

SPECIAL MEETING OF AUGUST 27, 1984

TIME: 3:50 p.m.

CAL. NO.	C.P. NUMBER	REPORTS		ACTION	REMARKS	DATA FOR MINUTES
		IN	BoE			
1	C 840194	ZSX			Withdrawn	
2	C 840617	ZMM			Law. Rept. Adopted	
3	N 840616	ZRY			" " "	
4	N 840674	ZRY			" " "	
5	N 841057	ZAR			Authorization Approved	
6	N 850053	ZAR			" "	
7	N 850038	RAR			" "	
8	N 840989	RAR			" "	
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25						
26					Present	
27						
28					Acting Ch. Gallant	
29					Comm. Bond	
30					" Gullino	
31					" Matley	
32					" Scheinberg	
33					" Teak	
34						
35					Mtg. Adj. at 3:55 p.m.	
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SPECIAL MEETING OF THE CITY PLANNING COMMISSION - MONDAY, AUGUST 27, 1984

Held in the 15th floor Conference Room, 2 Lafayette Street, New York, N.Y.

R E P O R T S

BOROUGH OF THE BRONX

No. 1

CB 10

C 840194 ZSX

IN THE MATTER OF an application, pursuant to Section 74-66 of the Zoning Resolution, from International Underwater Contractors Inc., for the grant of a special permit involving a heliport on property located at 222 Fordham Street.

Plans for this proposed heliport are on file and may be seen at 2 Lafayette Street, Room 1514, N.Y., N.Y.

(On June 20, 1984 Cal. No. 24, the Commission scheduled July 25, 1984 for a public hearing. On July 25, 1984 Cal. No. 56, the hearing was closed. *on August 22, 1984 Cal. No.*

*51 the Report was Laid Over.)*

For consideration

DISPOSITION..... WITHDRAWN

BOROUGH OF MANHATTAN

Nos. 2 and 3

*[Proposed amendement of the zoning map establishing two new general Commercial Districts within the Little Italy/Chinatown/Lower East Side Neighborhoods and related proposed zoning text amendments to prohibit as-of-right residential conversion in all manufacturing and commercial buildings and grandfather all floor area in such buildings which in residential use on April 1, 1984]*

No. 2

CB 2 and 3

C 840617 ZMM

IN THE MATTER OF a zoning change, pursuant to Sections 197-c and 200 of the New York City Charter, involving an amendment of the Zoning Map, Sections Nos. 12c and 12d

- a) changing from a C6-1 District to a C6-1G District property bounded by a line 100 feet south of Delancey Street, a line midway between Chrystie Street and Bowery, Grand Street, Allen Street, Division Street, Pike Street, Henry Street, Market Street, a line 100 feet south of East Broadway, Oliver Street, Park Row, Mott Street, a line 100 feet north of Chatham Square, Doyers Street, Bowery, a line 100 feet north of Bayard Street, a line midway between Mott and Elizabeth Streets, a line 100 feet south of Canal Street, Baxter Street, a line at right angles to Baxter Street distant 40 feet northeasterly from the intersection of Canal and Baxter Streets, a line midway between Baxter and Mulberry Streets, Canal Street, a line midway between Mulberry and Mott Streets, a line 100 feet north of Canal Street, a line midway between Elizabeth Street and Bowery, a line 100 feet south of Kenmare Street and Bowery; and

- b) changing from a C6-2 District to a C6-2G District, property bounded by:

- 1) a line 100 feet south of Kenmare Street, a line midway between Elizabeth Street and Bowery, a line 100 feet north of Canal Street, a line midway between Mulberry and Mott Streets, Canal Street, a line midway between Baxter and Mulberry Streets, a line at right angles to Baxter Street distant 40 feet northeasterly from the intersection of Canal and Baxter Streets, Baxter Street, Grand Street, and Centre Street;
- 2) Grand Street, Orchard Street, a line 150 feet south of Grand Street and Allen Street; and
- 3) Canal Street, Division Street, a line 100 feet east of Pike Street, East Broadway, Pike Street, Division Street, and Allen Street;

Borough of Manhattan, Community Districts Nos. 2 and 3, as shown on a diagram dated April 16, 1984.

(On June 20, 1984 Cal. No. 2, the Commission scheduled July 25, 1984 for a public hearing. On July 25, 1984 Cal. No. 20, the hearing was closed. *on August 22, 1984 Cal. No.*

*54 the Report was Laid Over.)*

For consideration.

DISPOSITION..... FAVORABLE REPORT ADOPTED

IN THE MATTER OF an amendment, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, relating to Sections 11-12, 15-00, 15-021 and 74-782, as follows:

Matter in **Bold Type** is new;

Matter in brackets [ ], is old, to be omitted;

Matter in *italics* is defined in Section 12-10

11-12

Establishment of Districts

\* \* \*

Commercial Districts

\* \* \*

C6-1 General Central Commercial District

C6-1A General Central Commercial District

**C6-1G General Central Commercial District**

C6-2 General Central Commercial District

**C6-2G General Central Commercial District**

C6-2M General Central Commercial District

\* \* \*

15-00

GENERAL PURPOSES

\* \* \*

- (c) To protect important job producing industries, particularly those with a unique social or economic relationship to the surrounding community;

\* \*

15-021

Special Use Regulations

\* \* \*

- (e) In C6-1G and C6-2G districts, in all *manufacturing and commercial buildings* except police stations, courthouses and firehouses, or portions thereof, erected prior to December 15, 1961, *residential use* shall not be permitted unless the City Planning Commission has granted a special permit pursuant to Section 74-782 (Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts). However, if the Chairman of the City Planning Commission determines that *floor area* in such *buildings* was occupied for *residential use* on April 1, 1984, such *residential use* shall be permitted to remain and no special permit shall be required, provided that a complete application for determination of occupancy is filed by the owner of the *building* or the occupant of a *dwelling unit* in such *building* not later than April 17, 1985.

74-782

Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M districts, the City Planning Commission, subject to the approval of the Board of Estimate, may permit modification of the requirements of Section 15-21: in M1-5A and M1-5B districts the City Planning Commission subject to the approval of the Board of Estimate, may permit the modification of the requirements of Section 12-14D-1 by and in the LMM Special Purpose District the City Planning Commission, subject to the approval of the Board of Estimate, may permit the modification of the requirements of Section 111-103, provided that the Commission finds that:

- (a) The conversion will not harm the industrial sector of the City's economy;
- (b) The applicant for the Special Permit or a predecessor in title has made a good faith effort to rent such space to a mandated *use* at fair market rentals. Such effort shall have been actively pursued for a minimum of one year immediately preceding the application. A

good faith effort shall include, but not be limited to, advertising in local and city-wide press, listing the space with brokers doing business in the industrial real estate market, notifying the New York City Office of Economic Development, and informing local and City-wide industry groups. The applicant shall provide records showing the specific efforts to rent such space.

- (c) There is sufficient alternative space to meet the needs of *commercial and manufacturing uses* in the area. The vacancy rate of industrial space in the area shall be one evidentiary element to prove the availability of alternative space;
- (d) City, state and federal economic development programs, to the extent applicable, had been explored and found not suitable;
- (e) The commercial and industrial tenants were given the opportunity by the applicant or predecessor in title to remain in the spaces at fair market rentals and the property owner or predecessors in title did not cause the vacating of the space for the additional conversion;
- (f) The neighborhood in which the conversion is taking place will not be excessively burdened by increased residential activity; and
- (g) All *dwelling units or joint living-work quarters for artists* permitted by this special permit meet the standards of the applicable district for such units or quarters.

If the Commission determines that *floor area* in the *building*, or portion thereof, was occupied as *dwelling units or joint living-work quarters for artists* on September 1, 1980, findings (b), (c), (d), and (e) shall not be required for the grant of a special permit for such *floor area*, provided that a complete application to prove occupancy as a *dwelling unit or joint living work quarters for artists* is submitted to the City Planning Commission by the owner of the *building* or the occupant of a *dwelling unit or joint living-work quarters for artists* in such *building* not later than June 21, 1983. In addition, the Commission must find that there is no substantial evidence that the landlord forced commercial or manufacturing tenants to vacate such *floor areas* through harassment, non-renewal of leases, or the charging of rents in excess of the then fair market value. Notwithstanding anything to the contrary above, the Commission shall not grant or deny a special Permit pursuant to the provisions of this section unless an application for such Special Permit has been submitted by the owner of the *building*.

