

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, SEPTEMBER 25, 1996
10:00 A.M. CITY HALL
NEW YORK, NEW YORK 10007**

**Lois McDaniel, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO	C.P.C. ACTION	CAL NO.	ULURP NO.	CD NO	C.P.C. ACTION	
1	C 910136 MMK	18	Scheduled to be Heard 10/9/96	19	C 960433 DMQ	10	Hearing Closed	
2	C 960550 PPK	5	" "	20	C 960619 ZMX	7	" "	
3	C 960133 PSM	10	" "	21	C 960620 ZMQ	10	Withdrawn	
4	C 950068 PPQ	11	" "	22	N 960530 ZRY	cw	Hearing Closed	
5	C 940391 PPR	1	" "	23	N 960530(A) ZRY	cw	" "	
6	C 940674 PPR	1	" "	NOTICE				
7	C 960539 PPX	3	Hearing Closed	24	C 940144 MMX	1	Favorable Report Adopted	
8	C 960503 DMX	6	" "	25	C 940469 ZMX	1	" "	
9	C 960402 MMK	1	" "	26	C 940466 HUX	1	" "	
10	C 960403 MLK	1	" "	27	C 940467 HUX	1	" "	
11	C 960404 PCK	1	" "	28	C 940468 HDX	1	" "	
12	C 960510 PPK	5	" "	29	N 970104 PXX	11	" "	
13	C 950303 MRK	13	" "	30	C 960135 PCK	4	" "	
14	C 940421 PPM	11	" "	31	C 960499 DMK	5	" "	
15	C 950614 ZSM	2	" "	32	C 960391 HUK	8	" "	
16	C 960602 ZSM	2	" "	33	C 960392 HDK	8	" "	
17	C 960531 DMM	10	" "	34	C 960393 HDK	8	" "	
18	C 960474 HAM	3	" "	35	C 960445 HAK	4	" "	

COMMISSION ATTENDANCE:		Present (P)	COMMISSION VOTING RECORD:													
		Absent (A)	In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:			24	25	26	27	28	29	30	31	32	33	34	35	36	37
Joseph B. Rose, Chairman		P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Victor G. Alicea, Vice Chairman		P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Albert Abney		P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	W
Angela M. Battaglia		P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	I
Amanda M. Burden, A.I.C.P.		P	AB	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	T
Irwin Cantor, P.E.		P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	H
Kathy Hirata Chin, Esq.		P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	D
Alexander Garvin		P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	R
Anthony I. Giacobbe, Esq.		P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A
William J. Grinker		A														W
Brenda Levin		P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Edward Rogowsky		P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Jacob B. Ward, Esq., Commissioners		P	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

MEETING ADJOURNED AT: 2:56 P.M.

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, SEPTEMBER 25, 1996

MEETING AT 10:00 A.M.
in
CITY HALL



Rudolph W. Giuliani, Mayor
City of New York
[No. 19]
Prepared by Lois McDaniel, Calendar Officer

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

NOTE - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: first in Section I, (Scheduling Dates for Future Public Hearings), second in Section II, (Public Hearings), and third in Section III, (Reports). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

CALENDARS: Any member of a Community Board, any civic association or non-profit organization may write the Calendar Officer of the Commission to be placed on the mailing list to receive the Comprehensive City Planning Commission Calendar which consists of the City Planning Commission Public Meeting Calendar, Supplemental Calendar and Special Meeting Calendar, and Community Board Public Hearing Notices. Calendars are also available to the public in the Calendar Information Office, 22 Reade Street, Room 2E, New York, N.Y. 10007. Any other individual or organization wishing to be placed on the calendar mailing list may do so by sending a certified check, made out to the City of New York -- Department of City Planning to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216. The fee, including tax, is \$64.95 for a two year subscription.

For Calendar Information: call (212) 720-3368, 3369, 3370.

Note to Subscribers: Notify us of change of address by writing to:

**City Planning Commission
Calendar Information Office
22 Reade Street - Room 2E
New York, New York 10007-1216**

B
CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

JOSEPH B. ROSE, *Chairman*
VICTOR G. ALICEA, *Vice-Chairman*
ALBERT ABNEY
ANGELA M. BATTAGLIA
AMANDA M. BURDEN, A.I.C.P.
IRWIN G. CANTOR, *P.E.*
KATHY HIRATA CHIN, *Esq.*
ALEXANDER GARVIN
ANTHONY I. GIACOBBE, *Esq.*
WILLIAM J. GRINKER
BRENDA LEVIN
EDWARD T. ROGOWSKY
JACOB B. WARD, *Esq., Commissioners*
LOIS MCDANIEL, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a. m. in City Hall, Manhattan, unless otherwise ordered.

ORDER OF BUSINESS AND INDEX

WEDNESDAY, SEPTEMBER 25, 1996

Roll Call; approval of minutes	1
I. Scheduling October 9, 1996	1
II. Public Hearings	4
IV. Reports	142

**Community Board Public Hearing Notices are available in the
Calendar Information Office, Room 2E, 22 Reade Street,
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for October 9, 1996 in the City Hall, Room 16, Manhattan, New York at 1:00 P.M.

GENERAL INFORMATION

HOW TO PARTICIPATE:

Signing up to speak: Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be call in the order these slips are submitted, with the exception that public officials and Community Board Chairpersons will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in opposition and those speaking in support of the proposal.

Length of Testimony: In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Written Comments: If you intend to submit a written statement and/or other documents please submit 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

CITY PLANNING COMMISSION
Calendar Information Office - Room 2E
22 Reade Street, New York, N.Y. 10007

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ Identification No.: _____ CB No.: _____

Position:

Opposed _____

In Favor _____

Comments: _____

Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

WEDNESDAY, SEPTEMBER 25, 1996

**APPROVAL OF MINUTES OF Regular Meeting of September 11, 1996
and Special Meeting of September 9, 1996**

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, OCTOBER 9, 1996
STARTING AT 10:00 A.M.
IN CITY HALL
NEW YORK, NEW YORK**

BOROUGH OF BROOKLYN

No. 1

CD 18

C 910136 MMK

IN THE MATTER OF an application submitted by Troy Realty Company pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving the elimination, discontinuance and closing of East 43rd Street from Avenue H to the Long Island Railroad (Bay Ridge Division) right-of-way, the adjustment of grades necessitated thereby, the adjustment of block dimensions in the vicinity thereof, and any acquisition or disposition of property related thereto, in accordance with Map Nos. X-2578 and N-2579 dated April 16, 1992, respectively, and signed by the Borough President.

Resolution for adoption scheduling October 9, 1996 for a public hearing.

No. 2

CD 5

C 960550 PPK

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter for the disposition of ten (10) city-owned properties pursuant to zoning.

A list and description of the properties can be seen in the Brooklyn Office of the Department of City Planning, 16 Court Street, 7th Floor, Brooklyn, N.Y. 11241.

Resolution for adoption scheduling October 9, 1996 for a public hearing.

BOROUGH OF MANHATTAN

No. 3

CD 10

C 960133 PSM

IN THE MATTER OF an application submitted by the Police Department and the Department of General Services, pursuant to Section 197-c of the New York City Charter for site selection of property located at 275/77 West 134th Street a/k/a 2510/16 Frederick Douglas Boulevard (Block 1940, Lots 1 and 5); 261/65 West 134th Street (Block 1940, Lot 8); and 251 West 134th Street (Block 1940, Lot 13) for use as parking lots.

Resolution for adoption scheduling October 9, 1996 for a public hearing.

BOROUGH OF QUEENS

No. 4

CD 11

C 950068 PPQ

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 66-23 242nd Street (Block 8286, Lot 4019), restricted to accessory residential parking in accordance with Section 25-40 of the Zoning Resolution.

Resolution for adoption scheduling October 9, 1996 for a public hearing.

BOROUGH OF STATEN ISLAND

No. 5

CD 1

C 940391 PPR

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the disposition of eight (8) city-owned properties pursuant to zoning.

A list and description of the properties can be seen at the Department of City Planning, 56 Bay Street, 6th Floor, Staten Island, New York 10301.

Resolution for adoption scheduling October 9, 1996 for a public hearing.

No. 6

CD 1

C 940674 PPR

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the disposition of:

1. **One (1) city-owned property, located on the west side of Woodward Avenue approximately 100 feet north of North Gannon Avenue (Block 749, Lot 52), pursuant to AHOP. If AHOP disposition is unsuccessful, disposition would be pursuant to zoning.**
2. **Three (3) city-owned properties pursuant to zoning:**

<u>Block</u>	<u>Lot</u>	<u>Address</u>
1	6	155 Bay Street
1	8	153 Bay Street
1	9	151 Bay Street

Resolution for adoption scheduling October 9, 1996 for a public hearing.

II. PUBLIC HEARINGS

BOROUGH OF THE BRONX

No. 7

CD 3

C 960539 PPX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of General Services pursuant to Section 197-c of the New York City Charter, for the disposition of ten (10) city-owned properties pursuant to zoning.

A list and description of the properties may be seen at the Bronx Office of the Department of City Planning, One Fordham Plaza, 5th Floor, Bronx, NY 10458.

(On September 11, 1996, Cal. No. 1, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

No. 8

CD 6

C 960503 DMX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of General Services pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 666 E. Fordham Road (Block 3091, Lot 24), pursuant to zoning.

(On September 11, 1996, Cal. No. 2, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF BROOKLYN

Nos. 9, 10 and 11

(Applications for an amendment to the City Map, to landfill a portion of Whale Creek Canal, and site selection and acquisition of property to facilitate the enlargement of an existing water pollution control plant)

No. 9

CD 1

C 960402 MMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Environmental Protection, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an **amendment to the City Map involving:**

- the elimination, discontinuance and closing of Freeman Street from Provost Street to the Marginal Street, Wharf or Place,
- the elimination, discontinuance and closing of North Henry Street from Greenpoint Avenue to Kingsland Avenue,
- the widening of Kingsland Avenue from North Henry Street to Greenpoint Avenue and
- the modification of the Waterfront Plan by:
 - the elimination, discontinuance and closing of the Marginal Street, Wharf or Place along the westerly side of Whale Creek Canal from its southerly end to the U.S. Pierhead and Bulkhead Line of Newtown Creek and
 - the elimination of the Pier along the easterly side of Whale Creek Canal from Kingsland Avenue to the U.S. Pierhead and Bulkhead Line of Newtown Creek and

any changes in grade necessitated thereby, and any acquisition or disposition of property related thereto, all in accordance with Map Nos. X-2680 and X-2681, dated May 23, 1996 and signed by the Borough President.

(On September 11, 1996, Cal. No. 3, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

No. 10

CD 1

C 960403 MLK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Environmental Protection, pursuant to Section 197-c of the New York City Charter, to landfill a portion of the westerly side of Whale Creek Canal to facilitate the enlargement of an existing water pollution control plant.

(On September 11, 1996, Cal. No. 4, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

No. 11

CD 1

C 960404 PCK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of General Services, pursuant to Section 197-c of the New York City Charter, for site selection and acquisition of property generally bounded by Kingsland Avenue, Greenpoint Avenue, Provost Street, Paidge Avenue and Whale Creek Canal (Block 2527, Lot 2; Block 2491, Lots 101 and 201), to facilitate the enlargement of an existing water pollution control plant.

(On September 11, 1996, Cal. No. 5, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

NOTICE

On Wednesday, September 25, 1996 at 10:00 a.m. in City Hall, New York, a public hearing is being held by the Department of Environmental Protection (DEP) in conjunction with the above ULURP hearings to receive comments related to the Draft Environmental Impact Statement (DEIS) concerning the upgrade of the Newtown Creek Water Pollution Control Plant, pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Act (CEQR) CEQR No. 95DEP205K.

No. 12

CD 5

C 960510 PPK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the disposition of five (5) city-owned properties pursuant to zoning.

<u>Block</u>	<u>Lot</u>	<u>Location</u>
3705	1	419-421 Glenmore Avenue
3705	2	253 New Jersey Avenue
3705	28	228 Vermont Street
3705	29	230 Vermont Street
3705	42	423 Glenmore Avenue

(On September 11, 1996, Cal. No. 6, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

No. 13

CD 13

C 950303 MEK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Supermarkets General Corp., pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving a modification of the existing permanent sewer easement, and any acquisition or disposition of property related thereto, all in accordance with Map No. X-2623, dated May 15, 1996 and signed by the Borough President.

(On September 11, 1996, Cal. No. 7, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN

No. 14

CD 11

C 940421 PPM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the disposition of:

1. Five (5) city-owned properties pursuant to zoning; and
2. One (1) city-owned property pursuant to AHOP. If unsuccessful, disposition would be pursuant to zoning.

