

Cal. No.	C.P. No.	Repts. B.O.E.	C.P.C. Action	Cal. No.	C.P. No.	Repts. B.O.E.	C.P.C. Action
1	N 850652 ZRY		Fav. Report Adopted	36			
2				37			
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31				COMMISSION ATTENDANCE Present/Absent			
32				Sylvia Deutsch, Chair.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
33				Denise Scheinberg, V.C.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
34				Sal. C. Gagliardo, Comm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
35				Marilyn Mammano, "	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
				Wm. Gary McNeil, "	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
				Daniel Scannell, "	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Lory R. Alcalá, Calendar Officer (212) 720-3370  
22 Reade Street, Room 2E  
New York, New York 10007-1216  
(212) 720-3370

Meeting Adjourned at 3:43 P.M.  
Logged by: \_\_\_\_\_

COMPREHENSIVE  
CITY PLANNING CALENDAR

of

The City of New York

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CITY PLANNING COMMISSION

SPECIAL MEETING OF THE CITY PLANNING COMMISSION  
HELD IN SPECTOR HALL, 22 READE STREET, MAIN FLOOR  
NEW YORK, NEW YORK 10007



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MONDAY, OCTOBER 30, 1989

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SYLVIA DEUTSCH, *Chairperson*  
DENISE M. SCHEINBERG, *Vice Chairperson*  
SALVATORE C. GAGLIARDO  
MARILYN MAMMANO  
WM. GARRISON McNEIL  
DANIEL T. SCANNELL, *Commissioners*

**R E P O R T S**

**CITYWIDE**

No. 1

N 850652 ZRY

**IN THE MATTER OF** amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, relating to Article IV (Manufacturing Districts) and Article V (Non-conforming Uses and Non-complying Buildings), establishing new M1-"D" Manufacturing Districts that remove some restrictions from existing residential uses and permit new residential uses by City Planning Commission authorization pursuant to a new Section 42-47.

Matter in **Bold** is new, to be added.

Matter in [ ] is old, to be deleted.

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

11-12

Establishment of Districts

\* \* \*

M1-1 Light Manufacturing District (High Performance)

M1-1D Light Manufacturing District (High Performance)

\* \* \*

M1-2D Light Manufacturing District (High Performance)

\* \* \*

M1-3D Light Manufacturing District (High Performance)

\* \* \*

M1-4D Light Manufacturing District (High Performance)

\* \* \*

M1-5D Light Manufacturing District (High Performance)

\* \* \*

41-00 GENERAL PURPOSES OF MANUFACTURING DISTRICTS

\* \* \*

(b) To provide, as far as possible, that such space will be available for use for manufacturing and related activities, and to protect residences by separating them from manufacturing activities and by **generally** prohibiting the use of such space for new residential development.

\* \* \*

(g) To protect light manufacturing and to encourage stability and growth in appropriate mixed-use areas by **permitting light manufacturing and controlled residential uses to co-exist where such uses are deemed compatible.**

(h) [g] To promote the most desirable use of land

\* \* \*

41-10 PURPOSES OF SPECIFIC MANUFACTURING DISTRICTS

41-11

**M1 Light Manufacturing Districts (High Performance)**

\* \* \*

New residential development is excluded from these districts, except for *joint living-work quarters for artists* in M1-5A and M1-5B Districts, [and] *dwelling units* in M1-5M and M1-6M Districts, and *dwelling units* in M1-1D, M1-2D, M1-3D, M1-4D, and M1-5D Districts where authorized by the City Planning Commission, both to protect residents from an undesirable environment and to ensure the reservation of adequate areas for industrial development.

\* \* \*

**Chapter 2 Use Regulations**

\* \* \*

42-03

**Residential Use**

- (a) In M1-1D, M1-2D, M1-3D, M1-4D, and M1-5D Districts, the *use regulations governing M1 Districts* shall apply, except that *residential uses* may be permitted by authorization of the City Planning Commission in accordance with the provisions of Section 42-47 (Residential Uses in M1-D Districts), subject to the regulations of Section 43-61 (Bulk Regulations for Residential Uses in M1-D Districts) and Section 44-27 (Parking Regulations for Residential Uses in M1-D Districts).

\* \* \*

**42-40 SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES**

\* \* \*

42-47

**Residential Uses in M1-D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D, and M1-5D Districts, new *residences* or *residential enlargements* may be permitted by authorization of the City Planning Commission provided the *zoning lot* existing on June 20, 1988 meets the criteria of paragraph (a), (b), or (c) below.