The Commission shall request a report from the Office of Economic Development regarding information useful in making findings 'a', 'b', 'c', 'd', and 'e'. Said report is to be provided within 30 days of the Commission's request.

The applicant shall provide a copy of any application for a Special Permit under this section to the *Industrial Loft Advisory Council* c/o Mayor's Office of Economic Development.

In granting the special permit under this Section, the Commission shall require the preservation of the maximum amount of *floor area* for *commercial or manufacturing uses* that the Commission deems feasible.

(On June 10, 1984 Cal. No. 3, the Commission scheduled July 25, 1984 for a public hearing. On July 25, 1984 Cal. No. 21, the hearing was closed. *On August 22, 1984 Cal. No. 55 the Report was laid over.*)

For consideration.

DIPSITION... FAVORABLE REPORT ADOPTED

# CITYWIDE

No. 4

Bk. CB's 1, 2 and 6  
Qns. VB's 1 and 2

N 840674 ZRY

*[Proposed Zoning Text amendments extending the loft zoning regulations requiring that residential conversions meet certain minimum housing standards and comply with the Relocation Incentive Program, now only effective in Manhattan Community Boards 1-6, to Community Boards 1, 2 and 6 in Brooklyn and 1 and 2 in Queens].*

**IN THE MATTER OF** various amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of New York relating to Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings) and various cross references, as follows:

Matter in **Bold Type** are new;

Matter in brackets [ ] is old, to be deleted;

Matter in *italics* is defined in Section 12-10.

**Article 1, Chapter 5— Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5 and 6] in the Boroughs of Manhattan, Brooklyn and Queens.**

## 15-00 GENERAL PURPOSES

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, special regulations for the conversion to dwelling units of non-residential buildings or portions thereof, erected prior to December 15, 1961, have been established in order to promote and protect public health, safety, and general welfare. These goals include, among others, the following specific purposes:

- (a) To permit owners to increase the return on their investment in appropriate existing non-residential buildings by authorizing the conversion to dwelling units without requiring such dwellings units to conform to the provisions of Article 2 of this resolution upon payment of a conversion contribution;
- (b) To reduce the deleterious effects on commercial and manufacturing uses caused by the reduction of land and floor area available to such uses permitted under the provisions of this chapter by providing relocation incentives for such uses;
- (c) To protect important job producing industries;
- (d) To provide sufficient space for commercial and manufacturing activities which are an integral part of New York City's economy;
- (e) To provide for adequate returns to property owners by allowing more profitable residential use with a limited mix of commercial and manufacturing uses;
- (f) To provide a new housing opportunity of a type and at a density appropriate to these Community Districts;
- (g) To ensure the provisions of safe and sanitary housing units in converted buildings;
- (h) To ensure the provision of adequate amenities in conjunction with residential development.

### 15-01 Applicability

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6 **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversions to *dwelling units of non-residential buildings* or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of this chapter.

However, the conversion to *dwelling units of non-residential buildings* that meet all the requirements for new *residential development* of Article II (Residence District Regulations) and are located in **R4, R5, T6, R7, R8, R9, R10, C1, C2, C3, C4, C5 or C6** districts is exempt from the provision of this chapter. Except as modified by the express provisions of this chapter, the regulations of the applicable zoning districts remain in effect.

**New developments or enlargements shall be in accordance with the applicable requirements of Article II and Article III.**

### 15-011 Special [Clinton] Districts

The Preservation Area of the Special Clinton District is excluded from the applicability of the provisions of this chapter.

**For the purposes of this chapter, districts indicated on the zoning map as M(R) shall be considered manufacturing districts, and districts indicated on the zoning map as R(M) shall be considered residential districts.**

15-012  
M1-5A, M1-5B, or the LMM Districts

Except as specifically set forth in Sections 15-41 and 15-50 and except for the provisions of Section 15-013, the provisions of this chapter are not applicable in M1-5A, M1-5B or the LMM districts.

15-013  
Building Permits and Variances Issued Before [April 9, 1981] the Effective Date of Amendment

**A Building Permits in Manhattan Community Districts 1, 2, 3, 4, 5 and 6.**

If, before April 9, 1981, a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before September 1, 1980; construction pursuant to such permit may be continued, at the option of the owner, without regard to the other provisions of this chapter. In the event that the construction permitted herein is not completed within 2 years from the issuance of said building permit or prior to April 9, 1982, whichever is later, and a temporary or permanent Certificate of Occupancy has not been issued, the building permit shall automatically lapse for any portion of a *building* for which a permanent or temporary Certificate of Occupancy has not been obtained and the right to continue construction on such *floor area* shall terminate, except that the Board of Standards and Appeals may reinstate said permit pursuant to the provisions of paragraphs 1 or 2 below:

1. for all *floor areas* for which the Board has made a finding that, as of April 9, 1981,
  - (a) There was substantial construction in compliance with the approved plans pursuant to which said lapsed permit had been granted, and
  - (b) the completed construction demonstrated a physical commitment of the *floor area* to a layout as *residential or joint living-work quarters for artists use*, for which construction could not be readily adapted to a non-*residential use* permitted by the Zoning Resolution.

A finding of substantial construction shall not be made unless, on April 9, 1981, the *floor area* was either vacant or occupied by *residential or joint living work-quarters for artists use*, and unless the expenditures prior to April 9, 1981 were significant in proportion to the costs of construction of the entire project not including the costs of acquisition, demolition, promotional fees or financing:

2. for all *floor area* for which the Board has made a finding that, as of the date said building permit lapsed, there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit has been granted. A finding of substantial construction shall not be made unless, as of the date said permit lapsed, the *floor area* was either vacant or occupied by *residential or joint living-work quarters for artists use*, and unless the expenditures prior to the date said permit lapsed were significant in proportion to the costs of construction of the entire project not including the costs of acquisition, demolition, professional fees or financing. Notwithstanding anything to the contrary above, the building permit shall only be reinstated pursuant to the provisions of this section provided that for any portion of the *building* for which said permit is reinstated:
  - (a) the conversion shall comply with the provisions of Sections 15-12, 15-24, 42-14 D1(e) or 111-112, as appropriate in the zoning district in which the *building* being converted is located, except that the Board may modify the requirements of Sections

15-12, 15-24, 42-14 D1(e) or 111-112, provided that the rooftop open space was not permitted under said building permit and the Board determines that the roof either is unsuited for open space *use* or cannot be made suitable for open space *use* at a reasonable cost;

- (b) there shall be double glazing on all windows in all *dwelling units* or such other window treatment as the Board deems appropriate;
- (c) for any *floor area* occupied on September 1, 1980 by a *commercial or manufacturing use* listed in Section 15-58, the owner shall make a reduced conversion contribution under the provisions of Section 15-555.

In addition to the above, amendments filed after September 1, 1980 which create additional *dwelling units or joint living-work quarters for artists*, or increase the amount of *floor area* to be converted to such units shall be subject to the requirements of this chapter; and if a temporary or permanent Certificate of Occupancy has not been obtained within two years from the issuance of said building permit, and the *floor area* or any portion thereof for which said building permit was issued was occupied on April 9, 1981 by a *commercial or manufacturing use* listed in Section 15-58, the provisions of Section 15-50 et seq. shall apply for such *floor area*.

**B. Building permits in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2**

If, before (the effective date of this amendment), a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before April 1, 1984, construction pursuant to such permit may be continued.

[B] C. Variances

If, before April 9, 1981 in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or (the effective date of this amendment) in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2, a variance to permit the conversion of a *building* or portion thereof, to *residential or joint living-work quarters for artists use*, which variance has not lapsed pursuant to the provisions of Section 72-23, and a building permit was issued in accordance with the terms of said variance for such conversion by the Department of Buildings within two years of the grant of said variance, construction pursuant to such permit may be continued, without regard to the other provisions of this Chapter.

*Dwelling units* converted pursuant to the provisions of this section which are not subject to the provisions of this chapter shall also not be subject to the provisions of Section 34-42 (Location within Buildings).