A list and description of the properties can be seen in the Manhattan Office of the Department of City Planning, 22 Reade Street, 6th Floor, New York, NY 10007.

(On September 11, 1996, Cal. No. 8, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 15 and 16

(Applications for the grant of special permits to allow a large retail establishment and to modify the requirements of Section 42-14(D)(2)(b) to allow Use Group 10A Uses below the floor level of the second story of a 12 story-building)

No. 15

CD 2

C 950614 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by National Wholesale Liquidators pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow a large retail establishment (Use Group 10A) with no limitation on floor area in the subcellar and cellar, and on the ground floor and second floor of an existing 12-story building located at 632-634 Broadway (Block 522, Lot 10), in an M1-5B District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On September 11, 1996, Cal. No. 9, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

 No. 16

CD 2

C 960602 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by National Wholesale Liquidators pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements of Section 42-14(D)(2)(b) to allow Use Group 10A uses below the floor level of the second story of an existing 12-story building located at 632-634 Broadway (Block 522, Lot 10), in an M1-5B District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On September 11, 1996, Cal. No. 10, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

No. 17

CD 10

C 960531 DMM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property, located at 245 West 137th Street (Block 2023, Lot 12) pursuant to zoning.

(On September 11, 1996, Cal. No. 11, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

No. 18

CD 3

C 960474 HAM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1) pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State for:

a) **the designation of 108-110 Norfolk Street (Block 353, lots 52 and 53), located on the east side of Norfolk Street, between Rivington and Delancey streets, as an Urban Development Action Area;**

b) **an Urban Development Action Area Project for such area; and**

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be approved by HPD.

Approval of the proposed actions would facilitate the construction of a development containing 23 apartments in a seven story-elevator building, one apartment for the superintendent, and community facility space, financed by the New York State Housing Trust Fund Corporation and the Enterprise Social Investment Corporation.

(On September 11, 1996, Cal. No. 12, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF QUEENS

No. 19

CD 10

C 960433 DMQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 132-03 120th Avenue (Block 11695, Lot 9) pursuant to zoning.

(On September 11, 1996, Cal. No. 13, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

No. 20

CD 7

C 960619 ZMQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a, changing from an M1-1 District to a C3 District property bounded by a line 100 feet south of 23rd Avenue and its westerly prolongation, 120th Street, 25th Avenue and its westerly prolongation, and the U.S. Pierhead Line of Flushing Bay, as shown on a diagram (for illustrative purposes only) dated June 17, 1996, and subject to the conditions of CEQR Declaration E-76.

(On September 11, 1996, Cal. No. 14, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

No. 21

CD 10

C 960620 ZMQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18a, establishing within an existing R4 District a C1-2 District bounded by Sutter Avenue, a line 100 feet westerly of Cross Bay Boulevard, Silver Road, Cross Bay Boulevard, the northeasterly prolongation of a line perpendicular to the northeasterly street line of Desarc Road distant 175 feet northwesterly from the intersection of the westerly street line of Cross Bay Boulevard and the northeasterly street line of Desarc Road, Gold Road, Cross Bay Boulevard, 134th Avenue, a line 100 feet easterly of Cross Bay Boulevard, 133rd Avenue and Cross Bay Boulevard, as shown on a diagram (for illustrative purposes only) dated June 17, 1996.

(On September 11, 1996, Cal. No. 15, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.)

WITHDRAWN.

CITYWIDE

Nos. 22 and 23

(Amendments to the Zoning Resolution and proposed modification concerning the Retail and Industrial Text)

No. 22

Citywide

N 960530 ZRY

CONTINUED PUBLIC HEARING:

IN THE MATTER OF Amendments to the Zoning Resolution concerning modifications of various sections of the Zoning Resolution in manufacturing, commercial and mixed use districts. Changes would facilitate the retention and expansion of light industrial activities and the improvement and enlargement of retail activities.

Matter in ~~Graytone~~ is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

... indicate unchanged text omitted within a paragraph;

* * * indicate where unchanged text appears in the Zoning Resolution

Article 1

Chapter 2 Construction of Language and Definitions

* * *

12-10 (10/25/95)

Definitions

* * *

Accessory use, or accessory (10/25/93)

* * *

An "accessory use" includes:

~~.....~~ * * *

(u) Retail ~~uses~~ in ~~wholesale~~ and ~~warehouse~~ establishments, but only to the extent retail sales areas comprise no more than ten percent of the ~~floor area~~ of the establishment or, for open ~~uses~~, ten percent of the ~~lot area~~, provided the total ~~floor area~~, or ~~lot area~~ where applicable, for such retail ~~uses~~ does not exceed 5,000 square feet.

(v) Retail sales of garden supplies, open or enclosed

* * *

Industrial Loft Advisory Council

The "Industrial Loft Advisory Council" shall be the council in the Mayor's Office for Economic Development created by Executive Order of the Mayor and composed of representatives of local industry, which may advise the Mayor, the City Planning Commission and its Chairperson, or the Board of Standards and Appeals concerning applications pursuant to the Zoning Resolution. The ILAC shall be an interested party for the purpose of Section 668(e) of the New York City Charter.

* * *

Warehouse

A ~~warehouse~~ is a ~~use~~ limited to the storage of goods.

* * *

Wholesale use, or wholesale

A ~~wholesale use~~ is a ~~use~~ limited to the selling of merchandise for further distribution to retailers, industrial or commercial businesses, institutions, construction contractors, professional businesses, or to other wholesalers. Where ~~wholesale~~ is used in the text, it shall have the same meaning as ~~wholesale use~~.

* * *

**Chapter 5
Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens**

* * *

15-02 (4/9/81)
General Provisions

15-021 (9/25/86)

Special use regulations

* * *

- (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~~ which did not contain ~~dwelling units~~ erected prior to December 15, 1961, subject to the provisions of Section 32-42 (Location within Buildings). ~~Use Group 17B uses~~ are permitted in formerly ~~residential buildings~~ where ~~residential use~~ of all ~~dwelling units~~ has been discontinued.

* * *

- (e) In C6-1G and C6-2G Districts, all new ~~dwelling units~~ in all manufacturing and ~~commercial buildings~~ except police stations, courthouses and fire houses, or portions thereof, erected prior to December 15, 1961, shall be provided with a minimum 40dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A) or less with windows closed. Therefore, an alternate means of ventilation is required. ~~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.

* * *

15-40 (4/9/81)

SPECIAL PERMIT

15-41 (2/11/92)

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

In ~~C6-1G, C6-2G~~, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of Section ~~15-021~~ paragraph (e) or 15-21 in accordance with the provisions of Section 74-711 (Landmark preservation in all districts) or 74-782 (Residential conversion and ~~joint living work quarters for artists~~ in ~~C6-1G, C6-2G~~, C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts).

* * *

Article III
Commercial District Regulations

Chapter 2
Use Regulations

* * *

32-00 (10/25/95)
GENERAL PROVISIONS

* * *

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 M1 Districts as set forth in Sections 42-20 and 42-28 inclusive, relating to Performance Standards. Such #uses# may be #extended# within #buildings#.

In C6-1G and C6-2G Districts, in #buildings# erected prior to December 15, 1961, and which did not contain #dwelling units# prior to that date, the following manufacturing #uses#, as listed in Use Group 17B, shall be considered conforming and are permitted as-of-right, subject to the provisions of Section 32-42 (Location within Buildings):

Apparel or other textile products from fabric or other materials, including hat bodies, or similar products

Electronic equipment, including computers and audio and video equipment

Food products, except slaughtering of meat or preparation of fish for packing

Fur goods, not including tanning or dyeing

Hair, felt or feather products, except washing, curing or dyeing

Hosiery

Leather products, including shoes, machine belting or similar products

Luggage

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils or similar products

Plastic products, including tableware, phonograph records, buttons or similar products

* * *

32-15 (10/25/93)

Use Group 6

C1 C2 C4 C5 C6 C8

Use Group 6 consists primarily of retail stores and personal service establishments which:

- (1) provide for a wide variety of local consumer needs; and
- (2) have a small service area and are, therefore, distributed widely throughout the City.

Public service establishments serving small areas are also included. Retail and service establishments are listed in two sub-groups, both of which are permitted in all C1 Districts.

The #uses# listed in A below are also permitted within #large-scale residential developments# to provide daily convenience shopping for residents of the #development#.

A. Convenience Retail or Service Establishments

Bakeries, provided that #floor area# used for production shall be limited to 750 5,000 square feet per establishment, except that in C1 Districts, or when such #use# is permitted within #large scale residential developments# in #Residence Districts#, the #floor area# shall be limited to 750 square feet per establishment [PRC-B]

Barber shops [PRC-B]

* * *

32-16 (8/17/90)

Use Group 7

C2 C6* C8

Use Group 7 consists primarily of home maintenance or repair services which:

- (1) fulfill recurrent needs of residents in nearby areas;
- (2) have a relatively small service area and are, therefore, widely distributed

throughout the City; and

- (3) are incompatible in primary retail districts since they break the continuity of retail frontage.

* * *

B. Retail or Service Establishments

Bicycle rental or repair shops [PRC-B1]

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, limited to 2,500 5,000 square feet of #floor area# per establishment [PRC-B1]

Exterminators [PRC-B1]

Funeral establishments [PRC-H]

Gun repairs [PRC-B1]

Monument sales establishments, with incidental processing to order, but not including the shaping of headstones [PRC-C]

Moving or storage offices with storage limited to items for retail sale and to 4,500 5,000 square feet of #floor area# per establishment [PRC-B1]

Refreshment stands, drive-in [PRC-H]

Sailmaking establishments [PRC-C]

Sign painting shops, limited to 2,500 5,000 square feet of #floor area# per establishment [PRC-B1]

Taxidermist shops [PRC-B1]

Trade embalmers [PRC-B1]

Venetian blind, window shade, or awning shops, custom, limited to 2,500 5,000 square feet of #floor area# per establishment [PRC-B1]

Window cleaning contractors' establishments, including floor waxing and other similar building maintenance services [PRC-B1]

C. Wholesale Establishments

Wholesale establishments, with not more than 1,500 ~~5,000~~ square feet of #accessory# storage per establishment [PRC-B1]

* * *

32-17 (10/25/95)

Use Group 8

C2 C4 C6 C8

Use Group 8 consists primarily of amusement or service establishments which:

- (1) are appropriate in local service districts to serve nearby #residential# areas; or
- (2) depend on a wide service radius and may appropriately be located in secondary or major commercial centers.

Since these establishments are generally patronized by customers for special purposes not associated with retail shopping, they are appropriate neither in local shopping areas nor in the restricted central commercial areas.

* * *

B. Retail or Service Establishments

* * *

Lumber stores, limited to 5,000 square feet of #floor area# per establishment exclusive of that #floor area# used for office and display areas, ~~and provided that not more than 400 square feet of #floor area# shall be used for cutting of lumber to size~~ [PRC-B1]

* * *

32-18 (10/25/93)

Use Group 9

C2 C4 C5 C6 C8

Use Group 9 consists primarily of business and other services which:

- (1) serve a large area and are, therefore, appropriate in secondary, major, or central commercial shopping areas, and
- (2) are also appropriate in local service districts, since these are typically located on the periphery of major or secondary centers.

A. Retail or Service Establishments

* * *

Plumbing, heating, or ventilating equipment showrooms, without repair facilities [PRC-B1]

* Printing establishments, limited to 2,500 3,000 square feet of #floor area# per establishment for production [PRC-B1]

* Public auction rooms [PRC-D]

* * *

B. Wholesale Establishments

Hair products for headwear, wholesaling including styling [PRC-B1]

Photographic developing or photographic printing establishments, limited to 2,500 3,000 square feet of #floor area# per establishment except that such #floor area# limitation shall not apply in C6 Districts, provided such #use# conforms to the performance standards for M1 Districts and to the applicable regulations of Chapter 19 (Fire Prevention Code) of the Administrative Code. [PRC-B1]

* * *

32-20 (12/15/61)

Use Group 11

C5 C6** C8

Use Group 11 consists of a few types of essentially custom manufacturing activities which:

- (1) benefit from a central location and are appropriate in the central business district;
- (2) generally do not create any significant objectionable influences; and
- (3) involve products characterized by a high ratio of value to bulk, so that truck traffic is kept to a minimum.