- (a) On *zoning lots* containing *residential* or *community facility uses*, new *residences* or *residential enlargements* may be authorized provided:
- (1) the *zoning lot* contains a *building* which has one or more *stories* of *lawful residential* or *community facility uses* and no more than one *story* of *commercial* or *manufacturing uses* therein, and

- (2) **the zoning lot contains no other commercial or manufacturing uses, and**
  - (3) **25 percent or more of the aggregate length of the block fronts on both sides of the street facing each other is occupied by zoning lots containing residential or community facility uses.**
- (b) **On vacant zoning lots, new residences may be authorized provided:**
- (1) **the zoning lot has been vacant continuously since June 20, 1988 or has been vacant continuously for five years prior to the date of application for such authorization, and**
  - (2) **a zoning lot abutting on one side lot line and fronting on the same street is occupied by a residential or community facility building, and**
  - (3) **either of the following conditions exist:**
    - (i) **such vacant zoning lot and any contiguous vacant zoning lots and land with minor improvements fronting on the same street aggregate no more than 10,000 square feet of lot area, and 50 percent or more of the aggregate length of the block fronts on both sides of the street facing each other is occupied by zoning lots containing residential or community facility uses, or**
    - (ii) **such vacant zoning lot and any contiguous vacant zoning lots and land with minor improvements fronting on the same street aggregate no more than 5,000 square feet of lot area, and 25 percent or more of the aggregate length of the block fronts on both sides of the street facing each other is occupied by zoning lots containing residential or community facility uses**
- (c) **On land with minor improvements, new residences may be authorized provided**
- (1) **such land with minor improvements otherwise meets all the criteria for vacant zoning lots listed in paragraph (b) above, except that**
  - (2) **new residential use shall not be authorized on land with minor improvements that is used for parking, storage, or processing in connection with a conforming enclosed commercial or manufacturing use within the district, or that has been so used within five years prior to the date of application, unless such land has not been so used since June 20, 1988.**
- (d) **In determining eligibility for residential use pursuant to paragraphs (a), (b) or (c) above, the following regulations shall be applicable:**

- (1) In order to determine whether a *corner lot* meets the criteria of paragraph (a), (b) or (c) above, the aggregate length of the *block fronts* occupied by *zoning lots* that contain *residential* or *community facility uses* may be measured along any *block front* upon which such *corner lot* has frontage.
- (2) In determining the percent of the aggregate length of the *block fronts* occupied by *zoning lots* that contain *residential* or *community facility uses*, the length along the *block front* of every *zoning lot*, whether occupied or not, shall be measured and aggregated, and this total shall be divided by the aggregate length of the *block fronts* occupied by *zoning lots* containing lawful *residential* or *community facility uses*. Vacant *zoning lots* and *land with minor improvements* shall not be counted as *residential* or *community facility frontage*.

For the purpose of this section, the length along the *block front* of any *zoning lot* occupied by a *building* that contains one or more *stories* of *residential* or *community facility use* and no more than one *story* of *commercial* or *manufacturing use* shall be considered as a frontage of *residential* or *community facility uses*, and the length along the *block front* of any *zoning lot* occupied by a *building* that contains one or more *stories* of *residential* or *community facility use* and more than one *story* of *commercial* or *manufacturing uses* shall be considered as a frontage of *commercial* or *manufacturing uses*.

- (3) New *residential use* shall not be authorized on any *floor area* that is vacant or that is occupied by a *commercial* or *manufacturing use*, except that in a *building designed for residential use* where at least 50 percent of the *floor area* is occupied by *residential use*, the *residential use* may be extended.
- (4) In any *building*, no *residential use* may be located on or below a *story* occupied by a *commercial* or *manufacturing use*.
- (5) For the purposes of this section, a *through lot* fronting on no more than two *streets* shall be treated as if it consisted of two separate *zoning lots* with abutting *rear lot lines* at a line midway between the two *street lines* upon which such *through lot* fronts. In the case of a *through lot* that fronts on more than two *streets*, the *through lot* portion shall first be considered as if it were so divided, and then any remaining portion shall be considered as if it were a separate *zoning lot*. Notwithstanding, in no event shall contiguous portions of a *through lot* that front on the same *street* be treated as if they were separate *zoning lots*.

