

New, Mixed-Use Buildings

NB Applications



Photo: Dante Ramirez

NEW, MIXED-USE BUILDINGS

NB Applications

Mixed-use buildings, by zoning definition, are located in commercial districts. They are partly occupied by residential uses and partly occupied by commercial and/or community facility uses.

Zoning

Regulations governing use and bulk vary according to zoning districts, and outline requirements for lot coverage, floor area, open space, density, yards, height, setbacks, and parking. Quality housing regulations may be mandatory or optional depending on the district. There are additional mixed use building requirements that modify the basic bulk regulations of each use and for the building as a whole.

Building Code

Among the essential elements regulated by the building code and enforced by the Building Department are site safety, structural standards, fire protection, exits, height and area limitations and accessibility. Some of the main building systems are further regulated in conjunction by the Mechanical Code, Plumbing Code and Fuel Gas Code.

Fire Code

Requirements for fire protection systems based on street width and mandatory access for firefighting operations are set forth here. Fire Department approval may also be required depending on the circumstances.

Energy Code

All mixed use buildings shall comply with the provisions of the New York City Energy Conservation Code, and these buildings shall follow the commercial building requirements as mandated, which include minimum required thermal ratings for the building envelope and minimum efficiency ratings for heating equipment.

This publication is a general 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 (*special purpose districts, waterfront area or block, flood hazard area, fire district, landmark district, little 'e' DEP designated block, wetlands, 200' within transit authority infrastructure*)
- Street status (ZR 12-10 "street" & GCL 36 frontage on a mapped street). Also street width (wide or narrow) is important for zoning calculations in certain zoning districts
- 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, multiple dwelling classification*)
- Borough commissioner determinations, if applicable

ADMINISTRATIVE

DOB Forms

- [PW1](#) (verify gross floor area, including cellar counted for fees; verify MDL class as HAEA)
- [PD1](#) (with Topo House Number Verification Stamp)
- [PW1-A](#) (verify use groups and occupancy classifications)
- [PW1-B](#)
- [TR1](#)
- [TR4](#)
- [ST1](#)
- [ZD1](#)

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Technical Documents

- Soil investigation – BC [1802](#)
- Soil percolation test (if drywell installation required) – BC [1704.21.1.2](#)
- Initial survey
- Zoning exhibits, restrictive declarations, easements
- Approval from Department of Environmental Protection for House Connection Proposal (HCP) or for Site Connection Proposal (SCP)

Related Applications

- Curb cut application, if filed separately or if more than one for the new building (BC [3202.2.2.4](#))
- Builders Pavement Plan (BPP) application filed prior to approval (required and filed separately per AC [28-108](#))
- Construction fence application if filed separately, prior to approval
- Sidewalk shed (when required by BC §[3307.6](#)) required prior to permit
- Subdivision application (if applicable)
- Other NB or Alt-1 applications on the same zoning lot, whether or not they are on the same or different tax lots, other NB applications as part of a cluster
- Fire alarm (if applicable, as required by BC §[907.2](#))
- Site safety plan (when required by BC §[3310.3](#))
- Fire protection plan (as required by AC §[28-109.1](#))
- Elevator (when required by BC §[3002.4](#))
- For sites with existing structures, demolition sign-off

BIS Required Items

- Check current Department memos and service notices

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ZONING

Use Regulations

- Restrictions on location of non-residential uses in building – ZR §32-42, §32-43
- Accessory uses: off-street parking spaces, storage shed, home occupation, swimming pool, etc. – ZR §12-10