**15-02  
General Provisions**

**15-021  
Special Use Regulations**

- (a) In C5 and C6 districts in Manhattan Community Districts 1, 2, 3, 4, 5, and 6, all existing lawful *uses* in Use Groups 17B or E in *buildings* erected prior to December 15, 1961, shall be considered conforming. Such *uses* may be *extended* within such *buildings*.
- (b) In C6-2M and C6-4M districts in Manhattan Community Districts 1, 2, 3, 4, 5, and 6, all new *uses* listed in Use Groups 17B or E are permitted as-of-right in *buildings* erected prior to December 15, 1961, subject to the provisions of Section 32-42 (Location within Buildings).

- (c) In M1-5 and M1-6 districts located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street and Eighth Avenue, no new *dwelling units* shall be permitted. However, *dwelling units* which the Chairman of the City Planning Commission determines were occupied on September 1, 1980 shall be a permitted *use* provided that a complete application for a determination of occupancy is filed by the owner of the *building* or the occupant of a *dwelling unit* in such *building* not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of *residential* occupancy on September 1, 1980, shall be deemed to permit *residential use as-of-right* for such *dwelling units*.

All *dwelling units* permitted pursuant to this subsection shall be required to comply with the requirements of Section 15-22 (Number of permitted Dwelling Units) and Section 15-23 (Light and Air Provisions).

Such *dwelling units* are subject to the requirements of Section 15-50 et seq. Notwithstanding the above, where the Chairman of the City Planning Commission has determined that *floor area* was occupied as *dwelling units* on September 1, 1980, and where such *dwelling units* are located in a *building* which, on the date of application to the Department of City Planning under the provisions of this Section, also has *floor area* which is occupied by a *use* listed in Section 15-58 (Eligible Commercial and Manufacturing Uses), the Chairman may permit that any *floor area* in the *building* be used for *dwelling units* provided that:

- (i) the total amount of *floor area* to be used for *dwelling units* does not exceed the amount of *floor area* occupied as *dwelling units* on September 1, 1980;
  - (ii) any *use* listed in Section 15-58 which is located on *floor area* to be used for *dwelling units* has been offered a new or amended lease within the *building*, with a minimum term of 2 years from the date of application, at a fair market rental for the same amount of *floor area* previously occupied, and such lease is not subject to cancellation by the landlord;
  - (iii) the provisions of Section 15-50 et seq. shall be complied with for the *floor area* to be converted, if such *floor area* was used for a *use* listed in Section 15-58 on the date of application to the [Board] Department of City Planning pursuant to this section;
  - (iv) any residential tenant who occupied a *dwelling unit* shall be relocated to a *dwelling unit* within the *building* with a *floor area* equal to not less than 95% of the amount of *floor area* in the *dwelling unit* previously occupied, and
  - (v) as a result such action by the Chairman *residential uses* will be located on *stories* above *manufacturing uses*.
- (d) In M1-6 districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no *dwelling units* shall be permitted, except that:
- (i) *dwelling units* which the Chairman of the City Planning Commission determines were occupied on May 18, 1981 shall be a permitted *use* provided that a complete application to permit such *use* is filed by the owner of the *building* or the occupant of the *dwelling unit* not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of *residential* occupancy shall be deemed to permit *residential use as-of-right* for such *dwelling unit*.
  - (ii) in any *building* for which an alteration application for conversion of *floor area* used for non-residential use to *dwelling units* or for an *extension* or minor *enlargement* of existing *residential use*, was filed prior to May 18, 1981, *dwelling units* shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to *dwelling units* or *extend* or *enlarge* existing *residential use* pursuant to the provisions of this subsection shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

#### 15-022

##### Location within Building

*Dwelling units* converted under the provisions of this chapter are not subject to the provisions of Section 32-42 (Location within Buildings).

#### 15-023

##### Notice to Residential Tenants in Mixed Use Buildings

The owner or developer of a *building* converted under the provisions of this chapter and containing one or more *dwelling units* and one or more *commercial* or *manufacturing uses* above the first *story* shall be required to notify all prospective *residential* occupants of such *dwelling units* that:

- (a) such *dwelling units* are located in a mixed use *building* containing *commercial* or *manufacturing uses* which the City is committed to maintain, and
- (b) such prospective occupants should make any investigation they deem necessary to determine that the conditions existing or permitted to exist are not offensive to such prospective occupant.

Prior to the issuance of a Building Permit, the owner or developer shall file an affidavit with the Department of Buildings that such notice will be provided in all *residential* leases and offering plans.

#### 15-024

##### Notice of Filing to Create Dwelling Units

Within ten days of filing an application with the Department of Buildings for an alteration permit for *dwelling units*, a duplicate copy of such application shall be sent to the Department of City Planning by the applicant for information purposes.

#### 15-025

##### Double Glazed Windows

All *dwelling units* in *buildings* which contain one or more *uses* listed in Section 15-58 and converted under the provisions of this chapter shall be required to have double glazing on all windows. However, *dwelling units* occupied by *residential* tenants on September 1, 1980 in Manhattan Community Boards 1, 2, 3, 4, 5 and 6, or on April 1, 1984 in Brooklyn Community Boards 1, 2 and 6 and Queens Community Boards 1 and 2, shall not be required to have double glazed windows.

#### 15-10

##### Regulations Governing Conversions to Dwelling Units of Non-Residential Buildings in Residential and Commercial Districts, Except C6-2M and C6-4M Districts

#### 15-11

##### Bulk Regulations

The *lot area* requirements of the following sections are hereby superceded and replaced with the requirements of Section 15-11 for the conversion of non-residential buildings to *dwelling units*: Sections 23-20 through 23-28 (Density Regulations—Required Lot Area per Dwelling Unit, Lot Area

per Room, or Floor Area per Room), 24-20 (Lot Area Requirements for Buildings Used Partly for Residential Use), 35-40 through 35-43 (Applicability of Lot Area Requirements to Mixed Buildings) and 54-31 (Enlargements or Conversions). In addition, the *open space ratio, yard, minimum distance between two or more buildings on a single zoning lot and minimum distance between windows and walls or lot lines* requirements are hereby superceded and replaced by the requirements of Sections 15-112 and 15-12.

#### 15-111

##### Number of Permitted Dwelling Units

The number of *dwelling units* permitted is the total number calculated under Section 15-111 (a) and (b), and may be distributed anywhere within the *building* except in the *cellar*. Portions of a *dwelling unit* located in the *cellar* shall comply with the provisions of Section 15-112.

- (a) *Floor area* which does not exceed the maximum *residential floor area* permitted by the provisions of the applicable district may be converted to *dwelling units*. The number of *dwelling units* attributable to the *floor area* permitted under the provisions of the applicable district shall be determined by the following tables:

Minimum Floor Area per Dwelling Unit in Specific Zoning Districts

Applicable District	Maximum Residential Floor Area Ratio Permitted	Minimum Floor Area Per Dwelling Unit Permitted
R4 or equivalent	1.50	615 square feet
R5 or equivalent	1.65	645 square feet
R6 or equivalent	2.43	700 square feet
R7 or equivalent	3.44	745 square feet
R8 or equivalent	6.02	790 square feet
R9 or equivalent	7.52	880 square feet
R10 or equivalent	10.00	900 square feet

- (b) In existing non-residential buildings the *residential floor area* which exceeds the *residential floor area* permitted by the provisions of the applicable district may be converted to *dwelling units* provided that there shall be not less than 1,800 square feet of gross *floor area* per *dwelling unit* in such excess *residential floor area*.

However, for *floor area* converted to public or publicly assisted housing or non-profit residences for the elderly as described in Section 25-25 there shall be not less than 1500 square feet of gross *floor area* per *dwelling unit* in such excess *floor area*.

For the purpose of this section only, mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual *dwelling units* provided that the gross area of such mezzanine does not exceed 33 1/3% of the *floor area* contained within such *dwelling unit*. Such mezzanines are permitted only in *buildings* with an existing *floor area ratio* of 12 or less, and only between existing floors that are to remain. No mezzanine shall be included as *floor area* for the purpose of calculating the minimum required size of a *dwelling unit* or for calculating *floor area* devoted to *dwelling units*.