Each resulting portion of such *through lot* on each *street* frontage shall be considered separately to determine whether it meets the criteria for new *residences* set forth in paragraphs (a), (b) or (c) above, and only on such portion may new *residences* or *residential enlargements* be authorized. Only the *lot area* of such portion shall be calculated in determining the permitted amount of *floor area* to be authorized pursuant to this Section.

- (e) In authorizing such *residential uses*, the Commission shall find that:
- (1) the *residential uses* will not be exposed to excessive noise, smoke, dust, noxious odor, toxic materials, safety hazards, or other adverse impacts from current or previous *commercial* or *manufacturing uses*,
  - (2) there are no open *uses* listed in Use Group 18 within 400 feet of the *zoning lot*,
  - (3) the *residential uses* will not adversely affect *commercial* or *manufacturing uses* in the District, and
  - (4) the authorization will not alter the essential character of the neighborhood or district in which the *use* is located, nor impair the future *use* or *development* of *commercial* and *manufacturing zoning lots*.

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

*Residential uses* authorized pursuant to this Section shall be subject to the regulations of Section 43-61 (Bulk Regulations for Residential Uses in M1-D Districts) and Section 44-27 (Parking Regulations for Residential Uses in M1-D Districts).

Regulations governing other *residential uses* in M1-D Districts are set forth in Article V, Chapter 2 (Non-conforming Uses).

*Residential uses* in M1-D Districts may *enlarge* pursuant to the regulations of Section 52-46 (Conforming and Non-conforming Residential Uses in M1-D Districts) or of this Section.

\* \* \*

Chapter 3 Bulk Regulations

43-00 APPLICABILITY AND GENERAL PROVISIONS

43-01

Applicability of this Chapter.

\* \* \*

In M1-1D, M1-2D, M1-3D, M1-4D, and M1-5D Districts, the *bulk* regulations governing M1 Districts shall apply to *community facility, commercial, and manufacturing uses*, and the regulations of Section 43-61 (Bulk Regulations for Residential Uses in M1-D Districts) shall apply to *residential uses* authorized pursuant to Section 42-47 (Residential Uses in M1-D Districts).

#### 43-10 FLOOR AREA REGULATIONS

\* \* \*

#### 43-12

##### Maximum Floor Area Ratio

In all districts, as indicated, for any *building* on any *zoning lot*, the maximum *floor area ratio* shall not exceed the *floor area ratio* set forth in the following table, except as otherwise provided in the following Sections:

\* \* \*

(table)

#### Section 43-61 (Bulk Regulations for Residential Uses in M1-D Districts)

\* \* \*

#### 43-122

##### Maximum floor area ratio for community facility buildings

\* \* \*

In M1-1D, M1-2D, M1-3D, M1-4D, and M1-5D Districts, for any *building* used partly for *residential use* and partly for *community facility use*, the total *floor area* used for *residential use* shall not exceed the amount permitted in Section 43-61 (Bulk Regulations for Residential Uses in M1-D Districts).

\* \* \*

#### 43-60 SUPPLEMENTARY REGULATIONS

##### 43-61 Bulk Regulations for Residential Uses in M1-D Districts

The following regulations shall apply to any new *building* or *residential enlargement* authorized pursuant to Section 42-47 (Residential Uses in M1-D Districts):

- (a) The total amount of *residential floor area* permitted in any *building* shall not exceed a *floor area ratio* of 1.65.

In *buildings* used partly for *residential use* and partly for *community facility, manufacturing or commercial use*, the maximum *floor area* shall be the maximum *floor area* permitted for either the *commercial or manufacturing* portion of such *building* as set forth in Sections 43-12 through



43-15, or the *community facility* portion of such *building* as set forth in Section 43-122, or the *residential* portion of such *building* as set forth in this Section, whichever permits the greatest amount of *floor area*. In *buildings* used partly for *residential use* and partly for *manufacturing or commercial use*, the total *floor area* used for *manufacturing or commercial use* shall not exceed the amount permitted by Sections 43-12 through 43-15.

- (b) There shall be no more than one *dwelling unit* for every 675 square feet of total net *residential floor area* as defined in Section 28-02.
- (c) The maximum height above *curb level* shall be 32 feet for any new *residential building* or *enlarged portion*.
- (d) No *residential building* or *residential enlargement* shall be permitted within 30 feet of the *rear lot line*.
- (e) The maximum distance from the *street line* to the *street wall* of any new *building* developed pursuant to this Section shall be ten feet, unless modified by the Commission pursuant to Section 44-27 (Parking Regulations for Residential Uses in M1-D Districts).
- (f) No *side yards* shall be required. However, if any open area extending along a *side lot line* is provided at any level it shall have a width of not less than eight feet. However, *enlargements* of *single-family* or *two-family residences* existing as of June 20, 1988 shall be exempt from this requirement, provided such *enlarged building* does not exceed a height of two *stories*.