Bulk Regulations for Mixed Buildings

- Mandatory Quality Housing Program Requirements for certain districts – ZR §35-011, §28-00
- Applicability of:
 - Residence District Bulk Regulations – ZR §35-20
 - Floor Area and Open Space Regulations – ZR §35-30
 - Density Regulations – ZR §35-40
- Modification of:
 - Yard regulations – ZR §35-50
 - Height and Setback Regulations – ZR §35-60
- Special Tower Regulations – ZR §35-63, §23-65, §24-54, §33-45
- Required side and rear setbacks – ZR §23-66, §24-55
- Court regulations and minimum distance between windows and walls or lot lines and open area requirements – ZR §23-80, §24-60
- Minimum distance between buildings for zoning lots with multiple buildings – ZR §23-70, §24-67
- Minimum distance between legally required window and walls or lot lines – ZR §23-86, §24-65

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Quality Housing Regulations – ZR §35-011 (mandatory in contextual zones with A, B or X suffix; optional in other R6 - R10 zones)

- Floor area and lot coverage
- Density, number of dwelling units and minimum size – ZR §35-40
- Yards and courts – ZR §23-40, §23-85, §24-30, §24-60
- Height and setback, street wall location, base plane, rear setbacks
- Permitted obstructions in required yards are not included in “lot coverage” – ZR §23-44

Lower-Density Growth Management Area – LDGMA (*Where Applicable*)

- ZR §12-10 definition applicable only in the Bronx and Staten Island; if the Bronx, Community Board 10; if Staten Island, ZD designation and possible use of private roads. (Exceptions: ZR §33-04)

Waterfront Area or Block (*Where Applicable*)

- City Planning Commission: Certification required – ZR §62-81
- Use restrictions – ZR §62-21
- Bulk restrictions – ZR §62-30
- Public access and visual corridors – ZR §62-50, §62-60
- Parking and loading – ZR §62-40

Parking Regulations

- Parking spaces and loading berths: location, area and number of spaces and loading berths – ZR §25-00, §36-00
- Curb cuts: location and size – ZR §25-63, §36-53, §36-682

Bicycle Parking Regulations

- Number of bicycle parking spaces required; check for waivers – ZR §36-711, §25-811
- Size and location – ZR §36-73, §25-83
- Floor-area exemption – ZR §36-75, §25-85

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Plantings

- Street trees required in all conditions – ZR §33-03

Private Street or Road (*Where Applicable*)

- Special regulations including, but not limited to, parking and bulk – ZR §26-20 and, if in LDGMA, ZR §26-30
- Notice to emergency services of new building on a private street, unmapped street or mapped street that is not open ([OPPN 7/97](#))

MULTIPLE DWELLING LAW

All newly erected R-2 multiple dwellings are classified as HAEA (hereafter-erected multiple dwelling) class A or B. Below are the Article 3 (General Provisions) sections that are applicable for NB applications and not superseded by the New York City Construction Code.

Section 25 – Application of Article Three

- Title 1 – Light and Air
 - §26. Height, bulk open spaces (except 7); §28. Two or more buildings on same lot (except 3); §29. Painting of courts and shafts; §30. Lighting and ventilation of rooms; §31 Size of rooms; §32. Alcoves; §33. Cooking spaces; §34. Rooms in basements and cellars; §35. Entrance doors and lights
- Title 2 – Fire Protection and Safety
 - §50-a. Entrance: doors, locks and intercommunication systems; §50-c. Rights of tenants to operate and maintain a lobby attendant service; §51-a. Peepholes; §51-b. Mirrors in connection with self-service elevators; §51-c. Rights of tenants to install and maintain locks in certain entrance doors; §54. Cellar entrance; §56. Frame buildings and extensions; §57 Bells; mail receptacles; §58. Incombustible materials; §59. Bakeries and fat boiling; §62. Parapets, guard railings and wires; §63. Sub-curb uses; §64. Lighting; gas meters; gas and oil appliances; §65. Boiler rooms; §66. Lodging houses; §68. Smoke detecting devices
- Title 3 – Sanitation and Health
 - §75. Water supply (3. only); §76. Water closet and bath accommodations; §77. Plumbing and drainage; §78. Repairs; §79. Heating; §80. Cleanliness; §81. Receptacles for waste matter; §82. Privacy; §83. Janitor or housekeeper; §84.