A. Manufacturing Establishments

* * *

- * Orthopedic or medical appliances, custom manufacturing [PRC-F]
- * Printing, custom, limited to ~~2,500~~ ~~5,000~~ square feet of #floor area# per establishment for production, provided that such #floor area# limitation shall not apply in C6 Districts [PRC-F]
- * Watchmaking [PRC-F]

B. Wholesale or Similar Establishments

- * Ship chandlers [PRC-F]
- * Wholesale establishments, with #accessory# storage limited to ~~2,500~~ ~~5,000~~ square feet of #floor area# per establishment, except that in C6-1G, C6-2G, C6-2M and C6-4M Districts, there is no #floor area# limit to #accessory# storage [PRC-B1]

* * *

32-422 (7/16/72)

Location of floors occupied by non-residential uses

C4 C5 C6

In the districts indicated, in any #building#, or portion of a #building# occupied by #residential uses# listed in Use Groups 1 or 2, non-#residential uses# listed in Use Groups 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, or 16 or 17, where permitted, pursuant to Section 32-00 (General Provisions), may be located only on a #story# below the lowest #story# occupied in whole or in part by such #residential uses#, except that this limitation shall not preclude the location of any such non-#residential use# below the level of the first #story# ceiling, or the extension of a permitted #business sign accessory# to such non-#residential use# to a maximum height of two feet above the level of the finished floor of the second #story#, but in no event higher than six inches below the lowest window sill on the second #story#.

* * *

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-292 (12/15/61)

Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of the #rear lot line# of a #zoning lot# in a #Commercial District# which ~~that~~ coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area at a level not higher than indicated in the following table, shall be provided along such boundary and within the #Commercial District#. Such an open area shall not be used for storage or processing of any kind.

REQUIRED DEPTH OF YARD

Maximum Level of #Yard#	Depth (in feet)	Districts							
		C1	C2	C3	C4	C5	C6	C7	C8
23 feet above #curb level#	30								
#Curb level#						30			C8*

* Use Group 16 only

* * *

Article IV

Manufacturing District Regulations

Chapter 2

Use Regulations

* * *

42-00 (10/25/93)

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 ~~3A, 4B, 4C, 5 through 6A, 6B, 7, 8, 9B, 9C, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14, 16, 17 or 18~~, including each #use# listed separately therein, and ~~subject to the limitations listed in Sections 42-10 through 42-15, inclusive, certain #uses# listed in Use Groups 3A, 6C, 9A, 10A or 12B are permitted in #Manufacturing Districts#, as indicated in Section 42-11 to 42-15, inclusive~~, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 42-01 (Special Provisions for Adult Establishments).

#Uses# listed in Use Groups 11A, 16, 17 or 18 must also comply with the applicable performance standards set forth in Sections 42-21 to 42-28, inclusive. In case of any conflict between the Use Group and the performance standards, the latter shall control.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts (as well as M3 Districts) if such #uses# comply with all of the applicable performance standards for such districts.

* * *

42-03 (12/21/89)

Residential Use

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 42-134~~ (Residential Uses in M1-D Districts), ~~paragraph (a)~~, 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).

42-10 (1/28/71)

USES PERMITTED AS OF RIGHT

42-11 (8/16/79)

Use Groups ~~3 and 4B, 4C, 5, 6C, 6E, 7A, 9A, and 12B~~

M1 ~~M2 M3~~

Use Groups ~~3 and 4B 4C, 5, 6C, 6E, 7A, 9A and 12B~~ as set forth in Sections ~~32-14, 32-15, 32-16, 32-18, 32-19, 32-21 22-13 and 22-14~~

~~All health facilities listed in Use Group 4A and requiring approval under Article 28 of the Public Health Law of the State of New York, which prior to July 10, 1974 have received approval of Part I of the required application from the Commissioner of Health, are allowed as of right and are not subject to the special permit provision of Sections 42-32 and 74-921.~~

Use Group 3 shall be limited to museums that are ancillary to existing motion picture production studios or radio or television studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Group 4B shall only be permitted in M1 Districts.

42-12 (10/25/95)

Use Groups 3A, 6A, 6B, 6D, 6E, 7B, 7C, 7D, 7E, 5, 6, 7, 8, 9B, 9C, 9, 10, 10A, 10B, 10C, 11, 12, 12A, 12C, 12D, 12E, 13, 14, and 16

M1 M2 M3

Use Groups 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16 as set forth in Sections 32-14 through 32-23 and 32-25, except as modified by Section 42-121.

Use Group 3A shall be limited to museums that are ancillary to existing motion picture production studios or radio or television studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Group 6A except that food stores, including supermarkets, grocery stores, or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25.

Use Group 10A shall be limited to depositories for storage of office records, microfilm or computer tapes, or for data processing; docks for ferries; office or business machine stores, sales or rental; photographic or motion picture production studios; office or business machine stores, sales or retail; and radio or television studios.

Use Groups 5 and 7A shall only be permitted in M1 Districts.

In M3 Districts, the aggregate of all #uses# listed in Section 42-121 shall be limited to a total of 20,000 square feet of #floor area# and retail #cellar# space allotted to such #uses#, exclusive of storage and mechanical equipment, on a zoning lot.

In Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan, and a portion of Community Districts 1 and 2 in the Borough of Queens, #public parking garages# and #public parking lots# in Use Group 8C and 12D are subject to the provisions of Article 1, Chapter 3.

Special regulations for certain retail uses**M1 M2****(a) Affected uses**

The #uses# listed below shall be subject to the special regulations of this Section:

(1) all #uses# in Use Groups 6A and 6C;

(2) the following #uses# in Use Group 9A:

(i) clothing or costume rental establishments;

(ii) typewriter or other small business machine sales, rental or repairs;

(3) all #uses# in Use Group 10A with parking categories B or B1; and

(4) the above #uses#, when listed in other #use groups#.

(b) Traffic Control Plan

The #uses# listed in paragraph (a) of this Section shall be subject to a Traffic Control Plan as may be required by Section 44-47.

For purposes of this Section, on #zoning lots# containing both new #uses# listed in paragraph (a) of this Section and #uses# not subject to the regulations of this Section, all non-required #accessory# parking spaces shall be considered attributable to such #uses#.

(c) Special urban design provisions

The #uses# listed in paragraph (a) of this Section shall be subject to the following urban design regulations when such #uses# comprise all or part of a #development#, #enlargement#, #extension# or change of #use# from a non-listed #use#, and more than a total of 150 permitted or required #accessory# parking spaces attributable to such #uses# are provided:

(1) Pedestrian circulation spaces

(i) All new #building# walls containing a public entrance or exit shall be adjoined by a continuous raised pedestrian circulation space. Such pedestrian circulation space shall be connected to the public sidewalk of a public #street# by way of additional pedestrian circulation space.

- (b) Required pedestrian circulation spaces shall have a minimum width of 10 feet but may contain trees, lighting fixtures or signage. A path clear of all obstructions having a minimum width of five feet shall be provided. All pedestrian circulation spaces shall be raised a minimum of four inches and a maximum of seven inches above the adjacent grade and be constructed of concrete, asphalt or other such hard-surface, dustless material. A pedestrian circulation space may be interrupted by driveways or vehicular aisles, but a crosswalk equal in width to the pedestrian circulation space shall be provided at such locations indicated by paint striping in the driveway or aisle or by a clearly visible change of paving material.

(2) Screening and protective barriers

- (i) all open parking areas shall be separated from the street by a three foot high opaque wall or fence, a densely planted strip of shrubbery (minimum four feet wide), a berm, or any combination of the above. Above a height of three feet, such wall or fence shall be at least 65 percent open. Berms shall not exceed three feet in height above the adjacent grade.

- (ii) all open parking areas on #zoning lots# adjacent to the boundary of a #Residence District#, or an existing #residential use#, shall be screened in accordance with Section 44-45 (Screening);

- (iii) all refuse disposal, storage, and recycling areas shall be screened with opaque fencing to a minimum height of eight feet; and

- (iv) screening may be interrupted only by vehicular driveways or pedestrian walkways, except at locations where the Commissioner of Buildings determines that such planting would be infeasible or cause a safety or security problem.

(3) Lighting standards

A minimum illumination level of 1.5 footcandles at ground level shall be provided throughout all exterior public areas, including parking lots and walkways, during operating hours.

(4) Tree planting

#Streets# trees shall be planted on all#streets# frontages of the #zoning lots# at intervals of 25 feet, except at locations where the Commissioner of Buildings determines that such planting would be infeasible or cause a safety or security problem. Trees shall be of three-inch caliper at the time of planting and be planted, and replaced when necessary, in accordance with the standards of the Department of Parks and the Department of Transportation.

(5) Sign Regulations

All signs shall be subject to the sign regulations of a CE District, as set forth in Section 32-60 (SIGN REGULATIONS).

(c) Special permit

(1) The #uses# listed in paragraph (a) of this Section shall require a special permit pursuant to Section 74-922 (Certain large retail facilities) when:

- (i) the aggregate of such #uses# located on a #zoning lot# fronting on a #wide street# exceeds a total of 200,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses#, or when a total of more than 667 permitted or required #accessory# parking spaces attributable to such #uses# are provided.

For purposes of this Section, a #wide street# shall be limited to either a way shown on the City Map, or any other public way which on December 15, 1961 was performing the functions usually associated with a way shown on a City Map and meeting the dimensional requirements of a #wide street#. Furthermore, a #zoning lot# shall be considered fronting on a #wide street# if it has a minimum of 150 feet of its #street# frontage on a #wide street#, or 50 percent of its total #street# frontage on a #wide street#. If a #zoning lot# is located along the intersection of two #street lines#, frontage along a narrow #street#, within 100 feet from the #wide street# intersection, may be counted as frontage along a #wide street#.

- (ii) in all cases not covered by paragraph (d)(i) of this Section, the aggregate of such #uses# located on a #zoning lot# exceeds a total of 20,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses#, or when a total of 150 required or permitted #accessory# parking spaces attributable to such #uses# are provided.

(2) A change of #use# to a #use# listed in paragraph (a) of this Section located in the Ladies' Mile Historic District in Manhattan, shall be exempt from such special permit requirement and shall be permitted as-of-right, provided that the #floor area# proposed for such change of #use# has been at any time in the past occupied by a #use# listed in paragraph (a).

~~M2 M2-~~

Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists' supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; DOCKS FOR FERRIES OR WATER TAXIS; eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less; eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less; frozen food lockers; fishing tackle or equipment, rental or sales; jewelry or art metal craft shops; locksmith shops; meeting halls; millinery shops; music stores; newsstands, open or closed; paint stores; picture framing shops; and watch or clock repair shops.

Use Group 9A shall be limited to blueprinting or photostating establishments; business schools or colleges; medical or dental laboratories; musical instrument repairs; printing establishments; public auction rooms; studios, art, music, dancing, or theatrical; trade or other schools for adults; typewriter or other small business machine sales, rental or repairs; and umbrella repairs.

Use Group 12B shall be limited to antique stores; art galleries, commercial; candy or ice cream stores; cigar or tobacco stores; delicatessen stores; jewelry or art metal craft shops; music stores; and newsstands.

42-131 (8/20/81)

M1-5A and M1-5B Districts

The regulations governing M1 Districts shall apply in M1-5A and M1-5B Districts except as set forth in this Section, where the special use regulations set forth in Section 42-14(D) (~~Special Uses in M1-5A and M1-5B Districts~~) provide otherwise.

NOTE: THE FOLLOWING TEXT IS RELOCATED FROM SECTIONS 42-14 (USE GROUP 17) PARAGRAPH (D)(SPECIAL USES IN M1-5A AND M1-5B DISTRICTS); PARAGRAPH F WAS 42-141 (MODIFICATION BY CERTIFICATION OF THE CHAIRPERSON OF THE CITY PLANNING COMMISSION OF USES IN M1-5A AND M1-5B DISTRICTS)

~~D. Special #uses# in M1-5A and M1-5B Districts~~

M1-5A M1-5B

~~(1)(a)~~ #Joint living-work quarters for artists# in #buildings# in M1-5A and M1-5B Districts, provided:

~~(a)(1)~~ Such #building# was erected prior to December 15, 1961,;

~~(b)(2)~~ The #lot coverage# of such #building# does not exceed

5,000 square feet except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet. However, such quarters may also be located in a #building# occupying more than 5,000 square feet of #lot area# if the entire #building# was held in cooperative ownership by #artists# on September 15, 1970.

#Joint living-work quarters for artists# are permitted in other #buildings or other structures# only by special permit of the City Planning Commission pursuant to Section 74-782 (Residential Conversion and Joint Living-Work Quarters for Artists in C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts), or by minor modification of the Chairperson of the City Planning Commission pursuant to ~~paragraph (f) of this Section 42-141~~ paragraph (e).