#### 15-112

##### Light and Air Provisions

- (a) For purposes of this section a "living room" is defined by Section 4 of the Multiple Dwelling Law.
- (b) Spaces other than "living rooms"
- (i) Mezzanines shall be lit and ventilated in accordance with the provisions of sub-article 1202.0 and sub-article 1205.0 of the Administrative Code.
- (ii) *Cellar* space is not permitted in *dwelling units* with three and one half *rooms* or fewer, unless such *dwelling units* contain at least 1,200 square feet of interior *floor area*.
- (iii) Spaces, other than "living rooms", kitchens, bathrooms or mezzanines, with a minimum width of 5 feet in the narrowest dimension measured perpendicular to a wall enclosing such space, are not permitted in *dwelling units* with three and one half *rooms* or fewer, unless such *dwelling units* contain at least 1,200 square feet of interior *floor area*.
- (c) Every *dwelling unit* shall meet the light and air requirements of Section 277 of the Multiple Dwelling Law.
- (d) Width to Depth Ratio

Where there is more than one *dwelling unit* per *story* the average width of each *dwelling unit* shall be at least one fourth of the depth. Depth is the farthest point within the *dwelling unit* from the exterior *building* wall containing windows used to meet the requirements of Section 15-112(c) (Light and Air Provisions), measured perpendicular to such *building* wall. Width is the distance between exterior *dwelling unit* walls measured perpendicular to the depth.

#### 15-12

##### Open Space Equivalent

At least 30 percent of the gross roof area of a *building* containing 15 *dwelling units* shall be developed for recreational use. For each additional *dwelling unit*, 100 square feet of additional roof area shall be developed for recreational use, up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said *building* and their guests. No fees shall be charged to the occupants or their guests. The provisions of this section may be modified pursuant to Section 15-30.

#### 15-13

##### Special Home Occupation Provision

In C6 districts the *home occupation* provisions of Section 12-10 shall apply, except that up to 49 percent of the total *floor area* of a *dwelling unit* may be used for a *home occupation*. Such *home occupation* may occupy more than 500 square feet of *floor area*. For the purposes of this section, mezzanines shall be counted as *floor area*.

#### 15-20

##### Regulations Governing Conversions to Dwelling Units of Non-Residential Buildings in C6-2M, C6-4M, M1-5M and M1-6M Districts.

The *lot area* requirements of the following sections are hereby superceded and replaced with the re-



quirements of Section 15-21 and 15-22 for the conversion of non-residential buildings to dwelling units: Sections 23-20 through 23-28 (Density Regulations—Required Lot Area per Dwelling Unit, Lot Area per Room, or Floor Area per Room), 24-20 (Lot Area Requirements for Buildings Used partly for Residential Use), 35-40 through 35-43 (Applicability of the Lot Area Requirements to Mixed Buildings) and 54-31 (Enlargements or Conversions).

In addition, the open space ratio, yard, minimum distance between two or more buildings on a single zoning lot and minimum distance between windows and walls or lot lines requirements are hereby superceded and replaced by the requirements of Sections 15-23 and 15-24.

#### 15-50 Relocation Incentive Program

##### 15-51

##### Preamble

In order to reduce the deleterious effects on commercial and manufacturing uses caused by the reduction of existing floor area available to such uses as the result of the conversion of nonresidential buildings to dwelling units or Joint living-work quarters for artists, while permitting owners to convert such buildings to dwelling units or Joint living-work quarters for artists, thereby increasing the value of such buildings, a Relocation Incentive Program is established. These general goals include, among others, the following specific objectives:

- (a) To provide incentives for eligible commercial and manufacturing uses displaced by the conversion of commercial or manufacturing buildings, or portions thereof, to dwelling units, to relocate within the City of New York.
- (b) To provide certainty to eligible commercial and industrial tenants as to the extent and availability of relocation incentives.
- (c) To ensure that such incentives are available to the eligible commercial or manufacturing uses at the time they relocate.
- (d) To assist in the retention of industrial firms and industrial relocation within the City of New York in accordance with the intent of this Chapter.

Under the Relocation Incentive Program, owners who plan to convert space used for commercial and manufacturing uses to dwelling units or Joint living-work quarters for artists under the provisions of this chapter or Sections 42-14D, 74-711, 74-78 and 111-00 of this resolution will be required to pay a conversion contribution or provide direct relocation payments before they can obtain an Alteration Permit. The conversion contribution will be paid into the Industrial Relocation Fund to be administered by the New York City Business Relocation Assistance Corporation. These funds will be used to provide industrial relocation assistance in accordance with the intent of this Chapter.

Building owners may receive a discount from the conversion contribution if they provide direct assistance to manufacturing tenants which relocate in New York City. The Board of Standards and Appeals shall administratively review applications, authorize discounts or exclusions, and certify that the appropriate relocation assistance has been provided.

Prior to the issuance of an Alteration Permit for the development of dwelling units or Joint living-work quarters for artists, an owner must present proof of either payment of the conversion contribution or BSA approval of direct relocation payments.

##### 15-52

##### Definitions

For the purposes of sections 15-50 through 15-58 matter in *italics* is defined in this Section or in Section 12-10.

##### Applicable Building

An "applicable building" is any existing building or other structure, erected prior to December 15, 1961, which:

##### A. if in Manhattan Community Districts 1, 2, 3, 4, 5 and 6.

- (a) is located in a [R6, R7, R8, R9, R10, C1, C2, C4, C5, C6, M1-5A, M1-5B, M1-5M, M1-6M or LMM district.] zoning district in which residential or Joint living-work quarters for artists use is permitted, and
- (b) (i) on September 1, 1980 was used for a use listed in Section 15-58, or
- (ii) was vacant on September 1, 1980 and was used within 3 years prior to such date for a use in such Use Groups; or

##### 2. (a) is granted a use variance pursuant to the provisions of Sections 72-21 and 72-221; and

- (b) (i) on April 9, 1981 was used for a use listed in Section 15-58, or
- (ii) was vacant on April 9, 1981 and was used within 3 years prior to such date for a use in such Use Groups [ ], or

##### B. if in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2.

- (a) is located in a zoning district in which residential use is permitted, and
- (b) (i) on April 1, 1984 was used for a use listed in Section 15-58, or
- (ii) was vacant on April 1, 1984 and was used within 3 years prior to such date for a use in such Use Groups; or

##### 2. (a) is granted a use variance pursuant to the provisions of Sections 72-21 and 72-221; and

- (b) (i) on (the effective date of this amendment) was used for a use listed in Section 15-58, or
- (ii) was vacant on (the effective date of this amendment) and was used within 3 years prior to such date for a use in such Use Groups.

##### Conversion Contribution

A "conversion contribution" is the contribution to the Industrial Relocation Fund provided by the owner of an applicable building. Such contribution shall be provided by the owner in order to convert such building to dwelling units or Joint living-work quarters for artists without meeting the requirements for the development of dwelling units in Article 2. (Residence District Regulations)

##### The Corporation

The "Corporation" is the New York City Business Relocation Assistance Corporation, a not-for-profit Corporation. The Board of Directors of the Corporation shall consist of the Commissioner or Executive Director of the Office of Economic Development, the Chairman of the City Planning Commission, the Chairman of the Board of Standards and Appeals, the Commissioner of the Department of Housing Preservation and Development, the President of the New York City Public Development Corporation and two industrial representatives.

##### Eligible Tenant

An "eligible tenant" is a commercial or manufacturing tenant, or commercial or manufacturing owner/occupant, determined by the Corporation to be engaged in a business listed in Section 15-58 and who:

- (i) occupied and used space within an *applicable building* for not less than 24 months immediately prior to vacating,
- (ii) vacated the premises on or after April 9, 1981 in **Manhattan Community Districts 1, 2, 3, 4, 5 and 6**, or (the effective date of this amendment) in **Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2**, and
- (iii) either purchased, or leased for a term of not less than 24 months, other premises within the City of New York for the purpose of engaging in a business listed in Section 15-58.

A sub-tenant shall be eligible to receive a relocation incentive in accordance with the provisions of Section 15-50 et seq. notwithstanding any lack of eligibility of its prime tenant.

#### The Fund

The "Fund" is the Industrial Relocation Fund. The *Fund* is established within the *Corporation*. The *Corporation* shall accept the *conversion contribution* to be accredited to the *Fund* and apply such monies toward the relocation of industrial tenants, including any verification action required under the provisions of Section 15-50 et seq. (Relocation Incentive Program), or toward the administration of the *Fund*, and for such other purposes relating to industrial relocation as the *Corporation* may determine.

The Industrial Relocation Fund will be administered by the *Corporation*.