#### Chapter 4

#### Accessory Off-Street Parking and Loading Regulations

\* \* \*

#### 44-02

#### Applicability

\* \* \*

#### 44-023

#### Applicability of regulations in M1-D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the parking regulations governing M1 Districts shall apply to *manufacturing, commercial or community facility uses*, and the regulations of Section 44-27 (Parking Regulations for Residential Uses in M1-D Districts) shall apply to *residential uses* authorized pursuant to Section 42-47 (Residential Uses in M1-D Districts).

\* \* \*

**44-27**

**Parking Regulations for Residential Uses in M1-D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the regulations of this section shall apply to *residential uses* authorized pursuant to section 42-47 (Residential Uses in M1-D Districts).

- (a) In M1-D Districts, for any new *residential building* authorized pursuant to Section 42-47, one *accessory* parking space shall be provided for each *dwelling unit*. The Commission may reduce this requirement if the commission determines that there is sufficient on-street parking space available to meet the needs of the new *development*.

Access to such required *accessory* parking shall be designed so as to minimize any adverse effect upon the availability of on-street parking and loading for conforming *manufacturing* and *commercial uses*. If necessary, in order to implement this requirement, the Commission may modify the ten foot maximum setback requirement of paragraph (e) of Section 43-61 (Bulk Regulations for Residential Uses in M1-D Districts).

- (b) In M1-2D, M1-3D, M1-4D and M1-5D Districts, *accessory* parking shall not be permitted except when authorized by the City Planning Commission.

The Commission may authorize *accessory parking* provided:

- (1) the *zoning lot* extends 40 feet or more along the *street line*,
- (2) the curb cut extends no more than 15 feet along the *street line* and provides access to a *group parking facility* of five or more *accessory off-street parking spaces*, and

the Commission determines that such curb cut will not adversely affect the availability of on-street parking and loading for conforming *manufacturing* and *commercial uses*.

\* \* \*

**Article V**

**Non-Conforming Uses and Non-Complying Buildings**

\* \* \*

**52-22**

**Structural Alterations**

No structural alterations shall be made in a *building or other structure* substantially occupied by a *non-conforming use*, except when made:

\* \* \*

- (d) In the course of an *enlargement* permitted under the provisions of Sections 52-41 to 52-[43]46, inclusive,

\* \* \*

#### 52-46

##### Conforming and Non-conforming Residential Uses in M1-D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, a *building* containing conforming or *non-conforming residential uses* may be *enlarged* and the *residential uses extended* thereby, provided that no *non-residential uses* exist above the level of the first *story* ceiling.

Such *enlargement* is subject to all of the following regulations:

- (1) There shall be no increase in the number of *dwelling units* in the *building* beyond the lawful number in existence on (the effective date of this amendment).
- (2) The total amount of *residential floor area* in the *building* shall not exceed 500 square feet additional to the *residential floor area* in existence on (the effective date of this amendment) or a *floor area ratio* of 1.65, whichever is less.
- (3) No *residential enlargement* shall be permitted within 30 feet of the *rear lot line*.
- (4) No *enlarged* portion shall exceed a height of 32 feet above *curb level*.
- (5) No *side yards* shall be required. However, if any open area extending along a *side lot line* is provided at any level it shall have a width of not less than eight feet. However, *enlargements of single-family or two-family residences* existing as of June 20, 1988 shall be exempt from this requirement, provided such *enlarged building* does not exceed a height of two *stories*.

*Enlargements* in excess of those permitted above, and *enlargements* that create additional *dwelling units* may be permitted by authorization of the City Planning Commission pursuant to the regulations of Section 42-47 (Residential Uses in M1-D Districts).

#### 52-50 DAMAGE OR DESTRUCTION

#### 52-51

##### General Provisions

Except as set forth in Sections 52-81 to 52-83, inclusive, relating to Regulations Applying to Non-Conforming Signs, if a *non-conforming building or other structure* is damaged or destroyed, the provisions set forth in Section 52-52 to 52-[55] 56, inclusive, shall apply.

