



BUILDINGS 2026-017 BULLETIN ZONING

ISSUANCE DATE
October 13, 2026



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Code and Zoning Interpretation

PURPOSE: This Bulletin describes how to apply the regulations of ZR 54-53, which allows a new non-compliance or increase in the degree of non-compliance.

SUBJECT(S): Non-compliance

RELATED ZONING SECTIONS & RESOURCES: ZR 54-53

I. BACKGROUND

As part of the City of Yes zoning amendments, Article V, Chapter 4, Section 54-50 was added, first with Section 54-51 (Energy Infrastructure or Retrofits), effective December 6, 2023, and one year later with Sections 54-52 (Accessibility or Safety Retrofits) and 54-53 (Residential Retrofits) effective on December 5, 2024. These provisions permit certain enlargements and other alterations to create a new non-compliance or increase the degree of existing non-compliance, representing a departure from how non-compliances have been treated historically under zoning since 1961.

This Bulletin will clarify ZR 54-53 (Residential Retrofits). This provision permits enlargements, extensions, conversions, other changes of use and other alterations “that increases or improves residential floor space within a building” to create a new non-compliance or increase the degree of non-compliance, provided that certain standards are met. This Bulletin will clarify how this provision applies in various instances.

A separate [Buildings Bulletin \(BB 2026-018\)](#) provides detailed guidance on ZR 54-50, which explains the permissible combination of applications using ZR 54-51, ZR 54-52 and ZR 54-53 over time. Another [Buildings Bulletin \(BB 2026-016\)](#) explains how to apply provisions of ZR 54-52 (Accessibility or Safety Retrofits). Refer to those Bulletins for additional details regarding the eligibility and application of those provisions.

This Bulletin is effective immediately.

II. FIRST PARAGRAPH: QUALIFICATION OF UTILIZING ZR 54-53

The first paragraph of ZR 54-53 states:

Notwithstanding the other provisions of this Chapter, in all districts, for buildings where 75 percent or more of the existing floor space is allocated to residential uses, an enlargement, extension, conversion, change of use or other alteration to such building that increases or improves the residential floor space within a building, may create a new non-compliance or increase the degree of a non-compliance, provided that increases to existing non-compliances, or the creation of new non-compliances, with regard to: [...]

A. Allocation of existing floor space to residential uses

To qualify for the relief of ZR 54-53, an existing building must already have 75% or more floor space classified as residential use prior to utilizing ZR 54-53. Note that the Zoning Resolution does not define the term “floor space,” but it is necessarily more inclusive than “floor area,” which applies to a more limited area as defined in the Zoning Resolution. Where an existing building has less than 75% floor space allocation to residential uses, and its allocation becomes 75% or more by the end of the job application to increase residential floor space, it does not qualify for the use of ZR 54-53. See Part IIB below for how to qualify as an “existing building” and

Part III below for what portions of a building qualify as “floor space.”

A building that is a mix of residential (at least 75% or more of the existing floor space) and non-residential uses may utilize ZR 54-53 to convert the non-residential uses to residential uses. However, the new residential uses must comply with all residential bulk regulations except as permitted pursuant to ZR 54-53, or the conversion must comply with Article I, Chapter 5 residential conversion regulations.

B. Qualification as an existing building

A building must be existing before it can be “retrofitted” pursuant to ZR 54-53. In the context of this ZR section, this means the following:

1. The entire building has a Temporary or Final Certificate of Occupancy, or
2. Where a building was constructed prior to when certificates of occupancy were required, and the applicant is able to provide documentation of the building’s legal existence to the satisfaction of the Department.

Because ZR 54-53 applies only to “an enlargement, extension, conversion, change of use or other alteration,” it does not apply to the “development” of a new building. An application proposing to utilize ZR 54-53 cannot be the same job application that results in a proposed new building. As such, a post-approval amendment (PAA) of the original new building application to utilize ZR 54-53 is not permitted.

Existing buildings that are damaged or destroyed and allowed to be reconstructed pursuant to ZR 54-40 may utilize ZR 54-53 and may be considered as an “existing building” for the purposes of ZR 54-53. Therefore, enlargements of the original building may be permitted in the same application that reconstructs the original building.

C. Legalizing an existing building using ZR 54-53

If a portion of an existing building was built without lawful permits and does not comply with open area bulk regulations referred to in paragraph (b) of ZR 54-53, or with height and setback as referred to in paragraph (c) of ZR 54-53, ZR 54-53 may be utilized to legalize such building if an application is properly filed (and all applicable fines are paid) and all plans comply with all applicable laws and regulations, including ZR 54-53, based on the legally constructed portion of the building as the baseline. For example, prior to December 5, 2024, a residential enlargement was constructed without permits in a non-complying court, increasing the degree of non-compliance, which did not comply with zoning at that time. Now ZR 54-53 would permit such an enlargement in the court, if the dimensions of the existing illegal enlargement meet all the requirements set forth in paragraph (b). In that case, the enlargement can be legalized.



Legalizing a residential enlargement in a non-complying

D. Limitations of allowances for new non-compliances or increases of non-compliances

Items not specified with paragraphs (a), (b) and (c) in ZR 54-53 may not be encroached upon or exceeded, such as minimum distance between buildings, minimum distance between windows and lot lines, street wall location requirements, and density regulations. For example, for paragraph (b), only yards, rear yard equivalents and courts may be encroached upon, and for sky exposure plane buildings, required open space may also be encroached upon. Note that the term “*open space*” is defined in the Zoning Resolution and it refers to a specific type of open area.

III. PARAGRAPH A: FLOOR AREA

Paragraph (a) of ZR 54-53 states:

(a) maximum residential floor area ratio shall be limited in size to floor space existing within the volume of a building on the zoning lot. For multiple dwelling residences, such allowance shall be limited to buildings existing on December 5, 2024; [...]

A. Floor space must be lawfully existing

Only those existing floor spaces that are within the volume of a lawfully constructed building or portions of a building are eligible to be used for the purposes of paragraph (a). Floor spaces within buildings or portions of buildings that are illegally constructed without permits are not eligible.

B. For multiple dwellings, floor space must be existing on December 5, 2024

For multiple dwellings only, both the floor space and the building must have been in existence on December 5, 2024 to be eligible. If the building is existing on December 5, 2024, but the floor space was created after December 5, 2024, such floor space is not eligible to be used for the purposes of paragraph (a). For example, a building constructed in 1962 added a new attic (non-habitable space) lawfully in January 2025. The attic is not considered eligible floor space in this case as it was created after December 5, 2024.

C. Existing floor space in the attic

Attic floor space is considered “within the volume of a building,” whether or not a floor has been laid and whether or not it is exempt from the definition of floor area. When attic floor space is in an area that has structural headroom of less than eight feet, and an alteration is proposed to increase the structural headroom to eight feet or greater, such floor space remains eligible and is considered “within the volume of a building.”

D. Existing floor space in the cellar

Cellar floor space is considered “within the volume of a building.” If a cellar has been used for non-dwelling purposes, pursuant to paragraph (a), it may be used for dwelling purposes only if the floor space will meet all applicable laws and regulations.

Note that when a cellar is converted to dwelling purposes and becomes additional floor area permitted within the maximum residential floor area pursuant to paragraph (a), if the floor area thus generated from the cellar is subsequently relocated to above-grade portions of the building, the cellar must be restored to become floor space again that is exempt from the definition of floor area (for example, it is used only as storage and for housing mechanical equipment).

As part of the floor space restoration process (making the space no longer “zoning floor area”), where the cellar has been converted to floor area in accordance with Buildings Bulletin 2011-010 and contains three fixtures, in order to reconvert such cellar into floor space, a plumbing application must be filed to eliminate either the shower or the bath so that there are only two fixtures in the cellar. Once the cellar floor area is relocated and the cellar is reconverted to floor space, the process cannot be repeated under paragraph (a) to generate additional residential zoning floor area.

E. Existing crawl space

A crawl space is not a basement or cellar as defined in the New York City Building Code. Subgrade crawl space shall not be considered “floor space within the volume of a building” and shall not be eligible to be converted to zoning floor area for any purpose.