#### 15-521

##### Rules and Regulations for the Fund

The *Corporation* shall promulgate rules and regulations for the distribution of monies from the *Fund*. The *Corporation* shall provide a copy of all proposed rules and regulations and any proposed amendments thereto to:

- (a) Manhattan Community Boards 1 through 6, Brooklyn Community Boards 1, 2 and 6, and Queens Community Boards 1 and 2,
- (b) the City Planning Commission.
- (c) the Office of Economic Development.
- (d) the Board of Standards and Appeals.
- (e) Members of the Board of Estimate, and
- (f) the *Industrial Loft Advisory Council*.

In addition, the *Corporation* shall publish notice of the existence of proposed rules and regulations and any proposed amendments thereto for five business days in a newspaper of general circulation in the City of New York, and shall make all such proposed rules, regulations and amendments available to the public. Comments on such proposed rules, regulations and amendments shall be accepted for 30 days thereafter. The rules and regulations, or amendments thereto, as adopted, shall be provided to all persons listed in subdivisions (a) through (f) above, and shall be made available to the general public.

#### 15-53

##### Conversion Contribution

#### 15-531

##### Rate of Contribution

The *conversion contribution* shall be paid into the *Fund*. If tendered prior to September 1, 1982, such contribution shall be at the rate of \$9.00\* per square foot of the gross floor area to be used for *dwelling units* or *Joint living-work quarters for artists* and stairwells, elevator shafts, halls and other common floor areas of the building used in conjunction with such *dwelling units* or *Joint living-work quarters for artists*, excluding ground floor lobbies, less any discount authorized under the provisions of Section 15-54 (Direct Help) or Section 15-55 (Additional Discounts or Exclusions from Conversion Contributions).

However, in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2, in residential districts or in commercial districts permitting residential use, if tendered prior to September 1, 1984, the *conversion contribution* shall be at the rate of \$5.30 per square foot.

On September 1, 1982, and on each subsequent September 1, the *Corporation* shall establish the monetary rate at which the *conversion contribution* is to be paid during that year. Said rate change shall be based on the Gross National Product Implicit Price Deflators for the Trucking and Warehousing Industry, prepared by the U.S. Department of Commerce.

#### 15-532

##### Contribution Procedure

- (a) Prior to the issuance of an Alteration Permit, the owner shall pay the *conversion contribution*, in an amount equal to the rate applicable at the date of payment multiplied by the gross floor area as provided in Section 15-531. The amount of such contribution may be reduced by authorization of the Board of Standards and Appeals pursuant to Section 15-54 (Direct Help) or Section 15-55. (Additional Discounts or Exclusions from Conversion Contributions). Nothing in this section shall be construed to require such owner to pay the *conversion contribution* in accordance with the provisions of this section more than once on any particular floor area. Upon proof of payment of the *conversion contribution*

\*Effective 4:30 PM, November 2, 1983, the rate is \$10.60.

*conversion contribution* by the owner, or upon receipt of an authorization exclusion, pursuant to Section 15-551 (Existing Conversion) or Section 15-554 (Exclusion for Certain Vacated Space), the Board shall notify the Department of Buildings that the requirements of Section 15-50 et seq. have been met.

- (b) The *conversion contribution* shall be paid into the *Fund* primarily for the benefit of the commercial or manufacturing tenant who last occupied the floor area to be converted and subsequently relocated within the City of New York. Within six months of the payment of the *conversion contribution*, and upon verification by the *Corporation* that said tenant is an *eligible tenant*, the *Corporation* shall pay to said tenant the appropriate portion of the *conversion contribution*. The appropriate portion of the *conversion contribution* shall be equal to the amount produced by multiplying the rate of *conversion contribution* applicable at the time of payment of the *conversion contribution* by either the floor area occupied by such tenant prior to relocation, or the floor area occupied by such tenant after relocation, whichever is less.

The Corporation shall determine whether a commercial or manufacturing tenant is an *eligible tenant* within 15 days after a request by said tenant, and, in appropriate cases, verify the eligibility of said tenant. Where a commercial or manufacturing tenant is not an *eligible tenant*, the Fund shall retain the *conversion contribution*. Where an *eligible tenant* does not seek verification of eligibility within six months of the payment of the *conversion contribution*, such tenant shall be ineligible to receive any payment or assistance from the Corporation.

Notwithstanding the above, where the *eligible tenant* has received assistance from the Corporation, the amount of such assistance will be subtracted from the amount to which said tenant is eligible under this section, and the remainder shall be retained by the Corporation.

**15-54  
Direct Help**

The Board of Standards and Appeals shall issue an authorization for a discount from all or part of the amount of the *conversion contribution* when it determines that the owner of an *applicable building* has made a direct help payment in accordance with Section 15-541 through Section 15-546. The amount of the discount shall be twice the direct help payment provided to the recipients as required in Section 15-541.

The owners of an *applicable building* shall include a copy of each escrow agreement signed pursuant to Section 15-542 with the application to the Board for the authorization for a direct help discount. The owner of an *applicable building* applying for a direct help discount shall, on the date of such application, provide the Office of Economic Development with a copy of said application. Within 30 days of the receipt of any such application, the Office of Economic Development may provide the Board of Standards and Appeals with a report on the history of commercial and manufacturing tenancy of such *building*.

**15-541  
Amount of Direct Help Payment**

- (a) The direct help payment shall be equal to 50% of the *conversion contribution*. To entitle the owner of an *applicable building* to be eligible for the discount authorized under the provisions of Section 15-54, such owner shall make direct help payments in accordance with the following:

Condition of the Space to be Converted	Recipient of the Direct Help Payment	% of Conversion Contribution Each Recipient Receives
Vacant more than 24 months	The Corporation	50%
Occupied by an <i>eligible tenant</i> listed in Section 15-581.	The Tenant	50%
Occupied by an <i>eligible tenant</i> listed in Section 15-582.	The Tenant The Corporation	25% 25%
Occupied by a commercial or manufacturing tenant for more than 24 months but such tenant did not relocate within New York City.	The Corporation	50%
Occupied by commercial or manufacturing use not listed in Section 15-28 for more than 21 months.	The Corporation	50%
<b>In Manhattan</b>		
Community Vacant since September 1, 1980.	The Corporation	50%
Districts In R6, R7, R8, R9, R10, C1, 1,2,3,4,5,6, C2, or C4 districts, vacant since January 1, 1981.	The Corporation	50%
<b>In Brooklyn Community Districts 1, 2, &amp; 6 and Queens Community Districts 1 &amp; 2: vacant since April 1, 1984</b>		
	The Corporation	50%

**15-542  
Establishment of Escrow Accounts**

To receive a discount under the provisions of Section 15-54 (Direct Help), the owner of an *applicable building* shall establish an escrow account in accordance with the provisions established in this section.

- (a) Such owner shall deposit a sum of money equal to the amount of the direct help payment required under Section 15-541 in an escrow account in a banking institution located in the City of New York. The escrow agent shall be such bank or the owner's attorney. The escrow account shall be established pursuant to an agreement signed by the owner and the escrow agent, which agreement shall be on a form provided by the Corporation. Where the commercial or manufacturing tenant is listed in Section 15-581, said escrow agreement shall contain the specific provisions in subsection (i) below; where the commercial or manufacturing tenant is listed in Section 15-582, said escrow agreement shall contain the specific provisions listed in subsection (ii) below:
- (i) The escrow property delivered hereunder shall be held in escrow by (the escrow agent) to be delivered to (the tenant) at such time as the New York City Business Relocation Assistance Corporation, hereinafter called the Corporation, has verified that (the tenant) is an *eligible tenant* under the terms of Section 15-50 et seq. of the Zoning Resolution of the City of New York. This escrow property shall be paid in full to (the tenant) within 15 days of such verification, unless the Corporation has made a determination that (the tenant) has relocated to a smaller space in accordance with the provisions of Section 15-541b of the Zoning Resolution. Where the Corporation has determined that (the tenant) has relocated to a smaller space, (the tenant) shall receive payment from the escrow account in an amount equal to that required by Section 15-541b of the Zoning Resolution within 15 days of such verification. The remainder of the escrow property shall be paid to the Corporation at the same time. In the event that the Corporation issues a statement of non-eligibility under Section 15-544(c) of the Zoning Resolution, this escrow property will be paid to the Corporation within 15 days of the issuance of such statement. In the event that these conditions are not met within six months from the earlier to occur of the date (the tenant) vacates space in (address of the building) or the date of the establishment of this escrow account, (the escrow agent) shall pay the escrow property delivered hereunder to the Corporation at the expiration of said 6-month period.