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Construction standards for control of noise.

- Plans shall indicate MDL notes.

HOUSING AND MAINTENANCE CODE

Subchapter 1

- Definitions
Family – HMC §27-2004.4; Class A multiple dwelling – HMC §27-2004.8(a)
- Plans shall indicate HMC notes.

FIRE CODE

Fire Department Vehicle Access – FC Chapter 5, FAQ Clarifications

- Frontage space: primary entrance is located within 30 feet of public street, otherwise FDNY approval required – FC §502.1, §503.2.3.3, §503.2.4
- Public street is more than 34 feet wide curb to curb, otherwise fully sprinkler the building or FDNY approval required – FC §503.3.2. and 503.2.10
- Dead end public street is within 150 feet long without an FDNY turnaround, otherwise fully sprinkler the building or FDNY approval required – FC §503.2.9 and §503.3.1
- Roof top access and obstructions – FC §504.4

BUILDING CODE

“Big” Alterations

- Work that increases existing floor surface area of a prior code building by more than 110% to comply with 2014 Construction Codes – AC [§28-101.4.5](#)

Frontage Space

- 8% of building perimeter adjoins street or frontage space – BC [§501.3.1](#)
- Minimum size 30 feet x 30 feet accessed by 20-foot wide driveway – BC [§502.1](#)

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See [Guide to Rebuilding After Hurricane Sandy](#)

- Applicant certification of A-Zone / V-Zone / Floodway Encroachment
- Lowest Floor Elevation: progress inspection checked on TR1 (BC [§110.3.2](#))
- Raising and Moving of a Building: special inspection on TR1 (BC [§1704.20.5](#))
- Flood Zone Compliance: special inspection on TR1 (BC [§1704.29](#), BC [G105](#))
- Elevation certificate utilizing FEMA Form 086-0-33
- Construction requirements of A-Zone / V-Zone – BC [§G304.1.1](#), [G304.2](#)
- Automatic backwater valve – BC [G501](#), Item 7.3.3 and Item 7.3.4, PC [715](#)

Egress – BC Chapter 10

- Occupant load – BC [§1004](#)
- Egress: width – BC [§1005](#), doors – BC [§1008](#)
- Stairways: width, headroom, – BC [§1009](#); handrails – [§1012](#); venting – BC [§708.12.1](#)
- Ramps: when used as an egress component – BC [§1010](#); exterior ramps and stairways – BC [§1026](#)
- Guards – BC [§1013](#)
- Exit: exit access – BC [§1014](#); exit and exit access doorways – [§1015](#); exits – [§1020](#); exit access travel distance – BC [§1016](#); number of exits – BC [§1021](#); exit discharge – BC [§1027](#); corridors – BC [§1018](#)
- Exit enclosures – BC [§1022](#)
- Emergency escape and rescue openings – BC [§1029](#)
- Signage – BC [§1030](#)

Elevators

- Five stories or more – BC [§3002.4](#)

Fire Protection

- Height and area limitations – BC [Table 503](#)

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- Fire separation of separate occupancies and tenancies – BC [Table 508.4](#)
- Construction Classification – BC Table [601](#), [602](#)
- Fire-rated construction details – BC [Chapter 7](#)
- Sprinkler systems – BC [§903](#)
- Standpipe systems – BC [§905](#)
- Fire alarm and detection, emergency alarms and smoke control systems (smoke, alarms, controls and carbon monoxide) – BC [§907](#), [§908](#) and [§909](#)
- Fire protection plan requirements – BC [§28-109.2](#)

Safeguards During Construction – BC Chapter 33

- Protection of adjoining and neighboring property and foundations, including underpinning – BC [3309](#)
- Protection of pedestrian – BC [3307](#)
- Construction fence/sidewalk shed – BC [3307.7](#), BC [3307.6](#)
- Sheeting, shoring and bracing of excavations exceeding 5 feet deep – BC [3304.4](#)
- Special Inspection for structural stability BC – [1704.20](#)