F. Existing floor space in an enclosed driveway

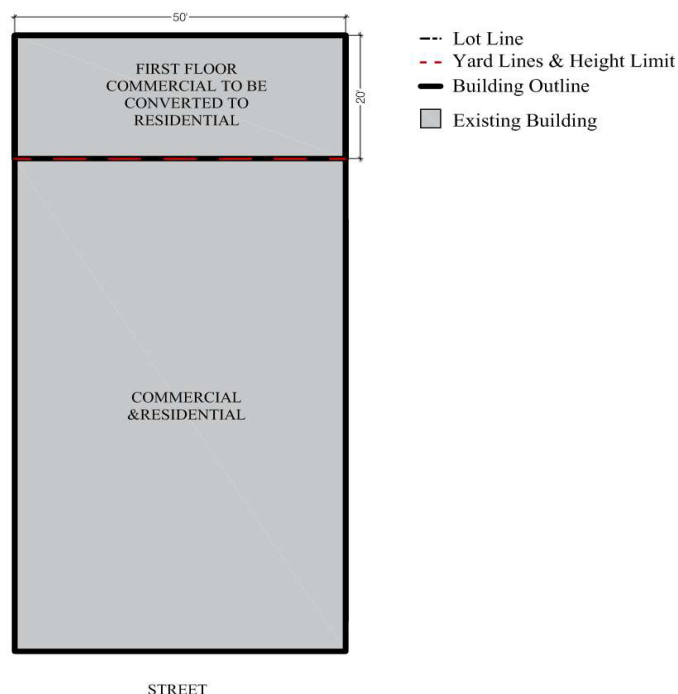
Pursuant to paragraph (f) of the definition of “floor area,” the portion of a driveway that is at least 50% enclosed, is covered by floor area and is part of an area of accessory parking can be considered “floor space within the volume of a building” and may be further enclosed to create additional residential floor area, provided that the enclosure complies with all applicable laws and regulations, including required parking regulations in zoning.

G. Other floor spaces

Other floor spaces within the volume of a building, including but not limited to mechanical floor space, floor space in bulkheads, and floor space used for parking that is exempt from “floor area,” may be converted to floor area utilizing paragraph (a).

ZR 54-53 (a) Example

A legal non-complying building in a C1-4/R6A district is a multifamily building with a residential floor area ratio of 3.2 (3.0 is the maximum residential FAR for the district) and a commercial floor area ratio of 0.9, with the ground floor commercial use extending into the required rear yard as a permitted obstruction, all the way to the rear lot line. The building is 78% residential, so it may utilize ZR 54-53. Paragraph (a) may be utilized to convert the commercial use to residential use, resulting in an increased non-compliance with floor area regulations (the residential floor area ratio will be increased from 3.2 to 4.1). This is permitted because the commercial floor space is within the volume of the building, and the building existed on December 5, 2024. Portions of the ground floor with access to light and air (such as at the front of the building) may be converted to dwelling units (provided they comply with all applicable laws and regulations, including ZR 32-30, Streetscape Regulations). However, rear portions of the former commercial floor space can only be used for accessory residential uses such as recreation space or other common residential amenity space if there is lack of access to light and air. The conversion of commercial space to residential space within the required rear yard is also permitted by paragraph (b), as detailed further in the next section.



IV. PARAGRAPH B: OPEN AREA

Paragraph (b) of ZR 54-53 states:

(b) required open space, yards, rear yard equivalents, or courts, as applicable, shall not diminish the area of the existing open area by more than 20 percent and no further encroachment to a non-complying yard shall be closer to a lot line than an existing building on the zoning lot; and [...]

A. Percent of Open Area and its denominator

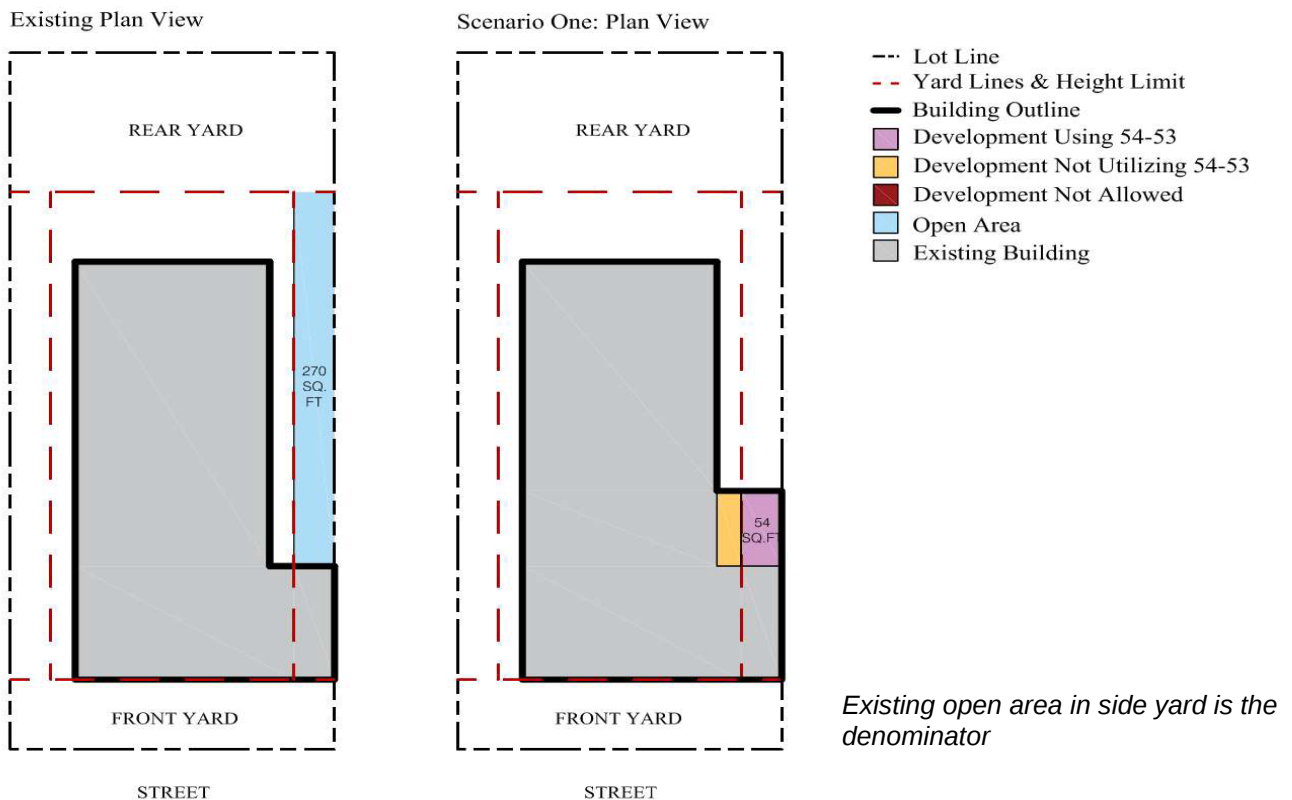
Paragraph (b) states, in relevant part: "...shall not diminish the area of the existing open area by more than 20 percent..."

1. Existing individual yard or court as denominator

When calculating the square footage of the existing open area to demonstrate compliance with the 20 percent maximum diminishment, the denominator in the calculation should be the existing open area within the individual yard or court. However, in the case of a residential building using sky exposure plane regulations, because "open space" is calculated as the total area (in square feet) that is mathematically related to the total floor area, open space should be considered as a single whole, even if separate parts of the zoning lot contribute to that whole (such as an interior court that is part of the overall open space requirement).

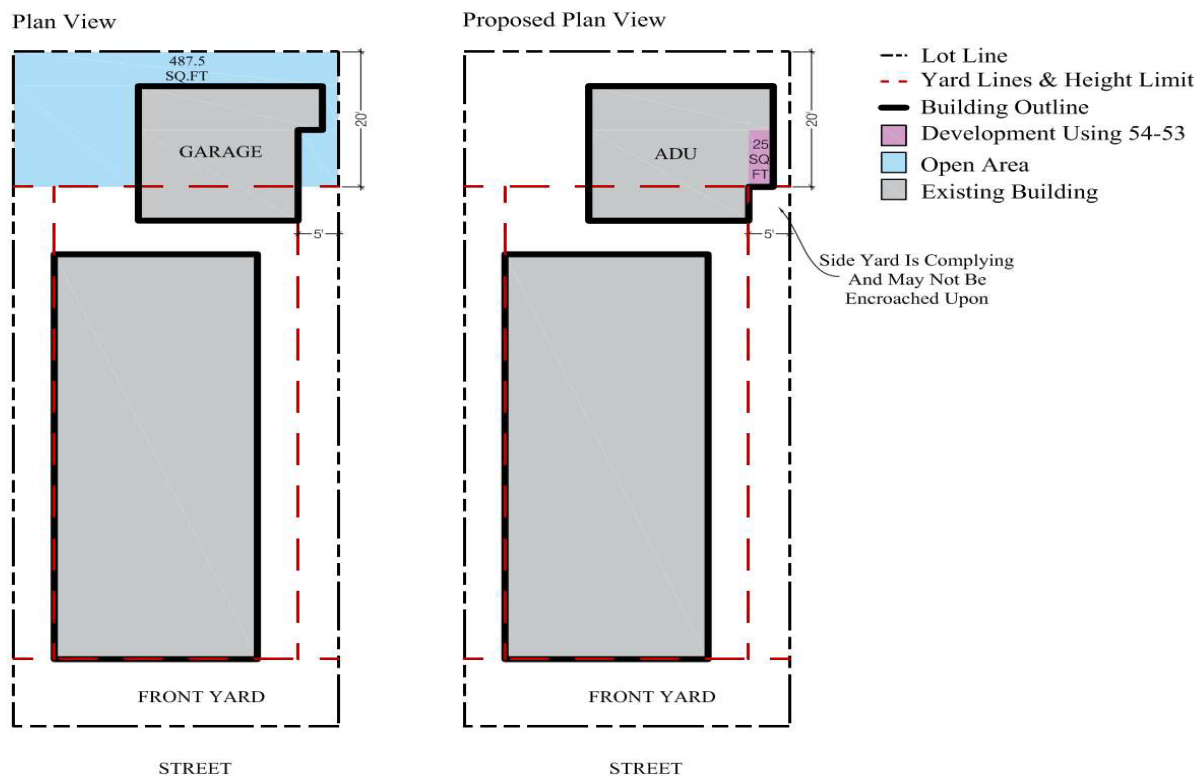
For example, a detached residence on an interior lot in a lower density district has two side yards, one front yard and one rear yard. A proposed encroachment in one yard, such as a side yard, should be calculated on the basis of the existing open area of that one side yard alone as the denominator. Existing open area is the area existing at the time of the application, before the proposed enlargement.