~~(e) In M1-5B Districts in #buildings# occupying less than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts) or Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts).~~

~~(d) In #buildings# occupying more than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts) or Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts).~~

~~(e)(3)~~ At least 30 percent of the gross roof area of a #building# containing 15 #joint living-work quarters for artists# shall be developed for recreational use. For each additional #joint living-work quarters for artists#, 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 ~~paragraph (f) of this Section 42-141.~~

~~(f)(4)~~ In any #building# which as a result of zoning map change CP-23167 is zoned M1-5B, any existing occupant of a #joint living-work quarters for artists# which cannot meet the qualifications of the Department of Cultural Affairs may remain as a lawful #use#. This lawful #use# is non-transferable and ceases immediately upon the vacating of such space. Such occupants must register with the Department of Cultural Affairs not later than August 31, 1983, in order to preserve their lawful status in their existing space.

~~(g)(5)~~ In a #building# for which an alteration permit for #joint living-work quarters for artists# was requested prior to April 27, 1976, such alterations may comply with the regulations effective prior to such date.

~~(h)(6)~~ Prior to the issuance of an alteration permit for #joint living-work quarters for artists use#, the owner shall pay a conversion contribution in accordance with the provisions of Article 1, Chapter 5.

~~(2)(b)~~ ~~#Commercial# and #manufacturing uses# below the floor level of the second #story# provided #Uses# listed in Section 42-121, paragraph (a), are permitted up to a total of 20,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses# on a #zoning lot#, except as further limited in this Section, or as otherwise provided in Section 74-922.~~

~~(c)~~ ~~In M1-5A Districts, in #buildings# occupying more than 3,600 square feet of #lot area#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings#, unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the of the City Planning Commission of uses in M1-5A and M1-5B Districts) or Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts).~~

~~(b) In M1-5B Districts, in any #buildings#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #building# unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts) or Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts);~~

~~(c)(c)~~

~~In addition to the above restrictions, The following #uses# are not permitted as of right in any #building or other structure# or on any tract of land in M1-5A or M1-5B Districts:~~

~~(e)(1)~~

All eating or drinking places as listed in Use Groups 6A, 6C, 10A, or 12A of more than 5,000 square feet of floor space, except that any eating or drinking place which is listed in Use Group 6A, which had obtained an alteration permit prior to July 14, 1976, is permitted.

~~(b)(2)~~

Eating or drinking places of less than 5,000 square feet with entertainment other than musical entertainment but not dancing, with a capacity of 200 persons or less as listed in Use Group 6C, and with entertainment or dancing as listed in Use Groups 10A or 12A. However, such #uses# are permitted:

(i) provided that there is entertainment but not dancing, with a capacity of 200 persons or less as listed in Use Group 6C, only by special permit of the Board of Standards and Appeals in accordance with Section 73-241; or

(ii) with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing as listed in Use Group 12A only by special permit of the Board of Standards and Appeals in accordance with Section 73-244.

~~(e)(3)~~

Non-commercial clubs as listed in Use Groups 6E and 14B.

~~(d)(4)~~

All #uses# listed in Use Group 8A except that theaters are permitted only by special permit of the Board of Standards

and Appeals in accordance with standards set forth in Section 73-202. However, this provision shall not apply to theaters with a capacity of less than 100 seats.

(e)(5) Banquet halls, wedding chapels, catering establishments, #physical culture or health establishments#, including gymnasiums, reducing salons, massage establishments, or steam baths. However, this provision shall not apply to gymnasiums occupying not more than 10,000 square feet and used exclusively for the following sports facilities: basketball, handball, squash, and tennis.

(e)(6) All other #uses# listed in Use Group 12A.

(e)(7) All #uses# listed in Use Group 13 except that theaters are permitted only by special permit of the Board of Standards and Appeals in accordance with standards set forth in Section 73-202. However, this provision shall not apply to theaters with a capacity of less than 100 seats.

(8) #Uses# in Use Group 18, as set forth in Section 42-15.

(4)(d) (e) Any #use# which became #non-conforming# after April 27, 1976, shall be governed by Article V of this Resolution (Non-Conforming Uses and Non-Complying Buildings), except that in M1-5A and M1-5B Districts Section 52-37 is hereby suspended and replaced by Section 42-14 D-(4)(e).
 (e) ~~In M1-5A and M1-5B Districts any #non-conforming use# listed in Use Groups 5, 6, 8, 10, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or a #use# listed in Use Group 6.~~

(5)(e) Museums or non-commercial art galleries, are permitted as of right in M1-5A and M1-5B Districts subject to the #bulk# regulations applicable for #manufacturing uses#, and subject to the provisions of this Section.

(a) ~~As of right:~~

In any #building#, a museum or non-commercial art gallery is permitted on the ground floor where a #use# in Use

Group 6 is permitted pursuant to the provisions of Section 42-14 D.(2) or 42-14 D.(4), and above the ground floor where ~~#joint living work quarters for artists#~~ are permitted pursuant to Section 42-14 D.(1).

~~(b) — By authorization of the City Planning Commission:~~

~~In an M1-5A District, the City Planning Commission may authorize a museum or non-commercial art gallery where it is not permitted as of right, provided that the Commission finds that:~~

~~(i) — the #use# of such space as a museum or non-commercial art gallery will not harm #manufacturing uses# in the M1-5A District or the industrial sector of the City's economy;~~

~~(ii) — any commercial or manufacturing tenants in such space were given the opportunity by the owner or predecessors in title to remain in the space at fair market rentals, and the property owners or predecessors in title did not cause the vacating of the space through harassment, non-renewal of leases, or the charging of rents in excess of the then fair market value; and~~

~~(iii) — any such museum or non-commercial art gallery will be supportive of the local art industry.~~

~~The Commission shall refer to a copy of any application for authorization pursuant to this Section to the #Industrial Loft Advisory Council#, the Office of Economic Development, and to the Department of Cultural Affairs, each of which shall have thirty days to comment upon such application. The Commission may set such conditions on the grant of an authorization to allow such #uses# as it deems necessary to protect #manufacturing uses# or the industrial sector of the City's economy. In no case shall such museum or non-commercial art gallery occupy more than 65,000 square feet of #floor area#.~~

~~E. — #Accessory uses#~~

NOTE: THE FOLLOWING TEXT IS RELOCATED FROM 42-141 (MODIFICATION BY CERTIFICATION OF THE CHAIRPERSON OF THE CITY PLANNING COMMISSION OF USES IN

M1-5A AND M1-5B DISTRICTS)

42-141 (7/19/90)

(D)

Modification by certification of the Chairperson of the City Planning Commission of ~~uses in M1-5A and M1-5B Districts~~ the regulations governing ~~joint living work quarters for artists~~ in paragraph (a) of this Section:

In M1-5A and M1-5B Districts, ~~the requirements of Sections 42-14 D, (1)(b) and (c), (d) and (e) or 42-14 D, (2) paragraphs (a)(2) and (3) of this Section~~ may be modified by certification of the Chairperson of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant to the applicable Community Board at least twenty days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.

(a) ~~The provisions of Section 42-14 D (1), (c) or (d) or Section 42-14 D, (2) may be modified if the #floor area# below the level of the second #story# was vacant as of January 28, 1976 and a complete application under this provision is filed with the City Planning Commission not later than June 21, 1983;~~

(b) ~~The provisions of Section 42-14 D (1), (c) or (d) may be modified provided that:~~

(1) ~~the #floor area# below the level of the second #story# was occupied by #joint living work quarters for artists# as of September 1, 1980, and a complete application for a determination of occupancy has been filed by the owner of the #building# or the occupant of a #joint living work quarters for artists# in the #building# with the Department of City Planning not later than June 21, 1983. For the purpose of Article 7C of the New York State Multiple Dwelling Law, such a determination of #joint living work quarters for artists# occupancy by the Chairperson of the City Planning Commission shall be deemed to permit #residential use# as of right for such quarters; or~~

~~(2) — the Chairperson finds that the space below the floor level of the second #story# is required by an #artist# whom the Department of Cultural Affairs has certified as working in a heavy or bulky medium which is not easily transported to the upper floors.~~

~~(e) — The provisions of Section 42-14 D.(2) may be modified provided a #use# other than those listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E occupied the #floor area# below the level of the second #story# as of September 1, 1980 and an application under this provision has been filed with the City Planning Commission not later than June 21, 1983; or~~

~~(d)(1) The requirements of 42-14 D. (1) (e) paragraph (a)(3) of this Section may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the roof either is unsuited for open space use or cannot be made suitable for open space use at a reasonable cost.~~

~~(e)(2) The requirements of Section 42-14 D. (1)(b) paragraph (a)(2) of this Section relating to #joint living-work quarters for artists# in #buildings# where the #lot coverage# is 5,000 square feet or more, or 3,600 square feet or more in #buildings# with frontage along Broadway, may be modified; provided that:~~

~~(1)(i) such #floor area# was occupied on September 1, 1980 as #joint living-work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;~~

~~(2)(ii) such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include~~

but is not limited to separate deeds, separate tax lots, separate certificates of occupancy or separate utilities or systems for the entirety of each section of the #building#; and

(3)(iii)

the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#, except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet.

* * *

NOTE: THE FOLLOWING TEXT HAS BEEN RELOCATED FROM SECTION 42-47 (RESIDENTIAL USES IN M1-D DISTRICTS)

42-47 (12/21/89)

~~Residential Uses in M1-D Districts~~

42-134

M1-D Districts

(a) Residential uses

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 paragraphs (a)(1), (b)(2), or (c)(3) of this Section below.

(1)(a)

On #zoning lots# containing #residential# or #community facility uses#, new #residences# or #residential enlargements# may be authorized, provided:

(1)(i)

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;

(2)(ii)

the #zoning lot# contains no other

#commercial# or #manufacturing uses#; and

- (3)(ii) 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#.

(2) On vacant #zoning lots#, new #residences# may be authorized, provided:

- (1)(i) 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;

- (2)(ii) 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)(iii) either of the following conditions exists:

- (i)(a) 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)(b) 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)(3)

On #land with minor improvements#, new #residences# may be authorized, provided:

(1)(i) such #land with minor improvements# otherwise meets all the criteria for vacant #zoning lots# listed in paragraph (2)(b) above of this Section, except:

(2)(ii) 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)(4)

In determining eligibility for #residential use# pursuant to paragraphs (a)(1)(a), (2)(b), or (3)(c) of this Section, the following regulations shall be applicable:

(1)(i) In order to determine whether a #corner lot# meets the criteria of paragraphs (c)(1), (c)(2) or (c)(3) 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)(ii) 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 purposes 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 uses#** and more than one **#story#** of **#commercial#** or **#manufacturing uses#** shall be considered as a frontage of **#commercial#** or **#manufacturing uses#**.

(3)(ii)

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)(iv)

In any **#building#**, no **#residential use#** may be located on or below a **#story#** occupied by a **#commercial#** or **#manufacturing use#**.

(5)(i)

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)(1), (b)(2) or (c)(3) of this Section, 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.

(6)(vi)

A #zoning lot# or contiguous #zoning lots# existing on June 20, 1988, that have been vacant continuously since June 20, 1988, or have been vacant continuously for five years prior to the date of application for such authorization, that are contiguous to and front on the same #street# as a vacant #zoning lot# or #land with minor improvements# that meets all the requirements of paragraphs (b)(2) or (c)(3) of this Section, may be combined with such eligible #zoning lot# in its application to authorize #residential use#.

The aggregate #lot area# of all such contiguous vacant #zoning lots# or #land with minor improvements# shall be limited by the requirements of paragraph (a)(2)(iii) of this Section.

(e)(5) In authorizing such #residential uses#, the Commission shall find that:

(1)(i) 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)(ii) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;

(3)(iii) the #residential uses# will not adversely affect #commercial# or #manufacturing uses# in the M1-D Districts; and

(4)(iv) 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.

(b) Regulations for uses in retail facilities

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, on #zoning lots# fronting on a #street# where 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#, the #uses# listed in Section 42-121, paragraph (a), are limited to a total of 20,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses# on a #zoning lot#, and not more than a total of 150 permitted or required accessory parking spaces attributable to such #uses#, except as otherwise provided in Section 74-922 (Certain large retail facilities).

42-14 (10/25/93)

Use Group 17

M1 M2 M3

* * *

A. Service or wholesale establishments

Building materials or contractors' yards, open or enclosed, including sales, storage, or handling of building materials, with no limitation on #lot area# per establishment, ~~except that lumber yards shall be limited to 20,000 square feet of #lot area# per establishment, and provided that any yard in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings~~

* * *

(B) Manufacturing Establishments

* * *

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries or similar supplies

~~Electronic equipment, including computers and audio and video equipment~~

Film, photographic

* * *

NOTE: THE FOLLOWING TEXT OF SECTION 42-14 PARAGRAPH (D)(SPECIAL USES IN M1-5A AND M1-5B DISTRICTS)IS AMENDED AND RELOCATED TO SECTION 42-131.