Notwithstanding the foregoing, where the Corporation notifies (the escrow agent) that (the owner) and (the tenant) have entered into a new lease of the premises at (address of the building) for a term of more than three months, the escrow property delivered hereunder shall be returned to (the owner/escrowor) within 15 days of such notification.

- (ii) The escrow property delivered hereunder shall be held in escrow by (the escrow agent) until such time as the New York City Business Relocation Assistance Corporation, hereinafter called the Corporation, has verified that (the tenant) is an *eligible tenant* under the terms of Section 15-50 et seq. of the Zoning Resolution of the City of New York. Within 15 days of such verification, (the escrow agent) shall pay 50% of the escrow property hereunder to (the tenant) and 50% of the escrow property to the Corporation, unless the Corporation has made a determination of relocation to a smaller space in accordance with the provisions of Section 15-541b of the Zoning Resolution. Where the Corporation has determined that (the tenant) has relocated to a smaller space, (the tenant) shall receive payment from the escrow account in an amount equal to that required by Section 15-541b of the Zoning Resolution within 15 days of such verification. The remainder of the escrow property shall be paid to the Corporation at the same time. In the event that the Corporation issues a statement of non-eligibility under Section 15-544(c) of the Zoning Resolution, this escrow property will be paid to the Corporation within 15 days of the issuance of such statement.

In the event that the above conditions are not met within six months from the earlier to occur of the date (the tenant) vacates space in (address of the building) or the date of the establishment of this escrow account, (the escrow agent) shall pay the escrow property delivered hereunder to the Corporation at the expiration of said 6-month period.

Notwithstanding the foregoing, where the Corporation notifies (the escrow agent) that (the owner) and (the tenant) have entered into a new lease of the premises at (address of the building) for a term of more than three months, the escrow property delivered hereunder shall be returned to the (owner/escrower) within 15 days of such notification.

- (b) All interest which accrues on the escrow account shall be paid to the owner who establishes such escrow account. Any expenses incurred in establishing such account shall be paid by said owner. A copy of all escrow agreements shall be delivered by said owner to the Corporation.
- (c) For the purposes of this Section 15-542 only, an owner shall be deemed to include an agent of the owner or a contract vendee.

#### 15-543

##### Time for Establishment of Escrow Accounts

For the purpose of this section only, an *eligible tenant* shall not be required to have purchased or leased other premises within the City of New York.

Escrow accounts shall be established on the dates provided in this section. However, the escrow account shall not be established more than two months prior to the expiration of the tenant's lease, except by mutual consent of the owner and tenant.

- (a) Lease Termination

In the event that an *eligible tenant* has a lease with a term of at least one year, and the owner of an *applicable building* notifies said *eligible tenant* that his tenancy will be terminated on the date said tenant's lease expires, or, if there has been no such notification by the owner and said tenant's lease has not been renewed, such owner shall establish the escrow account at least 30 days prior to the date of termination of tenancy.

- (b) Holdover or Short-Term Lease

In the event that an *eligible tenant* has a lease of less than one year, or is a holdover tenant with no lease for the space in the *applicable building*, the owner of the *building* shall establish the escrow account not later than 90 days after said tenant notifies the owner of the date said tenant intends to vacate the premises, or 30 days prior to said tenant's date of termination of tenancy, whichever occurs later.

An owner of an *applicable building* shall notify the *eligible tenant* in writing of the establishment of the escrow account within 5 days of the establishment of such account. Such notice shall include a copy of the escrow agreement.

#### 15-544

##### Payment of Funds from Escrow Account

- (a) An *eligible tenant* shall receive its share of the direct help payment from the funds held in the escrow account pursuant to the provisions of Section 15-541 within 15 days of the date the Corporation verifies that such tenant is an *eligible tenant*.
- (b) If the *eligible tenant* fails to seek verification from the Corporation within 6 months after the earlier of the date such tenant vacates space in the *applicable building* or the date of the establishment of the escrow account, the escrow property shall be paid to the Fund. Such tenant shall then be ineligible to receive any relocation assistance either in the form of a direct help payment or assistance from the Corporation. Notwithstanding the above, where there is a dispute as to payment of the escrow account to be resolved under the provisions of Section 15-545, and the expiration of the above 6-month period has resulted in payment to the Fund, such tenant shall remain eligible to receive relocation payment from the Corporation in an amount equal to the direct help payment for which such tenant was eligible under Section 15-541.
- (c) In the event that a commercial or manufacturing tenant does not relocate in New York City, or for any other reason is not an *eligible tenant*, the Corporation shall issue a statement of non-eligibility. Within 15 days of the issuance of said statement, the Fund shall receive payment from the escrow account. The acceptance of the direct help payment by the Corporation shall not imply the authorization of the direct help payment credit by the Board of Standards and Appeals. Should such authorization be denied, any funds paid to the Corporation under this provision shall be considered part of the conversion contribution.

#### 15-545

##### Disputed Payments from Escrow Account

Any dispute in the computation of the amount of the direct help payment to each recipient in accordance with the provisions of Section 15-541 through 15-543, or as to the eligibility of a commercial or manufacturing tenant for relocation assistance, shall be resolved by the Board of Directors of the Corporation within six months.

#### 15-546

##### Direct Payment to the Corporation

An owner shall make the direct help payment to the Corporation, and shall not be required to establish an escrow account, in the following situations:

- (a) where the floor area to be converted has been vacant since September 1, 1980;
- (b) where the floor area is located in R6, R7, R8, R9, R10, C1, C2 or C4 district, and such floor area has been vacant since January 1, 1981;

- (c) where the *floor area* to be converted has been vacant for more than 24 months prior to the filing for the authorization for the direct help payment discount under Section 15-541; or
- (d) where the owner applies to the Board of Standards and Appeals for an authorization for a discount for certain vacated space under Section 15-553.
- (e) where the *floor area* was occupied by a *use* not listed in Section 15-58.
- (f) in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2 where the *floor area* to be converted has been vacant since April 1, 1984.

The acceptance of the direct help payment by the *Corporation* shall not imply the authorization of the direct help payment credit by the Board of Standards and Appeals. Should such authorization be denied, any funds paid to the *Corporation* under this provision shall be considered part of the *conversion contribution*.

#### 15-55

##### Additional Discount or Exclusions from Conversion Contributions

A copy of any application under this section shall be sent by the applicant to the Office of Economic Development at the time of filing. The Office of Economic Development may provide additional information to the Board.

Authorizations issued under this section shall not expire during the existence of the Relocation Incentive Program.

#### 15-551

##### Existing Conversion

If the Board of Standards and Appeals determines that *floor area* was used as *dwelling units* or *Joint Living-Work quarters for artists*:

- (a) in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, on September 1, 1980, the Board shall authorize that such *floor area* not be included in computing the *conversion contribution*, provided that a complete application for an authorization under this provision was filed with the Board of Standards and Appeals prior to September 1, 1983.
- (b) in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2, on April 1, 1984, the Board shall authorize that such *floor area* not be included in computing the *conversion contribution*, provided that a complete application for an authorization under this provision was filed with the Board of Standards and Appeals prior to September 1, 1985.

#### 15-552

##### Non-industrial Related Uses

The Board of Standards and Appeals shall issue an authorization that *floor area* used for a *use* not listed in Section 15-58 shall not be included in the computation of the *conversion contribution* provided that:

- (a) the Board determines that *uses* not listed in Section 15-58 occupied at least 50% of the *floor area* of the *building* on September 1, 1980, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or on April 1, 1984 in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2, and
- (b) such *floor area* was not vacant on September 1, 1980, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or on April 1, 1984 in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2.

For the purposes of this section, common areas of the *building* shall not be included in the computation of the *floor area* occupied by such *uses*. The burden of proof is on the applicant to show that the requirements of this section have been met.

#### 15-553

##### Discount for Certain Vacated Space

The Board of Standards and Appeals may authorize a discount from the *conversion contribution* in an amount equal to 50% of the *conversion contribution* where there is substantial evidence to support a finding that a *commercial* or a *manufacturing* tenant engaged in a business listed in Section 15-58 and occupying *floor area* within an *applicable building* for at least 24 months immediately prior to an application under this Section had

- (a) vacated *floor area* in an *applicable building* more than 6 months prior to the expiration of said tenant's lease, and there is no evidence of harassment by the landlord or the landlord's agent; or
- (b) vacated *floor area* in an *applicable building* not earlier than 6 months prior to the expiration of said tenant's lease, and the owner can demonstrate that said tenant was offered a lease renewal or extension at fair market rental not less than 6 months prior to the expiration of said lease. Such renewal or extension shall have been for a period of at least 3 years unless the landlord notified said tenant in writing that:
  - (i) such lease renewal or extension was an interim measure until the conversion of such *floor area*, and
  - (ii) at the termination of such interim renewal or extension said tenant would receive a direct help payment in accordance with the provisions of Section 15-54.