Note that only the existing open area within the required side yard should be the denominator. If there is an area between the residence and the side lot line which exceeds the area of the required side yard, that additional non-required open area is not included in the calculation.



2. *Five-Foot Open Area required for ADUs not to be used as denominator*

ZR 23-341(b)(4)(iv) requires a five foot open area between an ancillary dwelling unit (ADU) or a single- or two-family residence and a side or rear lot line when located in a required rear yard. This area should not be considered separately as a denominator when calculating the 20% requirement. Instead, the entire existing open area within the required rear yard should be utilized for the denominator because the proposed enlargement is located in the rear yard. For example, an existing garage is proposed to be converted to an ADU and enlarged in a required rear yard. A portion of the garage is within 1.5 ft of the side lot line and the remaining portion is five feet from the side lot line. The ADU may be enlarged to match the extent of the existing garage encroachment into the five-foot open area, and the maximum percentage is based on the entire existing open area of the rear yard, which is 487.5 sf. Note that the ADU may not be enlarged into the side yard area in this case because that is considered separately and the side yard does not have an existing encroachment. The 25 sf encroachment is just over 5% of the existing open area of the rear yard, so it is less than 20% of the existing open area of the rear yard and is therefore permitted.



Five-foot open area not to be used as denominator

3. *A single front yard as denominator in a corner lot*

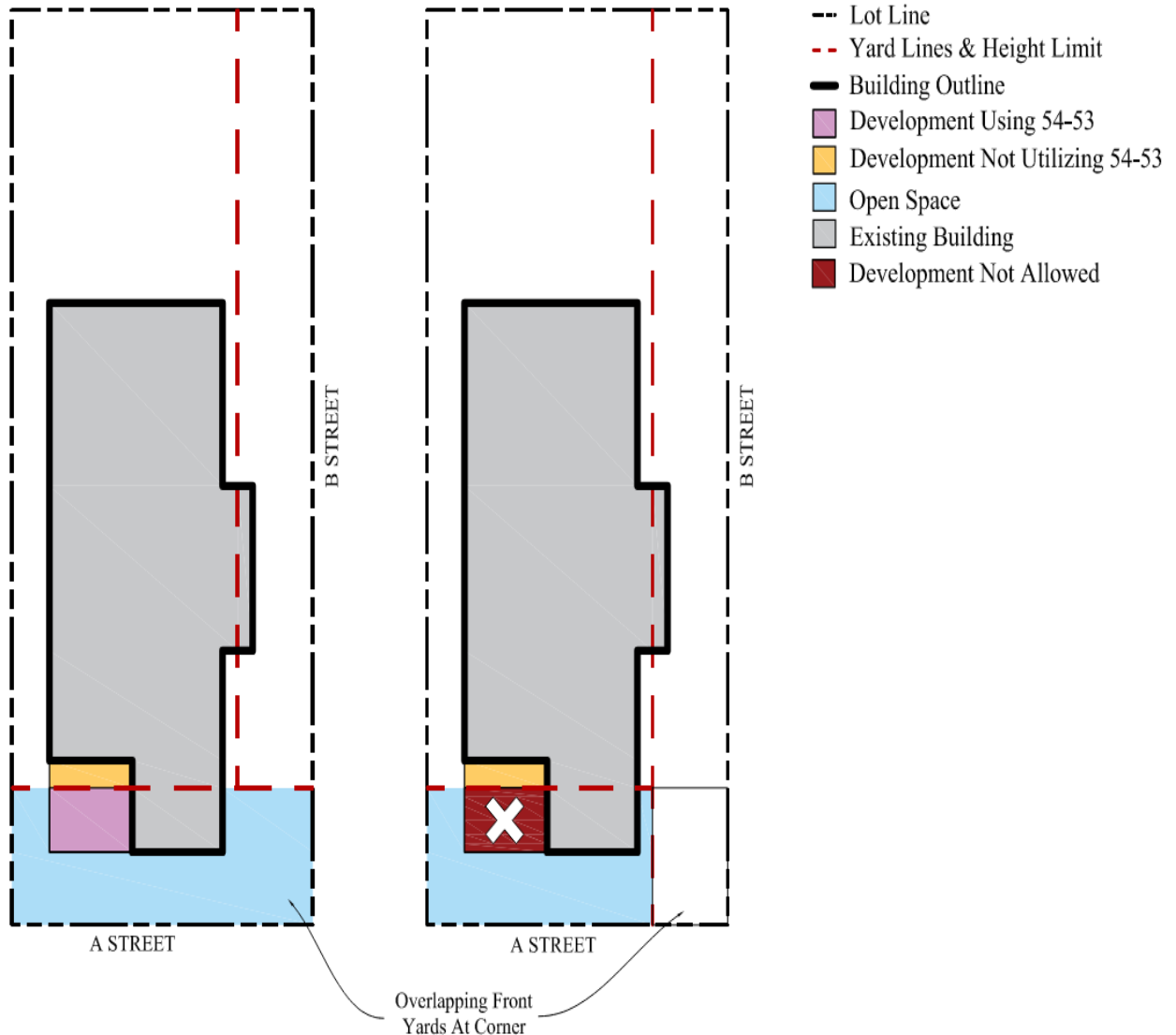
For corner lots, individual front yards overlap each other. When a proposed encroachment is in a front yard on a corner lot, the applicant must choose which front yard applies in the portion where the front yards overlap, establishing the square footage for the denominator for that individual front yard. When calculating percentages based on the area of front yards, the applicant must identify which front yard applies.

For example, a 40' x 100' corner lot is located in an R3-1 district. Pursuant to ZR 23-321, one front yard is 15ft in depth and the other is reduced by five feet, resulting in a front yard which is 10ft in depth. The applicant may choose which front yard predominates where the two overlap at the corner of the lot. The applicant selects the 15-foot front yard with frontage on A Street, resulting in a 600 sf front yard, with 516 sf of existing open area (after deducting the existing encroachment, which is 7' x 12' in the front yard). The part of the enlargement in the front yard is 7' x 11', resulting in a diminishment of 15% percent. If the applicant had selected the yard with the frontage on B Street to predominate at the corner, the 7' x 11'

enlargement in the front yard of A Street would not be permitted. The existing open area in the front yard on A Street would be diminished by 21%, or 1% more than the 20% allowance.

Scenario One: Plan View

Scenario Two: Plan View

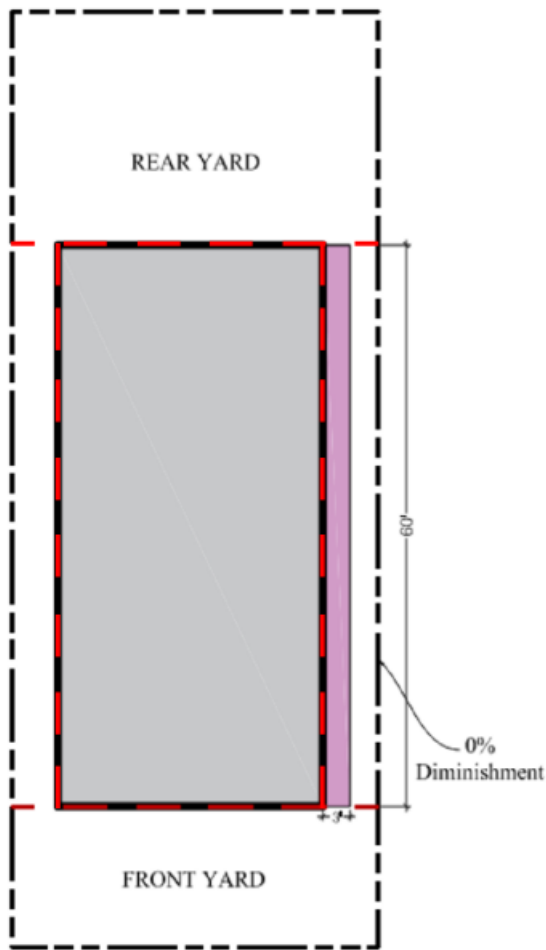


Front yard denominator for corner lot: applicant can select which front yard portion predominates to facilitate their objective