~~(D) Special Uses in M1-5A and M1-5B Districts~~

~~(E)(D) #Accessory Uses#~~

NOTE: THE FOLLOWING TEXT OF SECTION 42-141 (MODIFICATION BY CERTIFICATION OF THE CHAIRPERSON OF THE CITY PLANNING COMMISSION OF USES IN M1-5A AND M1-5B DISTRICTS) DISTRICTS)IS DELETED AND RELOCATED TO SECTION 42-131(F).

* * *

7/19/90

~~42-141~~

~~Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts~~

42-15 (8/15/74)
Use Group 18

M3

* * *

B. Storage or Miscellaneous #Uses#, Open or Enclosed

* * *

~~Lumber yards, with no limitation on #lot area# per establishment~~

* * *

42-30 (12/15/61)

USES PERMITTED BY SPECIAL PERMIT

42-31 (2/8/90)

By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

* * *

M1

#Schools#, provided they have no living or sleeping accommodations

~~M1-5A M1-5B~~

~~Theaters, with a capacity greater than 100 seats~~

42-32 (10/25/95)

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

* * *

M1

~~Carpet, rug, linoleum, or other floor covering stores, with no limitation on #floor area# per establishment [PRC-B]~~

Children's amusement parks with sites of not less than 75,000 square feet nor more than 10 acres per establishment [PRC-E]

~~Clothing or clothing accessory stores with no limitation on #floor area# per establishment [PRC-B]~~

~~Department stores [PRC-B]~~

M1 M2 M3

Drive-in theaters, with a maximum capacity of 500 automobiles

M1

~~Dry goods or fabrics stores, with no limitation on #floor area# per establishment [PRC-B]~~

~~Food stores, with no limitation on #floor area# per establishment [PRC-B]~~

~~Furniture stores, with no limitation on #floor area# per establishment [PRC-B1]~~

M1 M2 M3

Heliports

M1*

Indoor interactive entertainment facilities with eating and drinking [PRC-D]

~~M1 M2~~

~~Large retail facilities, exceeding the #floor area# limitation of Section 42-121~~

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

#Public parking garages# with capacity of more than 150 spaces**

* * *

M1 M2

Sewage disposal plants

M1

~~Television, radio, phonograph, or household appliance stores, with no limitation on #floor area# per establishment [PRC-B]~~

M1 M2 M3

Trade expositions with rated capacity of more than 2,500 persons [PRC-D]

#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

M1

~~Community facility #Uses# listed in Use Group 4A Community facility~~

~~Variety stores, with no limitation on #floor area# per establishment [PRC-D]~~

* * *

42-42 (1/10/74)

Enclosure or Screening of Storage

* * *

42-421 (12/15/61)

In M1 Districts

M1

In the district indicated, storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#, except that open lumber yards shall be completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings.

* * *

NOTE: THE FOLLOWING TEXT OF SECTION 42-47 (RESIDENTIAL USES IN M1-D DISTRICTS) HAS BEEN RELOCATED AND INCORPORATED AS PART OF SECTION 42-134.

42-47 (12/21/89)

~~Residential Uses in M1-D Districts-~~

* * *

Chapter 3

Bulk Regulations

43-23 (1/28/71)

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Manufacturing Districts#, the following shall not be considered obstructions when located within a required #yard# or #rear yard equivalent#:

* * *

(b) In any #rear yard# or #rear yard equivalent#:

* * *

Any #building# or portion of a #building# used for any permitted #use#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care and treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 30 feet above #curb level#

* * *

Chapter 4

Accessory Off-Street Parking and Loading Regulations

44-10 (12/15/61)

PERMITTED ACCESSORY OFF-STREET PARKING SPACES

44-11 (6/23/66)

General Provisions**M1 M2 M3**

In all districts, as indicated, #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section 44-12 (Maximum Sizes of Accessory Group Parking Facilities).

Such #accessory# off-street parking spaces may be open or enclosed, or located on a roof. However, except as otherwise provided in Section 73-49 (Roof Parking), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#. When permitted roof parking is located on a #zoning lot# within 60 feet of a district permitting #residential use#, except as otherwise provided in Section 73-49 (Roof Parking), such parking shall be limited to the roof immediately above the #basement#.

44-12 (6/23/66)

Maximum Size of Accessory Group Parking Facilities**M1 M2 M3**

In all districts, as indicated, no #accessory group parking facility# shall contain more than 150 off-street parking spaces, except as provided in Section 44-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages), or to retail facilities subject to Section 42-121 (Special regulations for certain retail uses).

* * *

44-14 (6/23/66)

Exceptions to Maximum Size of Accessory Group Parking Facilities**M1 M2 M3**

In all districts, as indicated, the Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces in accordance with

the provisions of Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages), or to retail facilities subject to Section 42-121 (SPECIAL REGULATIONS FOR CERTAIN RETAIL USES).

* * *

44-20 (12/15/61)

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

44-21 (10/25/93)

General Provisions

M1 M2 M3

* * *

REQUIRED OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

* * *

Type of Use	Parking Spaces Required	Districts
-------------	-------------------------	-----------

~~Food stores with 2,000 or more square feet of #floor area# per establishment~~
~~#Uses# in parking requirement category A in Use Group 6~~

~~None required~~ ~~M1 4 M1 5 M1 6 M2 3 M2 4 M3 2~~

~~1 per 200 sq. ft. of~~ ~~M1 1 M1 2 M1 3~~

~~#floor area#~~ ~~M 2 1 M 2 2 M 3 1~~

General retail or service #uses#—
 Food stores in parking requirement category A or B, and all other
 Food stores with less than 2,000 square feet of #floor area#, #uses#

in parking requirement category B
 in Use Groups 6, 8, 9 or 10.
 or #uses# in parking requirement
 category B1 in Use Group 6, 7, 8,
 9, 10, 11, 13, 14, or 16, or when
 permitted by special permit.

	M1-4
	M1-5 M2-3
<u>None required</u>	<u>M1-6 M2-4 M3-2</u>
	M1-1
	M1-2 M2-1
	M1-3 M2-2 M3-1
	M1-4***
1 per 300***	<u>M1-5***</u>
<u>sq. ft. of #floor area</u>	

Special low traffic-generating
 retail or service #uses# in
 parking requirement category
 B1 in Use Groups 6, 7, 8, 9,
 10, 11, 13, 14 or 16.

	M2-3
<u>None required</u>	<u>M1-6 M2-4 M3-2</u>
	M1-1
	M1-2
	M1-3
	M1-4***M2-1
1 per 600	<u>M1-5***M2-2 M3-1</u>
<u>sq. ft. of #floor area#</u>	

* * *

* For predominantly open #manufacturing uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements.

** For predominantly open storage of miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements.

~~*** The parking requirements for #uses# in parking requirement category B1 may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Spaces for Uses in Parking Requirement Category B1).~~

*** In Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, the provisions of Article I, Chapter 3, apply.

**** In the case of golf driving ranges, requirements in this table apply only to that portion of the range used for tees.

***** In the case of outdoor skateboard parks "in M3-1 Districts", the requirements of this table apply only to that portion used as skating runs and #accessory buildings#. The #floor area# of #accessory buildings# shall be considered #lot area# for the purposes of these requirements.

***** Requirements are in addition to area utilized for ambulance parking.

* * *

44-23 (12/15/61)

Waiver of Requirements for Spaces Below Minimum Number

M1 M2 M3

In all districts, as indicated, subject to the provisions of Section 44-231 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 44-21 (General Provisions) or Section 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to ~~#commercial uses# in parking requirement category A, B, B1, C, D, E, or H, or to permitted #community facility uses#~~, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

Number of Spaces

District

15
40

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

44-231 (12/15/61)

Exceptions to application of waiver provisions

M1 M2 M3

In all districts, as indicated, the waiver provisions of Section 44-23 shall not apply to the following types of ~~uses~~:

(a) ~~Manufacturing or semi-industrial uses in Use Group 17B, 17D, 18A, or 18C, or in parking requirement category F in Use Group 11 or 16.~~

(b) ~~Storage or miscellaneous uses in Use Group 17A, 17C, 17D, 18B, or 18C, or in parking requirement category G in Use Group 16.~~

(c) the following ~~commercial uses~~ in parking requirement category H in Use Group 7 or 13:

~~Boatels~~

Camps, overnight or day

~~Motels or tourist cabins~~

Refreshment stands, drive-in.

* * *

44-27 (12/21/89)

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 ~~42-134~~ (Residential Uses in M1-D Districts).

(a) In M1-1D Districts, for any new ~~residential building~~ authorized pursuant to Section 42-47 ~~42-134~~, 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~~.

* * *

~~44-28~~

~~City Planning Commission Authorization For Modification of Parking Requirements~~

For Large Vehicle Repair Facilities**M1 M2 M3**

In the districts indicated, where ~~accessory~~ parking is required for vehicle repair facilities listed in Use Group 16B, on ~~zoning lots~~ with a minimum of 1.5 acres of ~~lot area~~, the City Planning Commission may authorize the parking requirement to be reduced to an amount not less than a ratio of one space per three employees, provided the Commission finds that the lowered parking requirement is sufficient for the expected demand for parking generated by expected employment and visitor traffic.

* * *

44-33 (12/15/61)

Joint Facilities

M1 M2 M3

In all districts, as indicated, required ~~accessory~~ off-street parking spaces may be provided in facilities designed to serve jointly two or more ~~buildings~~ or ~~zoning lots~~, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined ~~floor area~~, ~~lot area~~, rated capacity, or other such unit of measurement in such ~~buildings~~ or ~~zoning lots~~; except that for retail facilities subject to Section 42-121 (Special Regulations For Retail Facilities), up to one-third of the required off-street parking spaces for retail ~~uses~~ on the ~~zoning lot~~ may be used to satisfy the parking requirement for ~~uses~~ listed in Use Groups 16D, 17 or 18 served by the joint facility;

Section 44-21 (General Provisions)

Section 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

- (b) all such spaces conform to the provisions of Section 44-32 (Off-Site Spaces for All Permitted Uses); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

* * *

44-40 (12/15/61)

ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

44-41 (12/15/61)

General Provisions**M1 M2 M3**

In all districts, as indicated, all permitted or required off-street parking spaces shall conform to the provisions of the following Sections:

Section 44-42	(Size of Spaces)
Section 44-43	(Location of Access to the Street)
Section 44-44	(Surfacing)
Section 44-45	(Screening)
Section 44-47	(Traffic Control Plan)

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

* * *

44-47**Traffic Control Plan****M1 M2**

In the districts indicated, all #zoning lots# containing retail #uses# subject to Section 42-121 (Special regulations for retail facilities), and not requiring a special permit pursuant to Section 74-922, where (a) the aggregate of such #uses# located on a #zoning lot# exceeds a total of 45,000 square feet of #floor area# and retail #cellar# space exclusive of storage and mechanical equipment space allotted to such #uses#, or (b) regardless of the amount of #floor area#, provide more than 150 required or permitted #accessory# parking spaces attributable to such #uses#, shall be subject to the provisions of this Section.

No building permit shall be issued for a #development# including such retail #uses#, or for the #enlargement# or #extension# of such retail #uses#, nor shall any #building# or portion thereof be converted to such retail #uses#, prior to the submission to and approval by the Commissioner of Buildings of a Traffic Control Plan designed to facilitate adequate vehicular and pedestrian access and egress to and from the facility and to prevent avoidable congestion on the surrounding streets.