Underpinning and protection of sides of excavation subject to special inspections

Structural, Soils and Foundation – BC Chapter 16 + 18

- Allowable load-bearing values of soil – BC [§1804](#)
- Shallow foundations, Foundation depth – BC [§1805](#)
- Structural separations for earthquake design – BC [§1613.7](#)
- Structural details, including underpinning – BC [3309.5](#)

Accessibility – BC Chapter 11

- Accessible route and entrances – BC [§1104](#), [§1105](#)

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- Parking and passenger loading facilities – BC §[1106](#)
- Dwelling units and sleeping units (type B units in R-2 occupancies) – BC §[1107](#)

Plumbing and Storm Water Drainage

- Backflow preventer for new domestic water service – PC [608](#)
- Plumbing and Gas riser diagrams – PC [106.5](#), FGC [106.5](#)
- HCP or SCP approval from DEP – BC [107.11](#), PC [106.6](#)
- Storm water detention/retention/disposal – BC [107.11.2](#), PC [106.6.2](#)

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Interior Environment – BC Chapter 12

- Natural light and ventilation for habitable rooms and spaces – BC §[1205](#), §[1203](#)
- Yards and courts that provide required light and ventilation – BC §[1206](#)
- Sound transmission – BC §[1207](#)
- Habitable Room and space minimum dimensions – BC §[1208](#)
- Ventilation and exhaust: bathrooms, kitchens, crawl spaces, boiler rooms, gas dryers – BC §[1203](#), NYC Mechanical Code Chapter [4](#) and [5](#)
- Trash compactor – BC §[1213.2](#)
- Refuse chutes – BC §[1213.3](#)

Sprinkler – BC Chapter 9, NFPA 13/13R/13D Standards with NYC modifications per Appendix Q (in most cases these buildings are required to be fully sprinklered)

- Backflow preventer for new sprinkler service – PC [608.16.4](#)
- Hydrant flow test letter from DEP – BC [903.1.2](#), Item 5
- Location of incoming service, curb box valve, sprinkler alarm, floor control valves, inspector test tee – BC §[903.1.2](#), [903.3.1](#)
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- 20 sprinkler head limit if off domestic service – BC [903.3.5.1.1](#)
- Sprinkler head spacing – BC §[903.1.2](#), §[903.3.1](#)
- Standpipe systems – BC [905](#)
- Siamese (Fire Department connection) locations – BC [912.2](#)

ENERGY CODE

See Code Notes on Energy Code.

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APPLICABLE BULLETINS, DIRECTIVES, PPNS, MEMOS

- [TPPN 4/03](#): Decks, Porches, Terraces, Breezeways
- [1-RCNY23-01](#): Accessory Greenhouses
- Swimming pools: BC [§3109](#)
- Buildings Bulletin [2012-008](#): Accessory Cellar

OTHER AGENCY APPROVALS

- Board of Standards and Appeals: approval if located in the bed of a mapped street; for use variance
- City Planning Commission: certification required for waterfront area or block or in some cases for natural area ZD
- NYS Department of Environmental Conservation: approval if adjoining wetlands
- Department of Environmental Protection: hydrant flow test letter for new sprinkler installation; approval for SD1 & 2 or site connection; Notice to Proceed for lot with little 'e' designation
- NYC Fire Department: variance where Fire Code provisions not met
- Department of Housing Preservation & Development: letter authorizing rooming units
- Landmarks Preservation Commission: approval if in Landmark District
- Metropolitan Transit Authority or Port Authority of New York and New Jersey: approval required for work within 200 feet of transit infrastructure
- Department of Parks and Recreation: approval and permit required for street tree planting prior to Certificate of Occupancy sign-off; approval required for Tree Removal outside of lot.