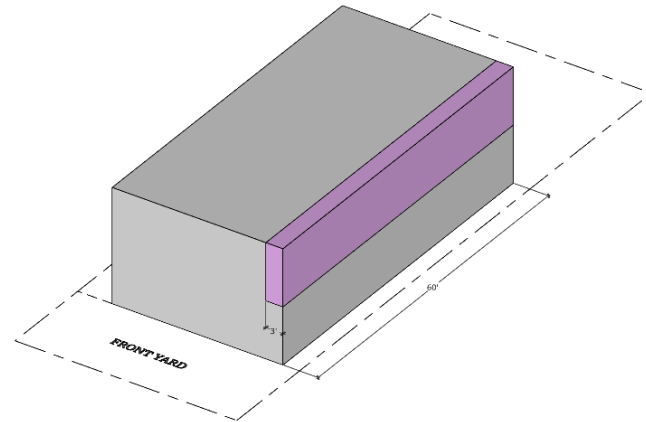
B. Level of Open Area

The calculation of “not more than 20 percent” should be based on the level of the applicable use. For a residential building with no community facility, commercial, or manufacturing uses, the level should be based on the open area at ground level for residential buildings. However, where the open area of a court begins on the roof of a lower residential story, then the lowest level of that court should be used. For example, a vertical enlargement of a portion of a residential building with 3' x 60' located within a required side yard would have 0% diminishment of the side yard: the lower residential stories already encroach into the side yard but the vertical enlargement does not encroach further.

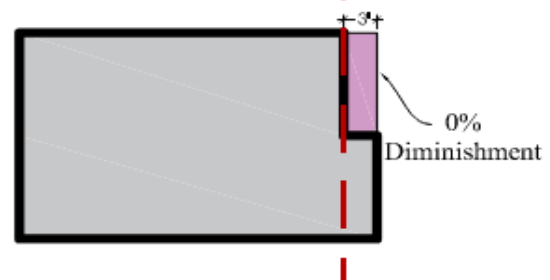
Plan View



- Lot Line
- - - Yard Lines & Height Limit
- Building Outline
- Development Using 54-53
- Existing Building

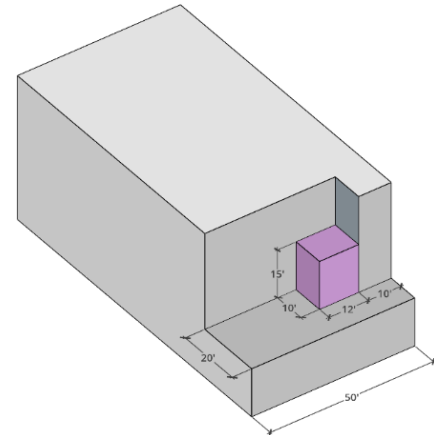
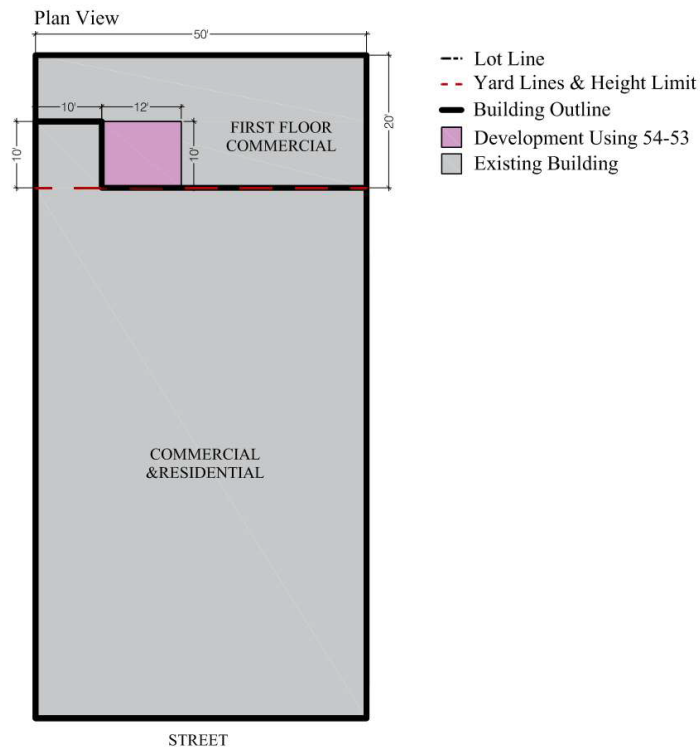


Section View



Level of open area: based on ground level for residential buildings

For a building with commercial use on the ground floor and residential uses on upper floors, if an enlargement is proposed to encroach into the rear yard, the denominator should be based on the level where dwelling units face the rear yard, above the commercial use. For example, for a building in a C4-3 district on a 50' x 100' lot with a commercial use on the ground floor that extends from the front of the building to the rear lot line, and residential above, with an existing encroachment on the second floor of 10 feet into the rear yard (with a width of 10 feet), the building may be enlarged into the rear yard using the 20 percent formula to line up with the 10-foot encroachment provided that the enlargement does not exceed 20% of 900 square feet $((20' \times 50') - (10' \times 10'))$, or 180 sf. In the example illustrated, the encroachment is permitted because it diminishes the area of the rear yard by 120 sf, which is less than 14%.



Level of open area: for mixed-use buildings, based on level where residential yard applies

C. No Further Encroachment

1. Encroachment only allowed to a non-complying yard

Paragraph (b) states, in relevant part: "...no further encroachment to a non-complying yard shall be closer to a lot line than an existing building on the zoning lot..."

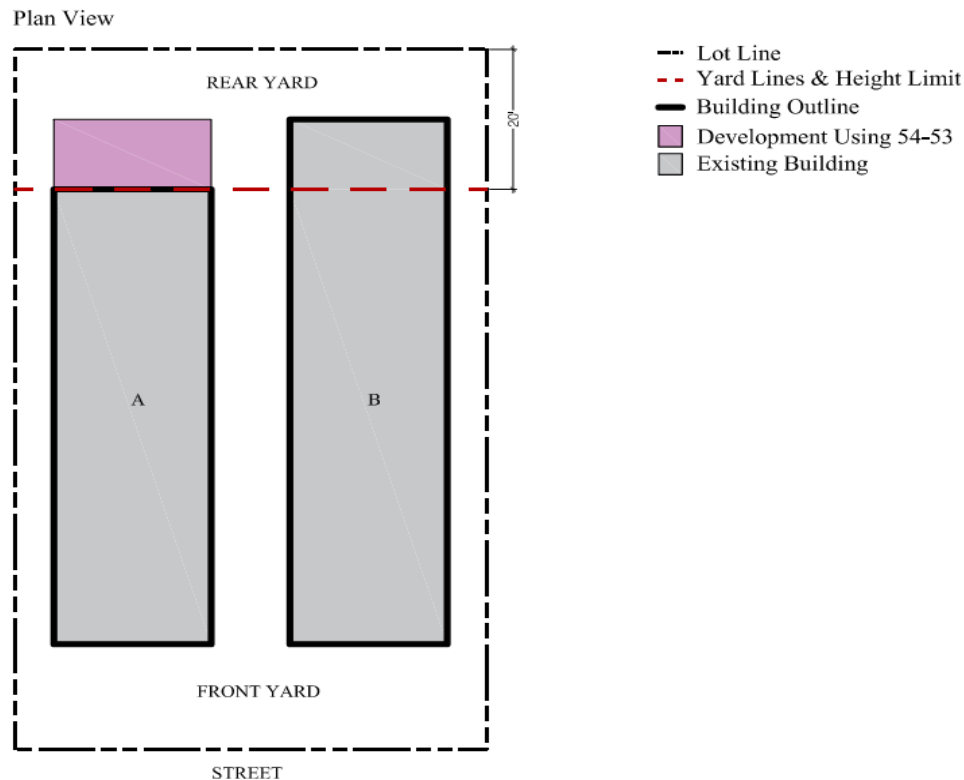
For an enlargement into a required yard, the yard must already be non-complying, meaning a building must be lawfully existing and encroaching into the yard. The proposed enlargement cannot be closer to the lot line than the original building. This applies based on individual yards. For example, an existing building encroachment into a rear yard near a side lot line does not establish the ability for an enlargement to encroach into a side yard along the same side lot line.

Note that the language in ZR 54-53 differs from that in ZR 54-52, which specifies that ZR 54-52 applies to both required (complying) and existing (non-complying) open areas. Because of this, the interpretation of the "no further encroachment" provision is different for ZR 54-53 versus ZR 54-52.