The proposed Traffic Control Plan shall be prepared by or on behalf of the applicant for the building permit. The applicant or applicant's representative shall consult with the Department of Transportation (DOT) prior to preparing the Traffic Control Plan. The Traffic Control Plan shall provide:

- (a) a site plan of the #zoning lot# and adjacent area indicating the location of proposed vehicular and pedestrian circulation areas for the retail facility, including:
 - (1) the location and dimension of all pedestrian and vehicular access and egress points onto the #zoning lot#, and the location of pedestrian entrances to any buildings containing retail #uses#;
 - (2) the distance of such access and egress points from the #lot lines# of the #zoning lot# and from adjacent curb cuts and street intersections;
 - (3) the location and dimensions of parking areas and traffic lanes on the #zoning lot#, and
 - (4) the location and dimension of all pedestrian circulation spaces on the #zoning lot#, required pursuant to Section 42-121(c)(1), and public sidewalks adjoining the #zoning lot#;
- (b) estimates of hourly traffic flow to and from the retail facility;
- (c) evaluation of the impact of such traffic on the #streets# and intersections within 1,200 linear feet or three intersections, whichever is greater, of the nearest boundary of a #zoning lot# occupied by the retail facility;
- (d) results of a Traffic Warrant analysis conducted at every access/egress point to the site;
- (e) proposal of specific traffic control measures to facilitate adequate vehicular and pedestrian flow in and out of the #zoning lot#, limited to the following:

- (1) installation of new traffic signals, or modification of existing equipment including signal timing changes if the Traffic Warrant analysis required by paragraph (d) of this Section indicates the need for a traffic signal;
- (2) installation of traffic detectors;
- (3) possible changes in #streets# treatment or realignment of #streets# geometry, including improvements such as traffic storage lanes, acceleration or deceleration lanes, medians or channelization islands, neck-downs and other traffic-calming features;
- (4) traffic signage and #streets# striping, with signage conforming to Department of Transportation standards or to the Manual of Uniform Traffic Control Devices (MUTCD);
- (5) locating vehicular access and egress points to the #zoning lot#, and parking and circulation areas on the #zoning lot#, to facilitate circulation to and from the retail facility and to prevent avoidable congestion on surrounding #streets#; and
- (6) the elimination of on-street parking.

The Commissioner of Buildings shall review the proposed Traffic Control Plan to determine whether the Plan will facilitate adequate vehicular and pedestrian access and safety, and will prevent avoidable congestion on surrounding #streets#. In making this determination, the Commissioner of Buildings may forward the proposed Plan within five days of receipt of same to the Commissioner of the Department of Transportation (DOT) for review and a written report, such report to be made within 30 days of receipt of the Plan by the (DOT). Any review and report by (DOT) shall be limited to determining whether (a) the proposed Traffic Control Plan will facilitate adequate access to and egress from the retail facility, and (b) whether proposed off-site modifications are consistent with other plans for #streets# improvements in the area. The report of DOT may recommend modifications to the proposed Traffic Control Plan in order to better facilitate access and egress to and from the retail facility or to make the plan more consistent with other plans for #streets# improvements; provided, however, that DOT shall not make recommendations to respond to traffic conditions unrelated to the existence and operation of the retail facility. Upon the earlier of receipt of the report from DOT or the expiration of 30 days, or within such additional time, not to exceed 30 days, if DOT requires such additional time to complete its review of the Traffic Control Plan and prepare a report, the Commissioner of Buildings shall approve the Traffic Control Plan if it is determined that the Plan will facilitate access and egress

to and from the retail facility and will prevent avoidable congestion on the surrounding streets. If DOT has recommended modifications to the Traffic Control Plan, the Commissioner of Buildings may condition approval on acceptance of the modifications by the applicant if the Commissioner determines that the modifications are necessary to facilitate adequate access and egress to the zoning lot or to avoid conflict with other plans for streets improvements in the area. Such modifications shall not, however, require the applicant to provide more parking spaces than was proposed as part of their review.

If the Traffic Control Plan includes improvements to be carried out on the zoning lot, such improvements shall be undertaken by the applicant at the applicant's sole cost and expense, and the completion of all such improvements shall be a condition of obtaining a temporary certificate of occupancy for any portion of the retail facility. If the Traffic Control Plan includes improvements to be carried out off the zoning lot, at any time subsequent to the issuance of a building permit for the retail facility, DOT may at its option (a) request applicant to undertake such off-site improvements or (b) undertake such improvements and request reimbursement from applicant. Applicant shall promptly comply with such request; provided, however, that if DOT has failed to request applicant to make such off-site improvements, or has failed to request reimbursement for making such improvements within two years of receipt of a PERMANENT certificate of occupancy for the retail facility, applicant shall have no obligation to undertake or to reimburse DOT with respect to such off-site improvements.

In order to secure applicant's obligations with respect to the Traffic Control Plan, prior to obtaining a building permit from the Department of Buildings for any portion of the retail facility, the applicant shall post with the Comptroller for the City a performance bond or letter of credit in form acceptable to the Commissioner of Buildings and in an amount equal to 125% of the expected cost of making such improvements. Upon completion of such improvements, reimbursement of DOT or passage of two years after receipt of a permanent certificate of occupancy for the retail facility with no request for improvement or reimbursement, the performance bond or letter of credit shall be cancelled. Any off-site improvements, whether undertaken by the applicant or DOT, shall become the property of DOT or the City.

Any Traffic Control Plan shall continue in effect for as long as a zoning lot continues to be occupied by a retail facility satisfying the standards of Section 42-121. Any approved Traffic Control Plan may be subsequently modified upon the application of the owner or on behalf of the owner of the retail facility by the Commissioner of Buildings in the same manner as set forth above for new, enlarged, or extended retail facilities.

The existence of a Traffic Control Plan shall not in any way interfere with the right of DOT to control or regulate the City's streets, and DOT shall have full rights at any time to take action consistent or inconsistent with any Traffic Control Plan.

* * *

Article VI
Special Regulations Applicable to Certain Areas

Chapter 2
Special Regulations Applying in the Waterfront Area

62-241 (10/25/93)
Uses on existing piers and platforms

* * *

- (d) the following #uses#, not otherwise limited in size by their Use Group listing, shall be limited to 20,000 square feet of #floor area# per establishment:
- (1) all #uses# in Use Groups 6A and 6C;
 - (2) the following #uses# in Use Group 9A;
 - (i) clothing or costume rental establishments;
 - (ii) typewriter or other small business machine sales, rental or repairs;
 - (3) all #uses# in Use Group 10 with parking categories "B" or "B1"; and
 - (4) the preceding #uses#, when listed in other Use Groups;
 - ~~(5) wholesale establishments or warehouses that provide #accessory# retail sales areas; and~~

* * *

Article VII
Administration

Chapter 3
Special Permits by the Board of Standards and Appeals

73-42 (1/28/65)

Enlargement of Uses across District Boundaries

In all districts, the Board of Standards and Appeals may permit the expansion of a conforming #use# located within a #building or other structure# into a district where such #use# is not permitted, provided that the enlarged #use# is contained within a single #block# and the expansion of either the depth or the width of the conforming #use# is no greater than 50 percent of either the depth or width, respectively, of that portion of the #zoning lot# located in the district where such #use# is a conforming #use#, but in no case shall the area of the expansion exceed 50 percent of the area of the #zoning lot# located in the district where such #use# is a conforming #use#, and provided further that the following findings are made:

- (a) there is no reasonable possibility of expanding such #use# within the existing district where it is a conforming #use#;
- (b) such conforming #use# was in existence prior to January 6, 1965 (the effective date of this amendment), or the date of any applicable subsequent amendment to the #zoning maps#; and

* * *

73-44 (12/15/61)

Reduction of Parking Spaces for Uses in Parking Requirement Category B1

In the districts indicated, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required by the provisions of Section 36-21 or 44-21 (General Provisions) for #uses# in parking requirement category B1 in Use Group 6, 7, 8, 9, 10, 11, 14 or 16 to the number of spaces specified in the table set forth at the end of this Section, provided that the Board finds that occupancy by #uses# in parking category B1 is contemplated in good faith on the basis of evidence submitted by the applicant. In such a case, the Board shall require that the certificate of occupancy issued for the #building# within which such #use# is located shall state that no certificate shall thereafter be issued if the #use# is changed to a #use# listed in parking category B unless additional #accessory# off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius.

REDUCED ACCESSORY OFF-STREET PARKING SPACES REQUIRED FOR COMMERCIAL USES IN PARKING REQUIREMENT CATEGORY B1

Parking spaces required, per number of sq. ft. of floor area#	<u>Districts</u>
1 per 400	C1-1 C2-1 C3 C4-1
1 per 600	C1-2 C2-2 C4-2 C8-1
	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
1 per 800	C1-3 C2-3 C4-3 C7 C8-2

* * *

73-48 (4/29/82)

Exceptions to Maximum Size of Accessory Group Parking Facilities

The Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts# or for hospital and related facilities in #Residence Districts# in accordance with the provisions of this Section provided that such provisions shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 or 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages) ~~or to the retail facilities subject to Section 42-121 in #Manufacturing Districts#.~~

This Section shall not apply to Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan where the regulations set forth in Article I, Chapter 3 shall apply.

* * *

73-482 (6/27/63)

In Commercial or Manufacturing Districts

The Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts#, ~~except that in #Manufacturing Districts# this provision shall not apply to retail facilities subject to Section 42-121,~~ provided either that such facilities have separate entrances and exits on two or more #streets# or that the following findings are made:

- (a) that such facility, if #accessory# to a non-#residential use#, other than a #non-profit hospital staff dwelling#, has adequate reservoir space at the vehicular entrance to accommodate either ten automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles; and
- (b) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for locations of entrances or for shielding of floodlights.

* * *

73-53 (12/17/87)

Enlargements or Extensions of Certain Manufacturing or Related Uses

- (a) In all districts, the Board of Standards and Appeals may modify #use#, and #bulk#, and #accessory# parking regulations to permit the #enlargement# or #extension# of #floor area# or permit additional #accessory# parking and/or loading of a conforming or #non-conforming use# listed in Section 15-58; provided that:

* * *

73-63 (12/15/61)

Enlargement of Non-Residential and Mixed Buildings

For a complying or #non-complying# non-#residential building# existing on December 15, 1961, the Board of Standards and Appeals may permit an #enlargement#, provided that such #enlargement# shall not create any new #non-compliance# or increase the amount or degree of any existing #non-compliance# except as provided in this Section.

In all districts, the #floor area ratio# permitted under this Section shall not exceed the #floor area ratio# permitted under the applicable #bulk# regulations set forth in Article II, III or IV of this Resolution by more than 10 percent, or 10,000 square feet, whichever is less, except that retail #uses# in #mixed buildings# located in C1 or C2 Districts may expand into the #rear yard# up to the maximum commercial #floor area# permitted under Section 33-121, without regard to the maximum #floor area# allowed for the #building# or the limitations contained in this section, provided the expansion does not exceed one story, excluding basement, nor, in any event, a height of 23 feet above curb level.

* * *

Chapter 4
Special Permits by the City Planning Commission

~~74-78 (4/9/81)~~
~~Conversions of Non-Residential Buildings~~

~~74-781 (5/27/82)~~
~~Modifications by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts~~

~~In M1-5A and M1-5B Districts, the City Planning Commission may, after public notice and hearing and subject to Board of Estimate approval, permit modification of Section 42-14(D), (1)(e), (1)(d), (2)(a), or (2)(b) provided that the Commission finds that the owner of the space, or a predecessor in title, has made a good faith effort to rent such space to a mandated #use# at fair market rentals. Such efforts shall include but not be limited to: advertising in local and citywide press, listing the space with brokers, notifying the New York City Office of Economic Development, and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet prior to the date of the application for a special permit.~~

~~74-782 (2/11/92)~~
~~Residential Conversion and Joint Living-Work Quarters for Artists 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 may permit modification of the requirements of Sections 15-021 paragraph (e) or 15-21: in M1-5A and M1-5B Districts, the City Planning Commission may permit the modification of the requirements of Section 42-14(D) 42-131, paragraph (a)(2), and in the LMM Special Purpose District, the City Planning Commission may permit the modification of the requirements of Sections 111-102 and 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 citywide 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 citywide industry groups. The applicant shall provide records showing the specific efforts to rent such space;~~

- (e) there is sufficient alternative space to meet the needs of #commercial# and #manufacturing uses# in the area. The vacancy rate for 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;~~
- ~~(c) 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 predecessor 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) of this Section, ~~(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 Commission by the owner of the building or the occupant of a #dwelling unit# or #joint living-work quarters for artists# in such #buildings# 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 area# 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 Left Advisory Council#~~, c/o Mayer's Office of Economic Development.

In granting a 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.