\* \* \*

**52-53**

**Buildings or Other Structures in All Districts**

**52-531**

**Permitted reconstruction or continued use**

In all districts, in any *building*, except a *building* subject to the provisions of Section 52-54 (Buildings Designed for Residential Use in Residence Districts), or of Section 52-56 (Multiple Dwellings in M1-D Districts), which is substantially occupied by a *non-conforming use* is damaged or destroyed by any means, including any demolition as set forth in sections 52-50 et seq., to the extent of 50 percent or more of its total *floor area*, such *building* may either:

\* \* \*

For the purposes of this Section, any *single-family* or *two-family residence* located within an M1-1D, M1-2D, M1-3D, M1-4D or M1-5D District and existing on June 20, 1988 shall be a *conforming use*.

\* \* \*

**52-56**

**Multiple Dwellings in M1-D Districts**

In the case of damage or destruction of less than 75 percent of the total *floor area* of a *non-conforming residential building* containing three or more *dwelling units* in an M1-1D, M1-2D, M1-3D, M1-4D or M1-5D District, such *building* may be repaired or reconstructed, and its *residential use* continued, subject to the following regulations:

- (a) There shall be no increase in the number of *dwelling units* in the *building* beyond the lawful number in existence prior to such damage and destruction; and
- (b) There shall be no increase to the pre-existing amount of *floor area* except as expressly provided in Section 52-46 (Conforming and Non-conforming Residential Uses in M1-D Districts).

*Enlargements* in excess of those permitted above, and *enlargements* that create additional *dwelling units* may be permitted by authorization of the City Planning Commission pursuant to the regulations of Section 42-47 (Residential Uses in M1-D Districts).

\* \* \*

**52-60 DISCONTINUANCE**

\* \* \*

**52-62 Residential Buildings in M1-D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D or M1-5D Districts, vacant *floor area* in a *building* originally designed as *dwelling units* or *rooming units* may be occupied by a *residential use* provided that the requirements of either paragraph (a) or (b) are met.

(a) *Residential uses* in such *buildings* may be reactivated as-of-right, provided:

- (1) the *floor area* has been continuously vacant for two years or more;
- (2) the *street line* of the *zoning lot* upon which the discontinued *building* stands does not exceed 60 feet in length (or, in the case of a *corner lot*, the *lot area* does not exceed 6800 square feet); and
- (3) the *zoning lots* abutting on both *side lot lines* and fronting on the same *street* (or *streets*, if a *corner lot*) are occupied by *buildings* designed for *residential use* and contain no *manufacturing uses*.

(b) *Residential uses* in such *buildings* may be reactivated by authorization of the City Planning Commission, provided;

- (1) the *floor area* has been continuously vacant for two years or more;
- (2) the *street line* of the *zoning lot* upon which the discontinued *building* stands does not form a continuous frontage with vacant land or *land with minor improvements* whose aggregate length exceeds 60 feet (or, in the case of a *corner lot*, the *lot area* does not exceed 6800 square feet); and
- (3) the *zoning lot* abutting on one *side lot line* and fronting on the same *street* is occupied by either
  - (i) a *building* designed for *residential use* or a *community facility building*, or
  - (ii) a *building* originally designed as *dwelling units* or *rooming units* for which an application to reactivate *residential use* in such *building* has been combined with the subject application;
- (4) 25 percent or more of the aggregate length of the *block fronts* on both sides of the *street* facing each other is occupied by *zoning lots* containing *residential* or *community facility buildings*; and
- (5) the Commission finds that:
  - (i) reactivating the *residential use* will not adversely affect *manufacturing* or *commercial uses* in the district, and
  - (ii) such *residential use* will not be exposed to excessive noise, smoke, dust, noxious odor, or other adverse impacts from *manufacturing* or *commercial uses*.

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

The number of *dwelling units* permitted in such reactivated *residential building* shall not exceed the greater of: the number of lawful *dwelling units* last recorded by the Department of Buildings, or one *dwelling unit* for every 675 square feet of total net *residential floor area* as defined in Section 28-02.

No *dwelling unit* shall be permitted on or below a *story* occupied by a *commercial* or *manufacturing use*.

*Residential uses* in M1-D Districts may enlarge pursuant to the regulations of Section 52-46 (Conforming and Non-conforming Residential Uses in M1-D Districts) or of Section 42-47 (Residential Uses in M1-D Districts) as applicable.

(On September 20, 1989, Cal. No. 19, the Commission scheduled October 4, 1989, for a public hearing. On October 4, 1989 Cal. No. 19, the hearing was closed.)

For consideration.