2. Multiple buildings on a single zoning lot and buildings that are permitted obstructions

If a building is located in a rear yard and is a permitted obstruction in the rear yard, then the rear yard is a complying yard. No new encroachment may be made into that complying rear yard based on that building's location because the obstruction is permitted.

However, when there are multiple buildings on the zoning lot (such as Buildings A and B in the diagram below), where Building B creates a non-complying condition, Building A may be enlarged into that same yard to line up with Building B's non-compliance, assuming it does not diminish the existing open area by more than 20%.



Multiple buildings on a single zoning lot (Building B is not a permitted obstruction in a rear yard)

3. *Conversion, extension and change of use (also commercial floor conversion within a rear yard)*

The conversion of an existing garage lawfully constructed in a required yard or court, including in a complying or non-complying yard, into an ADU or other principal residential use is permitted pursuant to paragraph (b), and the “no further encroachment” provision does not apply to such existing building. This is supported by the last sentence of ZR 54-53, which states “Allowances for permitted obstructions may be applied to an existing building, including as modified pursuant to the provisions of this Section.” Any further enlargement of such building must comply with the “no further encroachment” limitation and the 20 percent limitation. For example, a complying garage is a permitted obstruction in a rear yard, located on both the side and rear lot line. When converted to an ADU, it will not comply with the regulations for permitted obstructions of ZR 23-341(b)(4)(iv), which require five feet between a free-standing building and a side or rear lot line. However, because the building already exists, the garage may be converted to an ADU, thus creating a non-complying condition in a manner permitted by paragraph (b).

For another example, see the conversion of a building with a mix of residential and non-residential uses noted in Part III. The commercial portion of the building that is a permitted obstruction in a rear yard as a commercial use may be converted to residential use because it is an existing building and paragraph (b) permits this conversion.

An existing garage or other lawfully existing building that is a permitted obstruction in a yard converting into an ADU must still comply with the height limits of ZR 23-341(b)(4)(i).

4. *Applicability of “no further encroachment” where there are multiple lot lines*

When enlarging in a front yard or rear yard, or in a side yard with multiple lot lines, the “no further encroachment” provision is applied to each yard independently. Except as provided in C.5 below, when an encroachment exists in the rear yard, the “no further encroachment” only applies to the rear lot line(s) of a rear yard. When an encroachment exists in the front yard, the front lot line(s) of a front yard is considered, and when an encroachment exists in the side yard, the side lot lines of a side yard is evaluated for the “no further encroachment” provision.

5. “No further encroachment” within five-foot open area

In addition, the five-foot open area of ZR 23-341(b)(4)(iv) is protected as if it were a yard. If there is no existing building located within that five-foot area, there can be no further encroachment into that area. Each five-foot open area on each lot line within the rear yard should be determined separately.

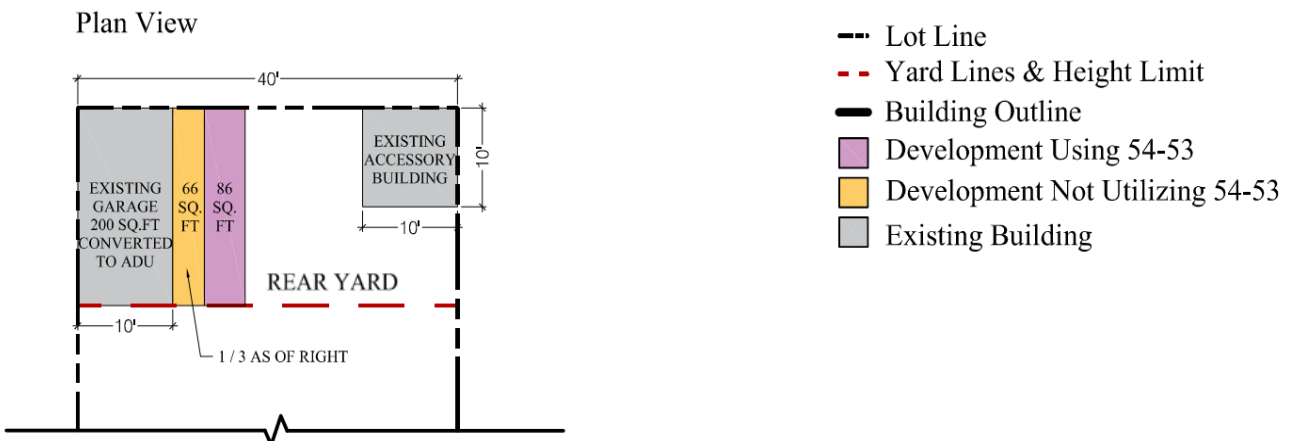
D. One-third limit in open area

For single- or two-family residences utilizing the provisions of 23-341(b)(4), the one-third limit specified by (b)(4)(iii) applies as follows.

The conversion of an existing garage lawfully constructed in a required rear yard, including in a complying or non-complying yard, into an ADU or other principal residential use is permitted pursuant to paragraph (b), and the one-third limit does not apply to such existing building. This is supported by the last sentence of ZR 54-53, which states “Allowances for permitted obstructions may be applied to an existing building, including as modified pursuant to the provisions of this Section.” Any further enlargement of such building must comply with the principles described in the next paragraph. For example, a complying garage is a permitted obstruction in a rear yard, covering 50% of the rear yard. When converted to an ADU, it will not comply with the regulations for permitted obstructions of ZR 23-341(b)(4). However, because the building already exists, the garage may be converted to an ADU, thus creating a non-complying condition in a manner permitted by paragraph (b).

The enlargement of an existing building into the rear yard or rear yard equivalent may exceed the one-third limitation in the following manner. Assuming the remaining portion of the rear yard or rear yard equivalent is open, the two-thirds of the rear yard or rear yard equivalent may be further reduced for a qualifying enlargement by approximately 13%. This is calculated by multiplying the remaining two-thirds of the rear yard or rear yard equivalent by the 20% reduction permitted by 54-53(b). If the remaining two-thirds of the rear yard is not open, the area not open is subtracted from the two-thirds of the rear yard, and then this area can be diminished by 20 percent.

For example, on a lot with a two-family residence that is 40 feet wide and 100ft deep, an existing accessory building to remain occupies 100 square feet in the 20-foot rear yard. An existing 200 sf garage will be converted to an ADU, and it is proposed to be enlarged beyond the one-third limit (an enlargement of 66 sf would meet the one-third limit). The area beyond one-third of the rear yard is calculated to be 533 sf. From this the existing accessory building to remain is subtracted, resulting in 433 sf of existing open area that can be diminished by 20%. This last calculation results in 86 sf that can be diminished within the remaining open area of the rear yard.



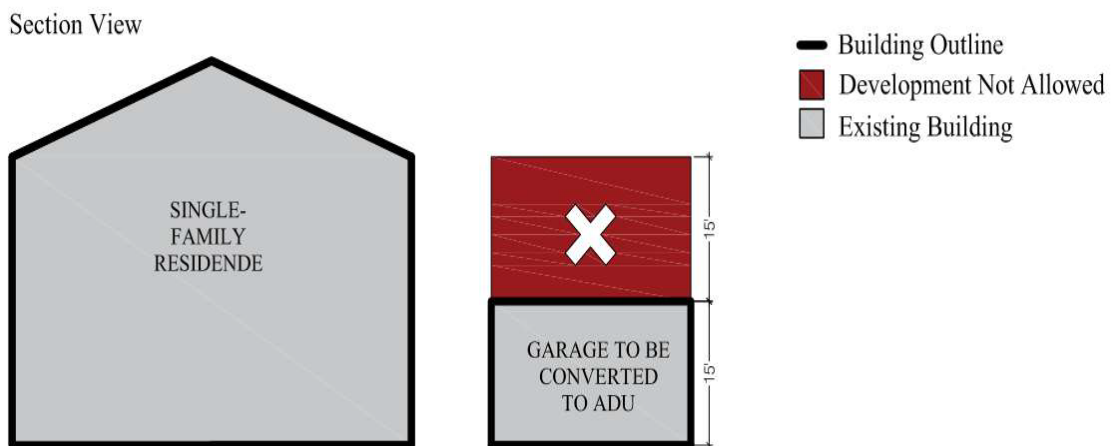
Example of utilizing 54-53 to exceed the one-third limit with the remaining two-thirds of the rear yard containing an existing building

E. Height limit in open area

Open area that has been diminished pursuant to paragraph (b) must comply with the whole of ZR 54-53, including paragraphs (a) and (c). Enlargements in yards, rear yard equivalents, courts, or open space are limited to one story or 15ft, whichever is less. This height limit is applied to the curb level or base plane, as applicable, for horizontal enlargements, and is measured relative to the height of the existing building for vertical enlargements. However, where there is already a specified height limit in a yard for permitted obstructions, the more specific height limit applies. For example, an enlargement of an ADU or conversion of a garage to an ADU with no parking space provided below is limited to a height of one story, not to exceed 15ft. This height may not be exceeded by the provisions of ZR 54-53 because it is more specific.