Where the Board issues an authorization under this section, the direct help payment shall be made to the *Corporation*.

#### 15-554

##### Exclusion for Certain Vacant Space

Upon proof that *floor area* has been vacant since September 1, 1979, or for a minimum of 5 years, immediately preceding the date of application for an exclusion under this Section, the Board of Standards and Appeals shall issue an authorization that no *conversion contribution* shall be required to be made for such *floor area*.

#### 15-555

##### Discount for Building Permit Issued Before April 9, 1981

- (a) The Board of Standards and Appeals may authorize a discount from the *conversion contribution* in an amount equal to 50% of the *conversion contribution*, where the Board determines that there was substantial construction in accordance with the provisions of Section 15-013.
- (b) The Board of Standards and Appeals may authorize a reduction in the amount of the *conversion contribution* under paragraph (a) of this section, by an amount equal to any relocation payments provided by the developer, property owner, or contract vendee provided that the Board finds that:
  - (i) such tenant occupied the *floor area* being converted on September 1, 1980, and for not less than 24 months immediately prior to vacating;

(ii) such tenant relocated to other premises within the City of New York which such business either purchased, or leased for a term of not less than 24 months, and

(iii) such amount was paid to such business within 30 days after said relocation.

**15-56**

**Verification of Relocation Requirements**

Within 15 days after a request by a tenant, but in no event prior to the date of relocation, the *Corporation* shall determine whether a commercial or manufacturing tenant is an *eligible tenant* and, in appropriate cases, verify that relocation has occurred. The *Corporation* shall also determine whether there has been relocation to a smaller space under the provisions of Section 15-541b. Notwithstanding the above, a commercial or manufacturing tenant may notify the *Corporation*, prior to relocation, of the date of relocation and the *Corporation* may agree with such tenant to determine whether such tenant is an *eligible tenant* on a specific date subsequent to the relocation.

**15-57**

**Special Provisions**

**15-571**

**Non-Separability**

The provisions of Sections 15-50 through 15-58 (relocation Incentive Program) shall be deemed to be an integral part of Article I, Chapter 5. If any sentence, clause, paragraph or part of Sections 15-50 through 15-58 shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not be confined in its operation to the sentence, clause, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered, but shall be construed to invalidate and impair the remainder of Article I, Chapter 5, in addition thereto. However, any such judgment shall not act to invalidate any other sentence, paragraph, clause, section or chapter of the Zoning Resolution.

**15-572**

**Termination**

The provisions of Sections 15-50 through 15-58 shall cease to have all force and effect on January 1, 1991, unless re-adopted by the City Planning Commission on or before such date.

**15-573**

**Applicability**

Where an *applicable building* is being converted, the provisions of Sections 15-50 through 15-58 (Relocation Incentive Program) shall apply in lieu of the relocation benefits authorized under subdivision 10 of Section 489 of the New York Real Property Tax Law.

**15-58**

**Eligible Commercial and Manufacturing Uses**

**15-581**

**Group A**

The following *uses* are included in Section 15-581. *Accessory uses* shall be considered part of such *use*. *Uses* which are encompassed within categories under more than one Use Group are included in Section 15-581 as long as one such category is included below:

**In Use Group 8B:**

Upholstering shops

**In Use Group 9A:**

Musical instrument repair shops  
Plumbing, heating or ventilating equipment showrooms  
Typewriter or other small business machines sales, rental, or repairs  
Umbrella repair shops

**In Use Group 9B:**

Hair products for head wear wholesaling

**In Use Group 10A:**

Depositories for storage of office records, etc.

**In Use Group 10B:**

All *uses*

**In Use Group 11B:**

All *uses*

**In Use Group 16A:**

Electrical, glazing, heating, painting, paper-hanging, plumbing, roofing, or ventilating contractors establishments  
Poultry or rabbit killing establishments  
Sign painting shops

**In Use Group 16D:**

Linen, towel, or diaper supply establishments  
Moving or storage offices  
Packing or crating establishments  
Warehouses  
Wholesale establishments

**In Use Group 17A:**

Building material and contractors yards

**In Use Group 17C:**

Trucking terminals or motor freight stations

**In Use Group 18B, only for the purposes of the Relocation Incentive Program:**

All *uses*.

**Article II**

**\*Residence District Regulations**

**Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts**

**23-01**

**Applicability of this Chapter**

In Manhattan Community Districts, 1, 2, 3, 4, 5, 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversion to *dwelling units* of non-residential buildings, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, **Brooklyn and Queens**), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

\* \* \*

### Article III

#### Commercial District Regulations

##### Chapter 1 Statement of Legislative Intent

31-15

##### C5 Restricted Central Commercial Districts

These districts are designed to provide for office buildings and the great variety of large retail stores and related activities which occupy the prime retail frontage in the central business district, and which serve the entire metropolitan region. The district regulations also permit a few high-value custom manufacturing establishments which are generally associated with the predominant retail activities, and which depend on personal contacts with persons living all over the region. The district regulations are also designed to provide for continuous retail frontage.

31-16

##### C6 General Central Commercial Districts

These districts are designed to provide for the wide range of retail, office, amusement service, custom manufacturing, and related uses normally found in the central business district and regional commercial centers, but to exclude nonretail uses which generate a large volume of trucking.

##### Chapter 2 Use Regulations

##### 32-00 General Provisions

In order to carry out the purposes and provisions of this resolution, the *uses of buildings* or *other structures* and of tracts of land have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, including each use listed separately therein, are permitted in Commercial Districts as indicated in Sections 32-11 to 32-25, inclusive.

In Manhattan Community Districts, 1, 2, 3, 4, 5, 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversion to *dwelling units* of non-residential buildings, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, **Brooklyn and Queens**), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 32-15, 32-16, 32-17, 32-20, and 32-644.

In a C8 District, any *use* listed in Use Group 11A or 16 which involves the production, processing, cleaning, servicing, testing, or repair of products, goods, or materials shall conform to the performance standards for the M1 Districts as set forth in Sections 42-20 and 42-28 inclusive, relating to Performance Standards.

In C5 and C6 Districts in Manhattan Community Districts 1, 2, 3, 4, 5, and 6, all existing lawful *uses* in Use Groups 17B or E in existing enclosed *buildings* erected prior to December 15, 1961 shall be considered conforming and shall conform to the performance standards for the M1 Districts as set forth in Sections 42-20 and 42-28 inclusive relating to Performance Standards. Such *uses* may be extended within *buildings*.

The following chart sets forth the Use Groups permitted in the various Commercial Districts:

##### Chapter 3 Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

33-01

##### Applicability of this Chapter

\* \* \*

In Manhattan Community Districts, 1, 2, 3, 4, 5, and 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversion to *dwelling units* of non-residential buildings, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, **Brooklyn and Queens**), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

##### Chapter 4 Bulk Regulations for Residential Buildings in Commercial Districts

34-01

##### Applicability of this Chapter

\* \* \*

In Manhattan Community Districts, 1, 2, 3, 4, 5, and 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversion to *dwelling units* of non-residential buildings, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, **Brooklyn and Queens**), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

##### Chapter 5 Bulk Regulations for Mixed Buildings in Commercial Districts

35-01

##### Applicability of this Chapter

\* \* \*

In Manhattan Community Districts, 1, 2, 3, 4, 5, and 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversion to *dwelling units* of non-residential buildings, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, **Brooklyn and Queens**), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

### Chapter 3 Bulk Regulations

#### 43-01

#### Applicability of this Chapter

\* \* \*

In Manhattan Community Districts, 1, 2, 3, 4, 5, and 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversion to *dwelling units* of non-residential buildings, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, **Brooklyn and Queens**), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

### Article V Non-Conforming Uses and Non-Complying Buildings

#### Chapter 2 Non-Conforming Uses

#### 52-30 Change of Non-Conforming Use

#### 52-31

#### General Provisions

For the purposes of this Chapter, a change of use is a change to another use listed in the same or any other Use Group; however, a change in ownership or occupancy shall not, by itself, constitute a change of use.