* * *

74-922 (2/28/85)

Certain large retail ~~facilities~~ establishments

In M1 and M2 Districts, the City Planning Commission may permit the aggregate of retail ~~#uses#~~ subject to Section 42-121 to exceed 200,000 square feet of ~~#floor area#~~ and retail ~~#cellar#~~ space, exclusive of storage and mechanical equipment allotted to such ~~#uses#~~ per ~~#zoning lot#~~, or more than a total of 667 ~~#accessory#~~ parking spaces attributable to such ~~#uses#~~, when such ~~#uses#~~ are located on a ~~#zoning lot#~~ fronting on a ~~#wide street#~~, as defined in Section 42-121, paragraph (d), and not further restricted by other provisions of this Resolution. The City Planning Commission may also permit the total ~~#floor area#~~ of large retail facilities subject to Section 42-121 to exceed 20,000 square feet of ~~#floor area#~~ and retail ~~#cellar#~~ space, exclusive of storage and mechanical equipment allotted to such ~~#uses#~~ on a ~~#zoning lot#~~, or more than a total of 150 ~~#accessory#~~ parking spaces attributable to such ~~#uses#~~, when such ~~#uses#~~ are located on any ~~#zoning lot#~~ in districts where such restrictions apply. ~~Department stores; or Carpet, rug, linoleum, or other floor covering stores; or Clothing or clothing accessory stores; or Dry goods or fabric stores; or Food stores; or Furniture stores; or Television, radio, phonograph, or Household appliance stores; or Variety stores; with no limitation on #floor area# per establishment.~~

~~In M1-5M or M1-6 Districts, the City Planning Commission may modify the applicable regulations governing height and setback or #yards# for a change of #use#, #extension# or minor #enlargement# involving a large retail establishment.~~

~~In M1-5M Districts, the City Planning Commission may also modify the applicable regulations governing loading berths so as to allow the location of such berths off site in conjunction with a change of #use#, #extension# or #enlargement# of a large retail establishment with a #floor area# of at least 25,000 square feet within a #building designed for residential use#.~~

As a condition of granting a special permit for such large ~~#retail#~~ establishments, the Commission shall find that:

- (a) ~~that the principal vehicular access for such #use# is not located on a local #narrow street#;~~

- (a) that such #use# is so located to draw a minimum of vehicular traffic to and through local #streets#;
- (b) that adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;
- ~~(c) that vehicular entrances and exits are provided for such #uses# and are located not less than 100 feet apart;~~
- ~~(e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;~~
- (f)(c) such #development#, #enlargement#, #extension#, or change of #use# is so located as not to impair the essential character or the future use of or development of the surrounding area; and
- ~~(g) That such #use# will not produce any adverse effects which interfere with the appropriate #use# of land in the district or in any adjacent district;~~
- ~~(h) that such #bulk# modifications will not unduly obstruct the access of light and air to surrounding streets and properties~~
- ~~(i) That in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further finds:~~
- (d) the #streets# providing access to the facility will be adequate to handle the traffic generated by such #use#; and
- (e) where more than 150 #accessory# parking spaces are provided, the special urban design provisions of Section 42-121 have been met.

In M1-5M Districts, the Commission may also modify the applicable regulations governing loading berths so as to allow the location of such berths off-site in conjunction with a change of #use#, #extension# or #enlargement# of a large retail facility with a #floor area# of at least 25,000 square feet within a #building designed for residential use#;

As a condition of granting a special permit for modification of loading berth regulations to allow off-site loading berths, the Commission shall find that:

- (1) that an adequate alternate loading facility in the same ownership (single fee ownership or control or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the retail store is provided, subject to a deed restriction filed in an office of record binding the owner and his heirs and assigns to maintain the alternate facility throughout the

life of the retail store;

- (2) ~~that~~ the alternate loading facility is located within the same district or an adjoining C6-M, C8 or #Manufacturing District# and the maximum distance between the two sites is 1½000 feet;
- (3) ~~that~~ the location of the loading berths on the same #zoning lot# as the retail store would have a significant impact on the existing #residential uses# in the #building#;
- (4) ~~that~~ the location of the loading berths on the same #zoning lot# as the retail store would create serious vehicular and pedestrian traffic conflict on the #street# upon which the store fronts; and
- (5) that the alternate location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# surrounding the alternate site.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Any special permit granted pursuant to this Section prior to (date of approval), shall remain in effect subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

* * *

Article IX
Special Purpose District

Chapter 7
Special Northside Mixed Use District

* * *

97-02 (3/18/76)
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Northside Mixed Use District# and in accordance with the

provisions of this Chapter, regulations of the #Special Northside Mixed Use District# shall replace and supersede the existing district regulations. In the R(M) #Special Northside Mixed Use District#, all #use#, #bulk# and off-street parking regulations of R6 Districts shall govern #residential# and #community facility uses# and the provisions of this Chapter shall apply only to #manufacturing# and #commercial uses# listed in Section 97-111 (Use Group M). ~~Except as modified by Section 97-27 (Special Use Regulations), in the M(R) #Special Northside Mixed Use District# all #use, bulk#, off-street parking and off-street loading regulations of the applicable #Manufacturing Districts# shall govern #manufacturing, commercial# and #community facility uses#, and the provisions of this Chapter shall apply only to #residential uses# allowed in R6 Districts. #Zoning lots# adjacent to the #Special Northside Mixed Use District# shall not be subject to the provisions of Section 42-214 (Special provisions applying along district boundaries), 42-412 (In M2 or M3 Districts), 42-42 (Enclosure or Screening of Storage), 42-44 (Limitation on Business Entrances, Show Windows or Signs) 42-54 (Special Provisions Applying along District Boundaries), 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES), or 44-583 (Restrictions on locations of berths near Residence Districts).~~

* * *

97-27

Regulations for Uses in Retail Facilities

~~In the M(R) #Special Northside Mixed Use District#, retail #uses# subject to Section 42-121 shall be limited to a total of 20,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses# on a #zoning lot#, and no more than 150 required or permitted #accessory# parking spaces attributable to such #uses#, except as otherwise provided in Section 74-922 (Certain large retail facilities).~~

* * *

Article XI

Special Purpose District

Chapter 1

Special Lower Manhattan Mixed Use District

* * *

6/28/95

111-02

General Provisions

The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed, and changes in #uses# within the Special District.

* * *

Museums or non-commercial art galleries are permitted #uses# within Areas B1 and B2 of the Special District in accordance with the provisions of Section 111-1054 (Museums or non-commercial art galleries), and are subject to the #bulk# regulations applicable to #manufacturing uses# in Areas B1 and B2.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect.

111-10 (4/9/81)

SPECIAL USE REGULATIONS

111-101 (6/28/95)

~~Location of permitted uses in buildings containing loft dwellings or joint living work quarters for artists.~~

~~Within Areas B1 and B2, #loft dwellings# and #joint living work quarters for artists# are not permitted below the floor level of the third #story#.~~

111-1021 (6/28/95)

Ground floor use restrictions

(a) ~~In~~ Areas A1 and A4, ~~G~~ ground floor spaces in separate #buildings# may not be combined for #uses# in Use Groups 3, 4, 5 and 6, except in those #buildings# having frontage on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway.

(b) ~~Areas B1 and B2~~

(1) ~~Use of the ground floor in #buildings# constructed prior to March 10, 1976 shall be restricted to #uses# in Use Groups 7, 9, 11, 16, 17a, 17b, 17c, or 17e, except that where a~~

~~#use# other than those occupied the ground floor of a #building# prior to March 10, 1976, it shall be permitted in conformance with the underlying district regulations.~~

- ~~(2) In #buildings# having frontage on Greenwich Street, West Street, Hudson Street, West Broadway or Canal Street, ground floor #uses# shall be permitted in conformance with the underlying districts, except as provided in Section 111-103, paragraph (e).~~

111-103~~2~~ (6/28/95)

Additional use regulations

* * *

(b) In Areas B1 and B2,

- (1) #Loft dwellings# and #joint living-work quarters for artists# shall be permitted in #buildings# where the #lot coverage# is less than 5,000 square feet. #Loft dwellings# and #joint living-work quarters for artists# shall be permitted in other #buildings# or other structures# only by special permit of the City Planning Commission pursuant to Section 74-78~~2~~ (Special permit) 74-78 (Residential Conversion and Joint Living-Work Quarters for Artists in C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts) or by minor modification of the Chairman of the City Planning Commission pursuant to Section 111-20, paragraph (d).

- (2) Retail #uses# subject to Section 42-121 shall be limited to a total of 20,000 square feet of #floor area# and retail #cellar# space exclusive of storage and mechanical equipment allotted to such #uses# on a #zoning lot#, except as otherwise provided in Section 74-922.

* * *

6/28/95

111-104~~3~~

Special provisions for Areas A1, A2, A3, A4 and B2

111-105~~4~~ (6/28/95)

Museums or non-commercial art galleries

Areas B1 and B2

In any ~~#building#~~, a museum or non-commercial art gallery is permitted on the ground floor where a ~~#use#~~ in Use Group 6 is permitted pursuant to the provisions of Section ~~111-102~~ and above the ground floor where ~~#joint living-work quarters for artists#~~ or ~~#loft dwellings#~~ are permitted pursuant to the provisions of Sections ~~111-101~~ or ~~111-1032~~.

* * *

111-20 (6/28/95)

MINOR MODIFICATIONS

On application, the Chairperson of the City Planning Commission may grant minor modifications to the following provisions of this Chapter:

- ~~(a) The requirements of Section 111-101 relating to location of #loft dwellings# or #joint living work quarters for artists# below the floor level of the third #story# of a #building# in Areas B1 and B2, and Section 111-102, paragraph (b), relating to #use# restrictions in #floor area# on the ground floor may be modified provided that the Chairperson of the Commission finds that the owner of the space has made a good faith effort to rent such space to a mandated #use# at fair market rentals.~~

~~Such efforts shall include but not be limited to:~~

~~advertising in local and city wide press;~~

~~listing the space with brokers;~~

~~notifying the New York City Office of Economic Development; and~~

~~informing local and city wide industry groups.~~

~~Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet prior to the date of the application.~~

~~(b)~~

The requirements of Section 111-111 relating to ~~#loft dwellings#~~ may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the design

of the #loft dwellings# or #joint living-work quarters for artists# provides sufficient light and air to allow minor modifications of these provisions.

- (e) The requirements of Section 111-112 relating to roof top #open space# may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the roof either is unsuited for #open space use# or cannot be made suitable for #open space use# at reasonable cost.
- (d) The requirements of Section 111-103~~2~~ (Additional use restrictions), paragraph (b), relating to #loft dwellings# and #joint living-work quarters for artists# in #buildings# within Area B1 and B2, where the #lot coverage# is 5,000 square feet or more, may be modified provided that:
- (1) such #floor area# was occupied on September 1, 1980 as #loft dwellings# or #joint living-work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;
 - (2) such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy, or separate utilities or systems for the entirety of each section of the #building#; and
 - (3) the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#.

A developer must send a copy of any request for modification pursuant to this Section to the applicable Community Board at least ten days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests it must do so within 30 days of such notification.

6/28/95

111-40

SPECIAL PERMIT FOR CERTAIN LARGE RETAIL FACILITIES

The City Planning Commission may permit the total #floor area# of large retail facilities subject to Section 111-103~~2~~, paragraph (a)(3), to exceed 20,000 square feet of #floor area#, including retail #cellar# space allotted to such #uses#, in #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, and 10,000 square feet of #floor area#, including retail #cellar# space allotted to such #uses#, in #buildings# fronting on other #streets#.

* * *

(On August 21, 1996, Cal. No. 1, the Commission rescheduled September 4, 1996 for a public hearing. On September 4, 1996, Cal. No. 1, the hearing was continued.)

Close the hearing.

CITYWIDE

No. 23

Citywide

N 960530 (A) ZRY

PUBLIC HEARING:

IN THE MATTER OF a Proposed Modification of the Retail and Industrial Text Amendments.

Matter in ~~Graytone~~ is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

... indicate unchanged text omitted within a paragraph;

* * * indicate where unchanged text appears in the Zoning Resolution

Article 1

Chapter 2 Construction of Language and Definitions

* * *

12-10 (10/25/95)

Definitions

* * *

Accessory use, or accessory (10/25/93)

* * *

An "accessory use" includes:

* * *

(u) Retail #uses# in #wholesale# and #warehouse# establishments, but only to the extent retail sales areas comprise no more than ten percent of the #floor area# of the establishment or, for open #uses#, ten percent of the #lot area#, provided the total #floor area#, or #lot area# where applicable, for such retail #uses# does not exceed 5,000 square feet.

(v) Retail sales of garden supplies, open or enclosed.

* * *

Industrial Loft Advisory Council

~~The "Industrial Loft Advisory Council" shall be the council in the Mayor's Office for Economic Development created by Executive Order of the Mayor and composed of representatives of local industry, which may advise the Mayor, the City Planning Commission and its Chairperson, or the Board of Standards and Appeals concerning applications pursuant to the Zoning Resolution. The ILAC shall be an interested party for the purpose of Section 668(e) of the New York City Charter.~~

* * *

Warehouse

A #warehouse# is a #use# limited to the storage of goods.