Diminishment of open area that conflicts with street wall location regulations is not permitted (*see Part V.A of this Bulletin*).

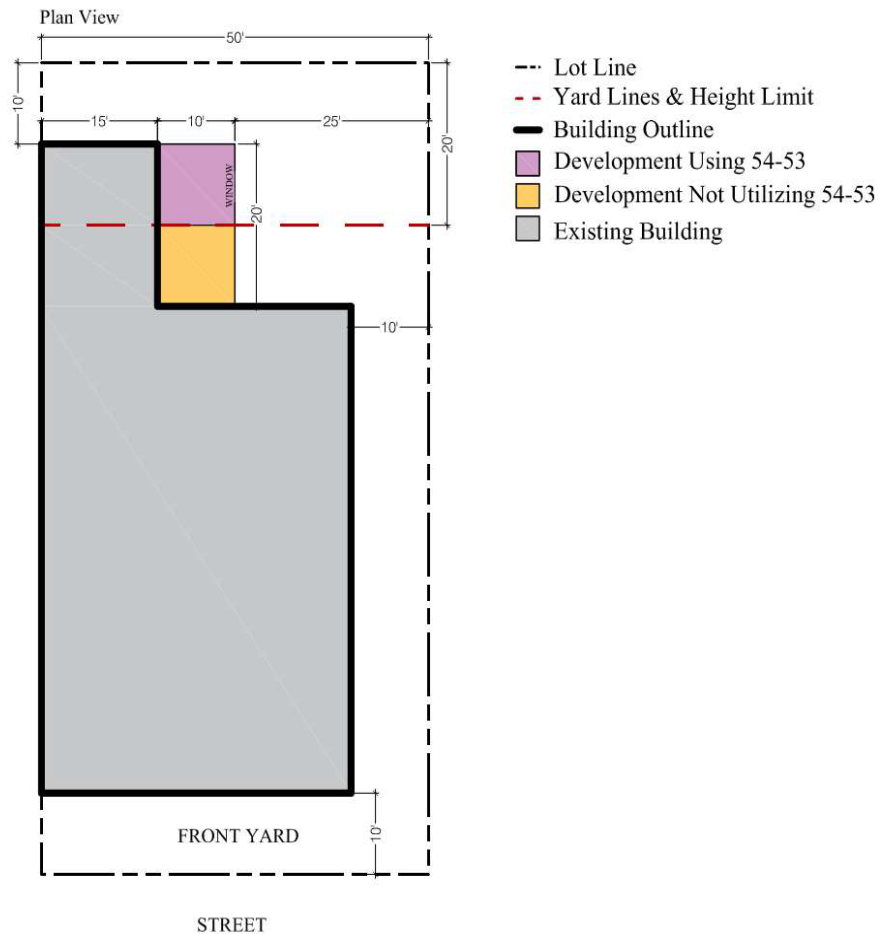
Also note that ZR54-53 regulates height in an open area differently than ZR 54-52, due to differences in language in paragraph (b) in both ZR sections.



Height limit in open area: one story/15' except where a specific limitation applies (in this case 23-341(b)(4) applies, and no parking is provided below the ADU, so no enlargement beyond a height of one story/15' above adjoining grade is permitted)

F. Legally Required Window Facing a Yard with a Reduced Open Area

Any new legally required windows facing a non-complying yard must comply with ZR 23-372 (Distance between legally required windows and lot lines). For example, an existing building on a 50' x 100' interior lot has a portion of the building within the required rear yard, within 10ft of the rear lot line. A proposed enlargement will also align with the existing building 10ft from the rear lot line, but the legally required windows will face the side lot line, over 20ft away. Any windows facing the rear lot line must not be legally required windows.



Legally required window facing a yard with reduced open area must comply with ZR 23-372

V. PARAGRAPH C: HEIGHT AND SETBACK

Paragraph (c) of ZR 54-53 states:

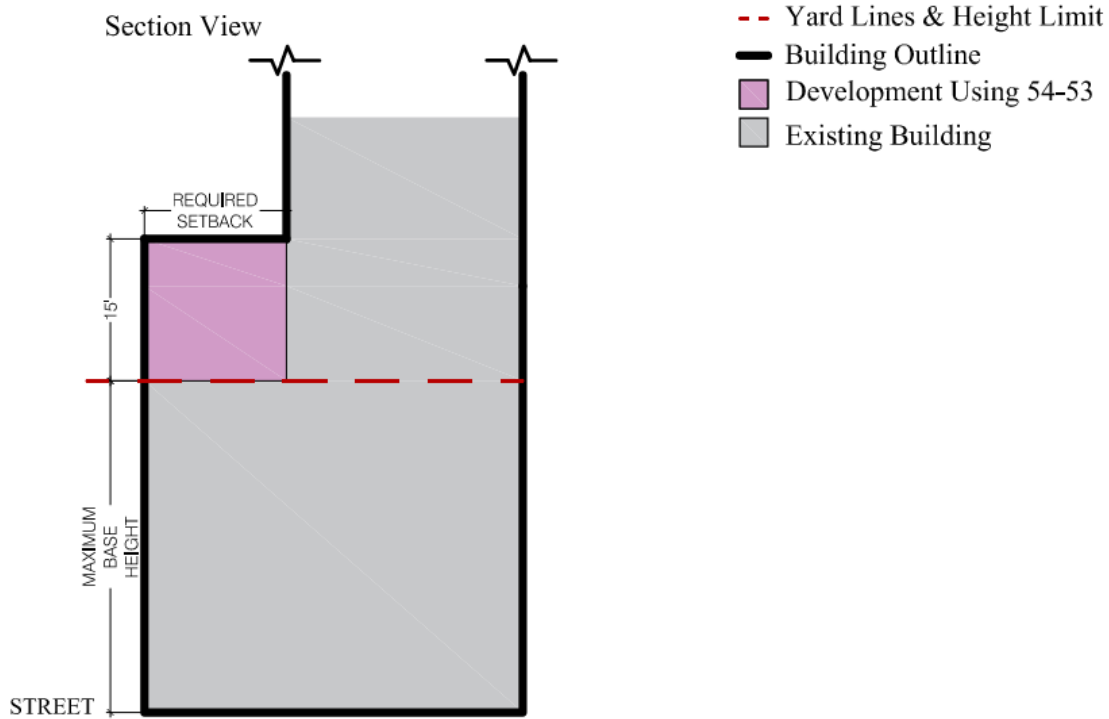
(c) the permitted height and setback of a building, shall be limited to one story or 15 feet, whichever is less, measured relative to the height of the existing building.

A. Street Wall Location

The street wall location of an existing building cannot be made non-complying or increased in the degree of non-compliance through paragraph (c). The provisions of paragraph (c) only allow vertical enlargement of existing buildings with the stated limitations of one story and 15 feet in height. (In Residence districts, street wall location rules are located in ZR 23-431.)

B. Exceeding Maximum Base Height within the Setback Depth

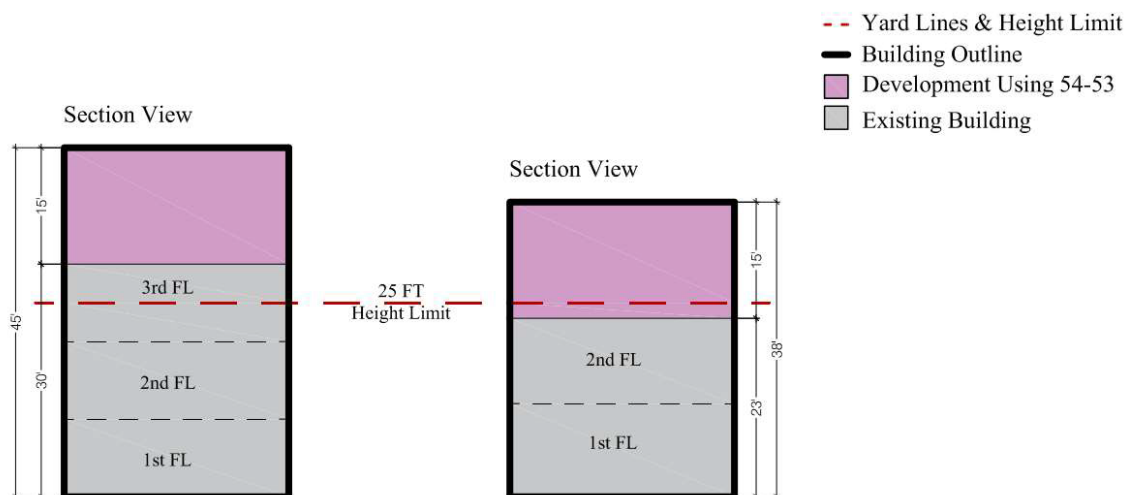
The required horizontal setback depth above the base height cannot be modified by the provisions of paragraph (c), but the height within the required setback can be modified by paragraph (c). The area subject to a maximum base height and setback should be calculated separately from the part of the building subject to a maximum overall building height.



