing to create dwelling units” cover letter, stamped received by the City Planning Commission” – ZR 15-024
- Double-glazed window requirements if applicable – ZR 15-025
- Bulk regulations for new conversions except C6-2M, C6-4M (*density, light and air, open space equivalent, home occupation limitations*) – ZR 15-10
- Minor modifications with Department of City Planning approval for dwelling unit size, open space equivalent and comparability – ZR 15-30
- Authorization by Department of City Planning for waiving certain requirements for enlargements of converted buildings
- Authorization and Special permit provisions if applicable – ZR 15-40, ZR 15-50

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Buildings Excluded by the Revisions of ZR 15-00

- Conversion of non-conforming to a conforming residential use is not subject to bulk nor parking provisions – ZR 52-31
- Individual dwelling units within any C8 or manufacturing zoning district are allowed to be legalized if such units are certified by the New York City Loft Board as being located within “Interim Multiple Dwelling”
- Manhattan Only: Special bulk regulations for certain pre-existing dwelling units, JLWQA and Loft Dwellings – ZR 15-026
- Manhattan Only: Use and bulk regulations for new conversions in C6-2M, C6-4M, M1-5M, M1-6M (transfer of preservation of obligations and conversions’ rights, floor area preservation, comparability, certification by Department of City Planning, modification of preservation requirement for existing dwelling units, density, light and air, open space equivalent, home occupation limitations, refuse collection) – ZR 15-20

JLWQA (Use Group 17D) Use Regulations – ZR 42-14(D)

- Located in M1-5A and M1-5B districts only – ZR 42-14 (D)(1)
- Building must be built prior to 12/15/1961 – ZR 42-14 (D)(1)(a)
- Lot coverage restrictions – ZR 42-14 (D)(1)(b)
- Restrictions on JLQWA unit location – ZR 42-14 (D)(1)(c)
- Rooftop recreational area requirements – ZR 42-14 (D)(1)(e)
- Use restrictions for other use groups in same building – ZR 42-14 (D)(1)(f)

JLWQA (Use Group 17D) Bulk Regulations – ZR 43-17

- Buildings containing JLQWA may not be enlarged
- Mezzanine restrictions
- JLQWA unit size restrictions

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MULTIPLE DWELLING LAW – ARTICLE 7B

§276 – Definition of an Artist

- Artist certification provided from the NYC Department of Cultural Affairs (DCA) for JLDWA / Use Group 17D only – MDL §276

§277 – Occupancy Permitted

- Building must have been occupied prior to 1/2/77
- Construction classification requirements
- Height and area restrictions
- Use restrictions on ground and second floors
- Fire separation requirements for occupancies and tenancies
- Complies with requirements for old law tenement, converted dwellings, light and vent, room sizes, alcoves, balconies
- Light and air standards for JLDWA units
- Building may not be enlarged unless residential use is permitted as of right in underlying zoning district
- Mechanical ventilation requirements 2 CFM/sf
- Smoke detector requirement
- Egress requirements
- Fire protection requirements

FIRE CODE

Rooftop Access and Rooftop Obstructions

- Note provided certifying compliance to required rooftop access and rooftop obstructions for buildings under 100' high and less than 20° in slope – FC 504.4

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BUILDING CODE

Accessibility (ANSI 117.1, 2003)

- Compliance for entire building triggered by alteration costing greater than 50% of building replacement cost in 12-month period
- Door widths and clearances
- Ramps with landings provided at both ends and at turns of ramp
- Handrail extensions at stairs and ramps
- Accessible bathroom and kitchen provided

Site Safety, Structural and Foundation

- Protection of adjoining and neighboring property and foundations – BC §3304, §3309
- Protection of public right-of-way
- Construction fence – BC §3307.7
- Sheeting, shoring and bracing of excavations exceeding 5'-0" depth – BC §3304.4.1
- Foundation depth – BC §1805.2.1(1), §1805.4.2.1, §1907
- Structural details

Mechanical and Ventilation – 2008 Mechanical Code

- Mechanical ventilation rate calculations provided for all occupiable spaces – Table 403.3
- Fire dampers for duct penetrations in fire-rated walls and ceilings – Table 716.3.1
- Intake openings located minimum 10' away from lot lines/buildings and 20' from contaminant sources – MC §401.5
- Exhaust openings located minimum 10' away from lot lines/buildings/windows and minimum 10' above sidewalk – MC §401.5
- Intake openings exceeding 144 sf have fire and smoke dampers – MC §401.5.1
- Plumbing work type (PL) filed for mechanical heating via gas
- Service equipment permits applied for new or existing equipment
- Ventilation and exhaust requirements for bathrooms, crawl spaces, boiler rooms, meter rooms, gas dryers – BC §1203.3, §1209.1; MC Table 403.3, §701.2, §504;

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TPPN 1/94

Plumbing (2008 Plumbing Code)

- Backflow preventor for new domestic water service – RS 16
- Plumbing and gas riser diagrams
- 19 sprinkler head limit if off domestic service – BC §903.3.5.1.1
- Boiler work type (BL) filed for commercial boilers

Sprinkler / Fire Protection Systems – BC §903

- Requirements for full or partial systems
- Standpipe requirements
- Number of water sources
- Backflow preventer for new sprinkler service
- Hydrant Flow Test Letter from DEP – BC §106.15 (5.3)
- Location of incoming service, curb box valve, sprinkler alarm, floor control valves, inspector test tee
- Sizes for riser and branch piping – NFPA 13 8-2, 8-3
- 19 sprinkler head limit if off domestic service – BC §903.3.5.1.1
- Sprinkler head spacing – NFPA 13 4-2.1
- Smoke and carbon monoxide alarms – BC §907, §908, §909
- Fire alarm applications required if four or more stories

ENERGY CODE

- See Code Notes on Energy Code

APPLICABLE BULLETINS, DIRECTIVES, PPNS, MEMOS

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NA

OTHER AGENCY APPROVALS

- Public Design Commission: Approval required for City-owned property
- Board of Standards and Appeals: Approval for enlargement or structural alteration to existing non-conforming use
- Department of City Planning: Certification required for transfer of preservation obligations and conversion rights for certain districts
- Department of Cultural Affairs: Artist certification required for lawful occupant of JLQWA unit
- New York State Department of Environmental Conservation: Approval if adjoining wetlands
- Department Environmental Protection:
 - Hydrant flow test letter required for new sprinkler installation
 - Notice to proceed required for lot with little 'e' designation
- NYC Department of Transportation: Revocable Consent for permanent improvements in public right of way
- Landmarks Preservation Commission: Approval if in landmark district
- Loft Board: Approval for residential loft conversion of Interim Multiple Dwellings only
- MTA: Approval required for work within 200' of transit infrastructure
- New York City Department of Parks and Recreation:
 - Approval and permit required for street tree planting prior to C of O sign off
 - Approval required for tree removal outside of lot