

# Retail

## *Alteration Applications*



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Retail uses are located in commercial and manufacturing districts. These spaces are generally categorized under the mercantile occupancy group, where the building is used for the display and sale of merchandise, stocks of goods, wares or merchandise incidental to such purposes and accessible to the public.

### New York City Building Code

Site safety, structural standards, fire protection, exits, height and area limitations and accessibility are among the essential elements regulated by the NYC Building Code. Some main building systems are further regulated by the NYC Mechanical Code, NYC Plumbing Code and NYC Fuel Gas Code.

### New York City Fire Code

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

### Energy Code

The NYC Energy Conservation Code mandates minimum required thermal ratings for building envelopes and minimum efficiency ratings for mechanical equipment and lighting.

*This publication is a guide to provide a general overview of the requirements for this type of work. There may be additional, applicable requirements of the Zoning Resolution, Construction Code, Energy Code, or the Federal Americans with Disabilities Act.*

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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)*
- Lot diagram  
*(dimensions of lot, building, yards, distance to corner street inter-section, 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, etc.)*
- Borough Commissioner determinations, if applicable

### ADMINISTRATIVE

#### DOB Forms

- **PW1** – Plan/Work Approval Application
- **PW1A** – Used when there is a change of use that will affect the certificate of occupancy of the building
- **PW1B** – Used for changes to plumbing
- **PD1** – Used for a C of O application, with topographic stamp required from Borough President's office
- **TR1** – Indicates sprinkler systems, fire-resistant penetrations and joints, and other special inspections as applicable
- **TR8** – File this form with the TR1 (upon completion of required inspections/tests for jobs in compliance with the NYCECC)
- **ZD1** – Used if there is an enlargement; includes diagrams for site plans and other projections (3D or Axonometric as required) describing vertical dimensions

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### ZONING

#### Use Regulations

- Retail use is categorized under Use Group 6 through 16 and is permitted throughout commercial and manufacturing districts
- Uses permitted as-of-right – ZR §32-10, §32-15 through §32-25, §42-10 through §42-131
- Uses permitted by special permit – ZR §32-30, through §32-32, §42-30 through §42-32
- Supplementary use regulations – ZR §32-40, §32-41, §32-411, §32-412, §32-421, §32-422, §32-423, §42-40
- Special provisions applying along district boundaries – ZR §32-50, §32-51, §32-511, §32-512, §32-52, §42-40
- Sign regulations – ZR §32-60, through §32-68, §42-50 through §42-562
- Non-conforming uses – ZR §52-00
- Conforming uses in violation of supplementary use regulations – ZR §53-00

#### Bulk Regulations

- Applicability and definitions and general provisions – ZR §33-00
- Floor area regulations – ZR §33-10 through §33-1
- Yard regulations – ZR §33-20 through 33-293, §33-30 through §33-32
- Height and Setback Regulations – ZR §33-40
- Court regulations and minimum distance between windows and walls or lot lines – ZR §33-5
- Non-complying buildings – ZR §54-00

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### Accessory Off-Street Parking Regulations

- General purposes and definitions – ZR §36-00 through §36-03
- Permitted accessory off-street parking – ZR §36-10 through §36-14
- Required accessory off-street parking spaces for commercial or community facility uses – ZR §36-20 through §36-27
- Restrictions on location and use of accessory off-street parking spaces – ZR §36-40 through §36-47
- Off-street loading regulations – ZR §36-60 through §36-685
- Bicycle parking – ZR §36-70 through §36-76
- Special urban design regulations – ZR §37-00
- Special regulations applicable to certain areas – ZR, article 6
- Special purpose districts – ZR, articles 7 – 13

### MULTIPLE DWELLING LAW

- N/A

### HOUSING AND MAINTENANCE CODE

- N/A

### FIRE CODE

- See 'RELATED CODE NOTES' below

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### BUILDING CODE

- See 'RELATED CODE NOTES' below

### RELATED CODE NOTES

- Alteration work that does not change use, egress or occupancy, see Code Notes: [Directive 14 of 1975 Alteration](#)
- Any assembly space in a retail establishment that accommodates 75 or more people requires a Place of Assembly permit, see Code Notes: [Place of Assembly](#)
- New building or alteration work that will affect the public rights-of-way, see Code Notes: [Builders Pavement Plans](#)
- Mixed-use, see Code Notes: [New, Mixed-use Buildings](#)
- Encroachments into the public right-of-way, see Code Notes: [Revocable Consent](#)
- Energy Code requirements, see Code Notes: [Energy Code – Commercial Alterations](#)
- Alteration work on the exterior of the building, see Code Notes: [Sidewalk Sheds and Supported Scaffolds](#)

### APPLICABLE BULLETINS, DIRECTIVES, PPNS, MEMOS

- [Buildings Bulletin 2009-025](#): Change Business to a Mercantile

### OTHER AGENCY APPROVALS CODE

- NYC Fire Department: *fire suppression*
- Landmarks Preservation Commission: *approval when applicable*
- NYC Department of Transportation: *if revocable consent is required*