A non-conforming use may be changed to any conforming use, and the applicable district bulk regulations and accessory off-street parking requirements shall not apply to such change of use or to alterations made in order to accommodate such conforming use, but shall apply to any enlargement. However, notwithstanding the provisions above, in Manhattan Community Districts, 1, 2, 3, 4, 5, and 6, **Brooklyn Community Districts 1, 2, and 6, and Queens Community Districts 1 and 2**, the conversion to *dwelling units* of non-residential buildings, or portions thereof, erected prior to December 15, 1961 shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts [1, 2, 3, 4, 5, and 6] in the Boroughs of Manhattan, **Brooklyn and Queens**), unless such conversions meet the requirements for new *residential development* of Article II Residence District Regulations).

A non-conforming use may be changed to another non-conforming use only in accordance with the provisions of this Chapter.

Any such change of use permitted by this Chapter shall conform to the applicable district regulations on accessory off-street loading berths as set forth in Section 52-41 (General Provisions) and on accessory signs, except that in Residence Districts such change shall conform to the regulations on accessory signs applicable in a C1 District.

### Article VII Administration

#### Chapter 2 Interpretations and Variances

#### 72-00 Powers of the Board of Standards and Appeals

#### 72-01

#### General Provisions

\* \* \*

- (e) To hear and decide applications for such authorizations as are set forth in this resolution and enumerated in Section 72-30.



- (f) To make such administrative determinations and findings as may be set forth in this resolution at sections 15-021 and 15-50 et seq.

72-221

**Conversion Contribution**

[Manhattan Community Districts 1, 2, 3, 4, 5, and 6]

[t] The granting of a variance to convert an existing *non-residential building* or other structure, or portion thereof, which on April 9, 1981 in **Manhattan Community Boards 1, 2, 3, 4, 5 and 6** or on (the effective date of this amendment in **Brooklyn Community Boards 1, 2 and 6, and Queens Community Boards 1 and 2** was used for a *use* listed in Section 15-58, or which was vacant on [April 9, 1981] the respective **forementioned dates** and was used within three years prior to such respective **forementioned dates** for a *use* in such Use Groups, shall be conditioned upon payment of a conversion contribution in accordance with the provisions of Section 15-50.

A copy of the application for a variance which, if granted, would require the payment of conversion contribution, as specified above, shall be provided to the *Industrial Loft Advisory Council*, c/o Mayor's Office of Economic Development.

72-30 Authorizations

72-31

**General Provisions**

The Board of Standards and Appeals shall have the power to issue authorizations on such matters as are set forth in this section. The Board shall hear and decide applications for authorizations in an administrative proceeding in the same manner in which it hears appeals for interpretation pursuant to Section 72-10.

72-32

Authorizations Relating to the Conversion of Non-Residential Buildings to Dwelling Units or Joint Living-Work Quarters for Artists.

72-321

Credit for Direct Help or Additional Discounts or Exclusions from Conversion Contributions.

In accordance with the provisions Section 15-54 (Direct Help), the Board may issue an authorization for a credit against payment of all or part of any conversion contribution required pursuant to Section 15-53 and 72-221 (Conversion Contributions).

If the Board determines that *floor area* was used as *dwelling units* or *Joint living-work quarters for artists* on September 1, 1980 in **Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or on April 1, 1984 in Brooklyn Community Districts 1, 2 and 6 and Queens Community Districts 1 and 2**, the Board shall authorize that such *floor area* not be included in computing the conversion contribution as provided in Section 15-551 (Existing Conversion).

If the Board determines that *floor area* was used for a *use* not listed in Section 15-58, the Board shall authorize that such *floor area* not be included in computing the conversion contribution as provided in Section 15-552 (Non-Industrial Related Uses).

If the Board finds that *floor area* was vacated under the conditions set forth in Section 15-553 (Discount for Certain Vacated Space), the Board may authorize a discount from the conversion contribution in an amount equal to 50% of the conversion contribution for such *floor area*.

If the Board determines that *floor area* was vacant for a minimum of 5 years, the Board shall authorize that such *floor area* be excluded from payment of the conversion contribution, as provided in Section 15-554 (Exclusion for Space Vacant 5 Years).

If the Board determines that *floor area* was vacant since September 1, 1979, or for a minimum of 5 years, the Board shall authorize that such *floor area* be excluded from payment of the *conversion contribution*, as provided in Section 15-554 (Exclusion for Certain Vacant Space).

(On June 20, 1984 Cal. No. 28, the Commission scheduled July 25, 1984 for a public hearing. On July 25, 1984 Cal. No. 34, the hearing was closed. On August 22, 1984 Cal. No. 61 the report was laid over.)

For consideration. FOR DISPOSITION... FAVORABLE REPORT ADOPTED

*Cal. No. 5*

CB 2

N841057ZAR

(Request to construct one (1) one-family dwelling in the Special Natural Area District-1 of Staten Island.)

**IN THE MATTER** of an application, pursuant to Sections 105-421, 105-423 and 105-424 of the Zoning Resolution from Frank A Vaccaro, P.E., for the grant of authorizations involving the modification of existing topography, alteration of botanic environment or removal of trees and alteration of other natural features (steep slopes) to construct one (1) one-family dwelling on property located on the north side of Douglas Road, 0' north of the right-of-way. (Block 831, Lot 182)

Plans for the proposed one (1) one-family dwelling are on file with the City Planning Commission and may be seen in the Staten Island Borough Office, 56 Bay Street, Staten Island, New York.

For consideration

DISPOSITION.....AUTHORIZATION APPROVED

CB 2

*Cal. No. 6*

N850053ZAR

(Request to construct one (1) one-family dwelling in the Special Natural Area District-1 of Staten Island.)

**IN THE MATTER** of an application, pursuant to Sections 105-421, 105-423 and 105-424 of the Zoning Resolution from George Rycar, A.I.A., for the grant of authorizations involving the modification of existing topography, alteration of botanic environment or removal of trees and alteration of other Natural Features (steep slopes) to construct one (1) one-family dwelling on property located on the north side of Hunt Lane, 200.00' west of Woodhaven Avenue. (Block 881, Lots 218, 224 and 230)

Plans for the proposed one (1) one-family dwelling are on file with the City Planning Commission and may be seen in the Staten Island Borough Office, 56 Bay Street, Staten Island, New York.

For consideration

DISPOSITION.....AUTHORIZATION APPROVED

CB 3

*Cal. No. 7*

N850038RAR

(Removal of existing trees, topographical modification in the Special South Richmond Development District pursuant to Sections 107-64; 107-65 of the Zoning Resolution and Section 200 of the New York City Charter.)

**IN THE MATTER** of an application pursuant to Sections 107-64, 107-65 of the Zoning Resolution and Section 200 of the New York City Charter from DiFiore and Giacobbe, Architects, for granting authorization for tree removal and topographical modifications at 84 Edgemoor Avenue, Borough of Staten Island, Block 5696 Lot 21.

Plans for the proposed development are on file, and may be seen, at the Staten Island Office of the Department of City Planning, 56 Bay Street, Staten Island.

For consideration

DISPOSITION.....AUTHORIZATION APPROVED

CB 3

*Cal. No. 8*

N840989RAR

(Removal of existing trees, topographical modification, school seat and subdivision certification in the Special South Richmond Development District pursuant to Sections 107-64, 107-65, 107-123 and 107-08 of the Zoning Resolution and Section 200 of the New York City Charter).

**IN THE MATTER** of an application pursuant to Sections 107-64, 107-65, 107-123, and 107-08 of the Zoning Resolution and Section 200 of the New York City Charter from Rudolf J. Beneda, Architect, for granting authorization for tree removal, topographical modification and school seat, subdivision certification at 997, 1029, 1019, 1009, 981 Ionia Avenue, 1010, 1000, 990, 980, 972, 962, 932 Lamont Avenue, Borough of Staten Island, Block 6919, Lots 11, 12, 17, 22, 27, 32, 47, 1, 110, 105, 100, 71.

Plans for the proposed development are on file, and may be seen, at the Staten Island Office of the Department of City Planning, 56 Bay Street, Staten Island.

For consideration

DISPOSITION.....AUTHORIZATION APPROVED