Paragraph C applied to Maximum Base Height

C. Measured Relative to the Height of the Existing Building

Pursuant to paragraph (c), the proposed enlargement is measured relative to the height of the existing building, and not relative to the zoning height limit. For example, if an existing building is in an R4B district, and the building is 5ft above the height limit and 30ft above the base plane, the building can be increased in height up to 45ft with the addition of one additional story. In another example, if the existing building in the same R4B district is 23ft tall (two feet below the height limit), the maximum height that can be achieved is 38 feet. In either case, when utilizing paragraph (c), no more than one story or 15 ft, whichever is less, can be added above the existing building height.



Two examples of permitted height measured relative to the height of the existing building

D. Different Building Heights

The height increase allowance of up to 15ft must be measured from the existing building height when viewed from directly above such point on such roof, regardless of roof slope, voluntary setbacks, required setbacks, and other changes to building height. See the diagram for Example 4 in the following pages.

E. Obstructions

The height increase allowance of up to 15ft does not apply to features such as rooftop decks, skylights and solar energy systems that are listed as permitted obstructions and are typically permitted above a maximum height limit. The allowable noncomplying height increase may be 15' from above the elevation of the adjacent portion of the roof.

See the diagram for Example 4 in the following pages.

VI. LAST SENTENCE: PERMITTED OBSTRUCTIONS

The final sentence of ZR 54-53 states:

Allowances for permitted obstructions may be applied to an existing building, including as modified pursuant to the provisions of this Section.

Permitted obstruction provisions in zoning still apply after utilizing ZR 54-53, such as permitted obstructions on the roof of a building that is a permitted obstruction in a rear yard pursuant to ZR 23-341(b)(3) or (b)(4), that is also utilizing ZR 54-53.

The definition of lot coverage in ZR 12-10 includes an exemption from lot coverage for permitted obstructions in residential rear yards and rear yard equivalents. The final sentence of ZR 54-53 in this context also means that the exemption from lot coverage extends to a portion of a single- or two-family residence, or an ancillary dwelling unit in a rear yard per ZR 23-341(b)(4), when utilizing ZR 54-53(b) in a rear yard.

For example, the enlarged portion of the garage in Example 3 below is not counted towards lot coverage.

VII. REQUIRED DOCUMENTATION ON SUBMISSION DRAWINGS

Documentation and justification of ZR 54-53 usage must be included on submission drawings. See [Buildings Bulletin \(BB 2026-018\)](#) Part V which clarifies ZR 54-50, for details on information and analysis that must be provided.

APPENDIX OF EXAMPLES

VIII. EXAMPLES

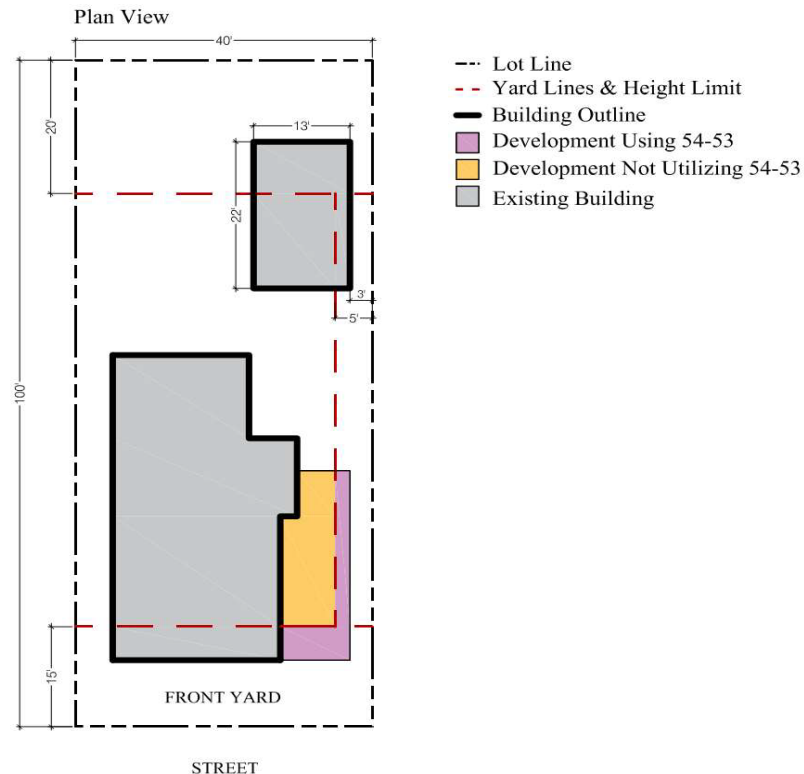
Example 1: Proposal to utilize ZR 54-53(b)

Horizontal Enlargement in a Side Yard

Two-family residence and accessory garage

40' x 100' lot

R3-1 district



There are two existing buildings on this 40' x 100' lot: a two-story two-family residence, and a 13' x 22' garage in the rear of the property. The two-family residence was constructed in 1948. The garage is located a considerable distance from the rear lot line, so that the front of the garage is 34ft from the rear lot line. The garage encroaches 2ft into the required side yard for a length of 14ft. This portion of the garage is not a permitted obstruction in the side yard, and therefore the side yard is non-complying. The front of the residence encroaches five feet into the required front yard for a width of 25ft, and therefore the front yard is non-complying. The homeowner proposes an enlargement of the residence into the side yard, to align with the garage and the same three-foot distance from the side lot line; the proposed enlargement will also encroach into the front yard to align with the front of the existing house. The proposed enlargement will be a maximum of 15feet above base plane and one story in height.

To determine compliance with the 20% requirement, the side yard and the front yard are evaluated separately, as follows:

Side yard: $65' \times 5' = 325$ square feet (sf)

325 sf – 28 sf (area covered by the existing garage) = 297 sf of existing open area.

The proposed enlargement will occupy 48 sf within the side yard.

48 sf / 297 sf X 100%= 16% diminishment in the existing open area of the side yard.

Front yard: 15' x 40' = 600 sf

600 sf - 125 sf (area covered by existing encroachment of the residence) = 475 sf of existing open area

The proposed enlargement will occupy 45 sf within the front yard.

45 sf / 475 sf X 100% = 9% diminishment in the existing open area of the front yard.

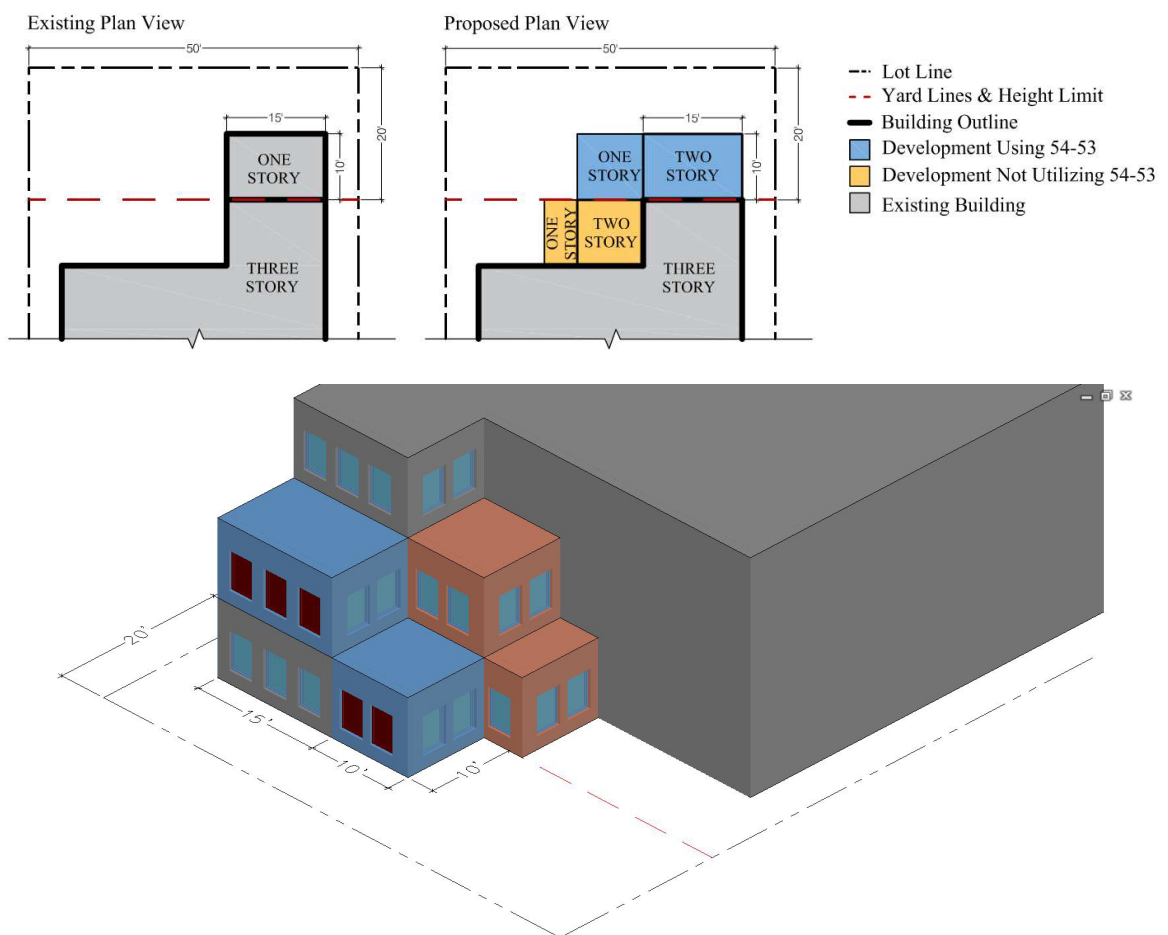
Example 2: Proposal to utilize ZR 54-53(b)

