



RESCINDED BY BUILDINGS BULLETIN 2023-012



NYC Buildings Department
280 Broadway, New York, NY 10007

Robert D. LiMandri, Commissioner

BUILDINGS BULLETIN 2009-025 Operational

Supersedes:	None		
Issuer:	Fatma M. Amer, P.E. First Deputy Commissioner		
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Purpose:	This document clarifies the requirement for a new or amended Certification of Occupancy for alterations to a small, existing establishment		
Related Code/Zoning Section(s):	AC 28-118.3.1 AC 28-118.3.2	AC 28-101.4.3 BC 302.1 BC 303.1 Exception 2	
Subject(s):	Alterations, business and mercantile establishments; certificate of occupancy, business and mercantile establishments		

The Department shall interpret sections 28-118.3.1 and 28-118.3.2 of the Administrative Code to allow an alteration from a small, existing individual mercantile establishment (Group M or equivalent occupancy as classified in the 1968 Code or prior codes) to a business establishment (Group B¹ or equivalent occupancy as classified in the 1968 Code or prior codes), or from a small, existing individual business establishment to a mercantile establishment without invoking the requirement for a new or amended Certificate of Occupancy, provided all of the following conditions exist:

- Such alteration is limited to a change within the same Zoning Use Group (e.g. UG 6A to 6A, 6A to 6B);
- The maximum occupant load for the individual establishment, both as existing and proposed, does not exceed 74 persons based on occupant load calculations in accordance with Table 6-2 of the 1968 Building Code or BC Table 1004.4.2 of the 2008 Building Code, as applicable;
- The establishment is located on the ground floor, accessed by the public directly from the exterior of the building;
- The portion of the establishment which is being altered complies or is made to comply with any other requirements that would be applicable to the alteration, including but not limited to accessibility requirements (e.g. entrance, toilet room etc.), and fire protection requirements of 28-101.4.3 (Item 2); and
- Such alteration does not require a change in the required exits. Relocation of exit doors of the same size or larger shall not constitute a change in the required exits.
- Such alteration does not require a change in the live load from the stated live load on the existing Certificate of Occupancy.

¹ In accordance with section BC 303.1, Exception 1, a nonaccessory tenant space used for assembly purposes by fewer than 75 persons may be considered a Group B occupancy.
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