Horizontal and Vertical Enlargement in a Rear Yard

Multiple dwelling

50' x 100' interior lot

R6 district



The existing multi-family building has a legal non-complying encroachment into the required rear yard, consisting of a portion of the main building that is one story tall, fifteen feet wide and ten feet deep into the rear yard (with 10 feet remaining between the building and the rear lot line). No side yards have been provided.

There is sufficient unused floor area within the zoning lot to facilitate the enlargement of the building towards the rear of the lot, with portions of the enlargement extending into the required rear yard pursuant to paragraph (b).

The proposal consists of enlargements both on the ground floor and second floor. The ground floor enlargement is about 250 sf, with 100 sf (10' x 10') of the enlargement encroaching into the existing open area within the rear yard that is 850 square feet. One hundred square feet diminishment of the 850 sf is approximately 12%, which is permitted because it is less than 20%. The encroachment towards the rear lot

line is no more than the existing encroachment – the walls line up 10 feet from the rear lot line. This portion of the enlargement is 14 feet high and one story, measured relative to the base plane, and therefore permitted.

The second story enlargement is about 250 sf, with 150 sf (15' x 10') of the enlargement within the rear yard and directly above the existing one-story encroachment, and lines up with it exactly in terms of footprint. The percent of existing open area diminished by the second story portion is 0%, which is permitted because it is less than 20%, since the ground level is the reference point for this all-residential building, and the second story is not newly encroaching on open area at the ground level. The second story portion of the enlargement within the rear yard is 12ft high and one story, measured relative to the story below, and therefore permitted. Legally required windows serving the dwelling units in the rear yard are facing the side lot line; no new legally required windows within the required rear yard face the rear lot line.

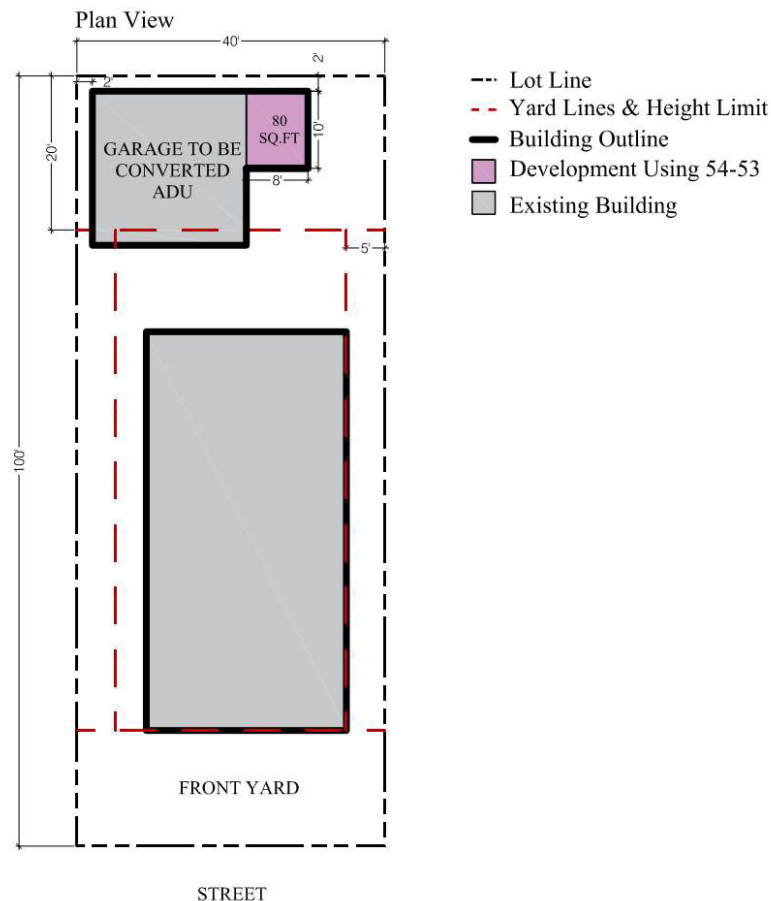
Example 3: Proposal to utilize ZR 54-53(b)

Converting a Garage to an ADU, and Horizontal Enlargement

Existing two-family residence and accessory garage

40' x 100' lot

R3-1 district



There are two existing buildings on this 40' x 100' lot: a two-story single-family residence, and a 20' x 20' garage in the rear of the property. The garage is located two feet from both the rear lot line and the nearest side lot line. The proposed conversion of the garage into an ADU is permitted by paragraph (b), and as an existing building is not subject to the 20% requirement or the “no further encroachment” provision (see also IV.C.3 of this bulletin). The proposed enlargement of the ADU will encroach into the rear yard and align with the rear of the garage. It will not be meeting the five-foot distance from the

rear yard (ZR 23-341(b)(4)(iv)) to the same extent that the existing building does not meet that standard. The existing open area within the rear yard is 440 sf. The proposed enlargement will be 80 sf (8' x 10') in plan, resulting in an 18% diminishment, which is permitted because it is less than 20%. The proposed enlargement will be a maximum of 15ft above base plane and one story in height and is also permitted.

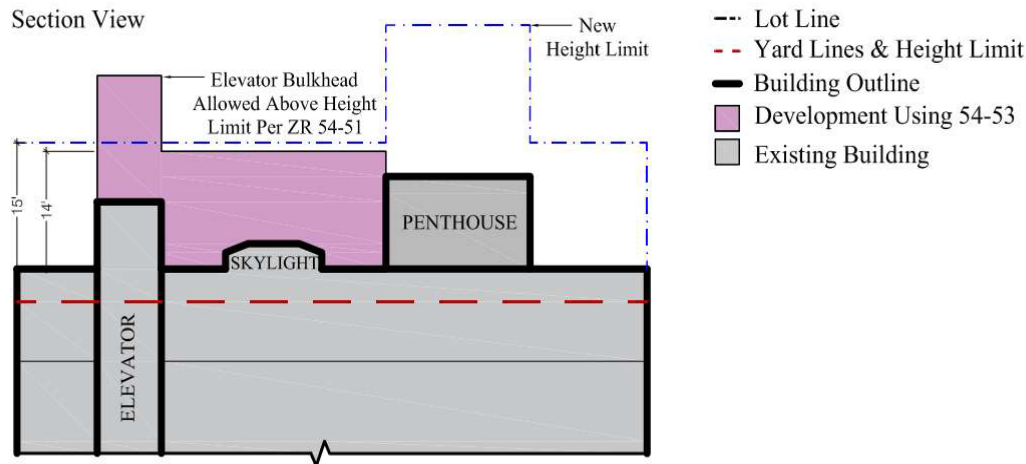
Example 4: Proposal to utilize ZR 54-53(c)

Vertical Enlargement

Multiple dwelling

50' x 100' interior lot

R6 district



The existing building is legally non-complying as to maximum building height (the top two stories are shown in the section diagram). There is sufficient unused floor area within the zoning lot to facilitate the vertical enlargement of the building pursuant to paragraph (c). The limit of the permitted additional height of 15ft is shown above the existing building in the blue dotted line, measured from the level of the existing roof, but excluding the elevator bulkhead and the skylight, because these are typically found as permitted obstructions.

The proposed enlargement will consist of removing the skylight and adding floor area to the existing top story penthouse. The elevator shaft will be extended to provide elevator access to the top story, and a new elevator bulkhead is permitted above the top service story of the elevator (and above the New Height Limit) pursuant to ZR 54-51. Only one story can be added above the roof of the existing building, measuring in this case 14 feet in height relative to the height of the existing rooftop in that location, which is less than the maximum permitted additional height of 15ft.