* * *

Wholesale use, or wholesale

A #wholesale use# is a #use# limited to the selling of merchandise for further distribution to retailers, industrial or commercial businesses, institutions, construction contractors, professional businesses, or to other wholesalers. Where #wholesale# is used in the text, it shall have the same meaning as #wholesale use#.

* * *

Chapter 5

Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens

* * *

15-02 (4/9/81)

General Provisions

15-021 (9/25/86)

Special use regulations

* * *

- (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# which did not contain #dwelling units# erected prior to December 15, 1961, subject to the provisions of Section 32-42 (Location within Buildings). Use Group 17B #uses# are permitted in formerly #residential buildings# where #residential use# of all #dwelling units# has been discontinued.

* * *

- (e) In C6-1G and C6-2G Districts, all new #dwelling units# in all manufacturing and #commercial buildings# except police stations, courthouses and fire houses, or portions thereof, erected prior to December 15, 1961, shall be provided with a minimum 40dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A) or less with windows closed. Therefore, an alternate means of ventilation is required. #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.

* * *

15-40 (4/9/81)
SPECIAL PERMIT

15-41 (2/11/92)
Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of Section 15-021 paragraph (e) or 15-21 in accordance with the provisions of Section 74-711 (Landmark preservation in all districts) or 74-782 (Residential conversion and #joint living work quarters for artists# in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts).

* * *

Article III
Commercial District Regulations

Chapter 2
Use Regulations

* * *

32-00 (10/25/95)
GENERAL PROVISIONS

* * *

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 M1 Districts as set forth in Sections 42-20 and 42-28, inclusive, relating to Performance Standards. Such #uses# may be #extended# within #buildings#.

In C6-1G and C6-2G Districts, in #buildings# erected prior to December 15, 1961, and which did not contain #dwelling units# prior to that date, the following manufacturing #uses#, as listed in Use Group 17B, shall be considered conforming and are permitted as-of-right, subject to the provisions of Section 32-42 (Location within Buildings):

Apparel or other textile products from fabric or other materials, including hat bodies, or similar products

Electronic equipment, including computers and audio and video equipment

Food products, except slaughtering of meat or preparation of fish for packing

Fur goods, not including tanning or dyeing

Hair, felt or feather products, except washing, curing or dyeing

Hosiery

Leather products, including shoes, machine belting or similar products

Luggage

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils or similar products

Plastic products, including tableware, phonograph records, buttons or similar products

* * *

32-15 (10/25/93)

Use Group 6

C1 C2 C4 C5 C6 C8

Use Group 6 consists primarily of retail stores and personal service establishments which:

- (1) provide for a wide variety of local consumer needs; and
- (2) have a small service area and are, therefore, distributed widely throughout the City.

Public service establishments serving small areas are also included. Retail and service establishments are listed in two sub-groups, both of which are permitted in all C1 Districts.

The #uses# listed in A below are also permitted within #large-scale residential developments# to provide daily convenience shopping for residents of the #development#.

A. Convenience Retail or Service Establishments

Bakeries, provided that #floor area# used for production shall be limited to 750 3,000 square feet per establishment, except that in C1 Districts, or when such #use# is permitted within #large scale residential developments# in #Residence Districts#, the #floor area# shall be limited to 750 square feet per establishment [PRC-B]

Barber shops [PRC-B]

* * *

32-16 (8/17/90)

Use Group 7

C2 C6* C8

Use Group 7 consists primarily of home maintenance or repair services which:

- (1) fulfill recurrent needs of residents in nearby areas;
- (2) have a relatively small service area and are, therefore, widely distributed throughout the City; and
- (3) are incompatible in primary retail districts since they break the continuity of retail frontage.

* * *

B. Retail or Service Establishments

Bicycle rental or repair shops [PRC-B1]

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, limited to ~~2,500~~ 5,000 square feet of #floor area# per establishment [PRC-B1]

Exterminators [PRC-B1]

Funeral establishments [PRC-H]

Gun repairs [PRC-B1]

Monument sales establishments, with incidental processing to order, but not including the shaping of headstones [PRC-C]

Moving or storage offices with storage limited to items for retail sale and to ~~1,500~~ 5,000 square feet of #floor area# per establishment [PRC-B1]

Refreshment stands, drive-in [PRC-H]

Sailmaking establishments [PRC-C]

Sign painting shops, limited to 2,500 5,000 square feet of #floor area# per establishment [PRC-B1]

Taxidermist shops [PRC-B1]

Trade embalmers [PRC-B1]

Venetian blind, window shade, or awning shops, custom, limited to 2,500 5,000 square feet of #floor area# per establishment [PRC-B1]

Window cleaning contractors' establishments, including floor waxing and other similar building maintenance services [PRC-B1]

C. Wholesale Establishments

Wholesale establishments, with not more than 1,500 5,000 square feet of #accessory# storage per establishment [PRC-B1]

* * *

32-17 (10/25/95)

Use Group 8

C2 C4 C6 C8

Use Group 8 consists primarily of amusement or service establishments which:

- (1) are appropriate in local service districts to serve nearby #residential# areas; or
- (2) depend on a wide service radius and may appropriately be located in secondary or major commercial centers.

Since these establishments are generally patronized by customers for special purposes not associated with retail shopping, they are appropriate neither in local shopping areas nor in the restricted central commercial areas.

* * *

B. Retail or Service Establishments

* * *

Lumber stores, limited to 5,000 square feet of #floor area# per establishment exclusive of that #floor area# used for office and display areas, and provided that not more than 400 square feet of #floor area# shall be used for cutting of lumber to size [PRC-B1]

* * *

32-18 (10/25/93)

Use Group 9

C2 C4 C5 C6 C8

Use Group 9 consists primarily of business and other services which:

- (1) serve a large area and are, therefore, appropriate in secondary, major, or central commercial shopping areas, and
- (2) are also appropriate in local service districts, since these are typically located on the periphery of major or secondary centers.

A. Retail or Service Establishments

* * *

Plumbing, heating, or ventilating equipment showrooms, without repair facilities [PRC-B1]

* Printing establishments, limited to 2,500 ~~3,000~~ square feet of #floor area# per establishment for production [PRC-B1]

* Public auction rooms [PRC-D]

* * *

B. Wholesale Establishments

Hair products for headwear, wholesaling including styling [PRC-B1]

Photographic developing or photographic printing establishments, limited to 2,500 5,000 square feet of #floor area# per establishment except that such #floor area# limitation shall not apply in C6 Districts, provided such #use# conforms to the performance standards for M1 Districts and to the applicable regulations of Chapter 19 (Fire Prevention Code) of the Administrative Code. [PRC-B1]

* * *

32-20 (12/15/61)

Use Group 11

C5 C6** C8

Use Group 11 consists of a few types of essentially custom manufacturing activities which:

- (1) benefit from a central location and are appropriate in the central business district;
- (2) generally do not create any significant objectionable influences; and
- (3) involve products characterized by a high ratio of value to bulk, so that truck traffic is kept to a minimum.

A. Manufacturing Establishments

* * *

- * Orthopedic or medical appliances, custom manufacturing [PRC-F]
- * Printing, custom, limited to 2,500 5,000 square feet of #floor area# per establishment for production, provided that such #floor area# limitation shall not apply in C6 Districts [PRC-F]

- * Watchmaking [PRC-F]

B. Wholesale or Similar Establishments

- * Ship chandlers [PRC-F]

- * Wholesale establishments, with #accessory# storage limited to 2,500 5,000 square feet of #floor area# per establishment, except that in C6-1G, C6-2G, C6-2M and C6-4M Districts, there is no #floor area# limit to #accessory# storage [PRC-B1]

* * *

32-422 (7/16/72)

Location of floors occupied by non-residential uses

C4 C5 C6

In the districts indicated, in any #building#, or portion of a #building# occupied by #residential uses# listed in Use Groups 1 or 2, non-#residential uses# listed in Use Groups 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, or 16 or 17, where permitted, pursuant to Section 32-00 (General Provisions), may be located only on a #story# below the lowest #story# occupied in whole or in part by such #residential uses#, except that this limitation shall not preclude the location of any such non-#residential use# below the level of the first #story# ceiling, or the extension of a permitted #business sign accessory# to such non-#residential use# to a maximum height of two feet above the level of the finished floor of the second #story#, but in no event higher than six inches below the lowest window sill on the second #story#.

* * *

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-292 (12/15/61)

Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of the #rear lot line# of a #zoning lot# in a #Commercial District# ~~which that~~ coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area at a level not higher than indicated in the following table, shall be provided along such boundary and within the #Commercial District#. Such an open area shall not be used for storage or processing of any kind.

REQUIRED DEPTH OF YARD

	Depth	Districts							
Maximum Level of #Yard#	(in feet)	C1	C2	C3	C4	C5	C6	C7	C8
23 feet above #curb level#	30								
#Curb level#							30		C8*

* Use Group 16 only

* * *

Article IV
Manufacturing District Regulations

Chapter 2
Use Regulations

* * *

42-00 (10/25/93)
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 ~~3A, 4B, 4C, 5 through 6A, 6B, 7, 8, 9B, 9C, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14, 16, 17 or 18~~, including each #use# listed separately therein, and subject to the limitations listed in Sections 42-10 through 42-15, ~~inclusive~~ certain #uses# listed in Use Groups ~~3A, 6C, 9A, 10A or 12B~~ are permitted in #Manufacturing Districts#. ~~as indicated in Section 42-11 to 42-15, inclusive~~, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 42-01 (Special Provisions for Adult Establishments).

#Uses# listed in Use Groups 11A, 16, 17 or 18 must also comply with the applicable performance standards set forth in Sections 42-21 to 42-28, inclusive. In case of any conflict between the Use Group and the performance standards, the latter shall control.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts (as well as M3 Districts) if such #uses# comply with all of the applicable performance standards for such districts.

* * *

42-03 (12/21/89)
Residential Use

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 ~~42-134~~ (Residential Uses in M1-D Districts), paragraph (a), 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).

42-10 (1/28/71)
USES PERMITTED AS OF RIGHT

42-11 (8/16/79)
Use Groups ~~3~~ and 4B, 4C, 5, 6C, 6E, 7A, 9A, and 12B

M1 ~~M2 M3~~

Use Groups ~~3 and 4B~~ 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-14, 32-15, 32-16, 32-18, 32-19, 32-21 ~~22-13 and 22-14~~

~~All health facilities listed in Use Group 4A and requiring approval under Article 28 of the Public Health Law of the State of New York, which prior to July 10, 1974 have received approval of Part I of the required application from the Commissioner of Health, are allowed as of right and are not subject to the special permit provision of Sections 42-32 and 74-921.~~

~~Use Group 3 shall be limited to museums that are ancillary to existing motion picture production studios or radio or television studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.~~

~~Use Group 4B shall only be permitted in M1 Districts.~~

42-12 (10/25/95)

Use Groups 3A, 6A, 6B, 6D, 6E, 7B, 7C, 7D, 7E, 5, 6, 7, 8, 9B, 9C, 9, 10, 10A, 10B, 10C, 11, 12, 12A, 12C, 12D, 12E, 13, 14, and 16

M1 M2 M3

~~Use Groups 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16 as set forth in Sections 32-14 through 32-23 and 32-25, except as modified by Section 42-121.~~

~~Use Group 3A shall be limited to museums that are ancillary to existing motion picture production studios or radio or television studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.~~

~~Use Group 6A except that food stores, including supermarkets, grocery stores, or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25.~~

~~Use Group 10A shall be limited to depositories for storage of office records, microfilm or computer tapes, or for data processing; docks for ferries; office or business machine stores, sales or rental; photographic or motion picture production studios; office or business machine stores, sales or retail; and radio or television studios.~~

In M3 Districts, the aggregate of all #uses# listed in Section 42-121 shall be limited to a total of 20,000 square feet of #floor area# and retail #cellar# space allotted to such #uses#, exclusive of storage and mechanical equipment, on a zoning lot.

In Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan, and a portion of Community Districts 1 and 2 in the Borough of Queens, #public parking garages# and #public parking lots# in Use Group 8C and 12D are subject to the provisions of Article 1, Chapter 3.

42-121

Special requirements for certain retail uses

M1 M2

#Uses# listed in Table A below shall be subject to the special requirements of this Section:

TABLE A	
1.	All uses in Use Group 6A and 6C
2.	The following uses in Use Group 9A:
	(i) clothing or costume rental establishments
	(ii) typewriter or other small business machine sales, rental or repairs
3.	All #uses# in Use Group 10A with parking categories B or B1
4.	The above #uses#, when listed in other #use groups#

(a) Definitions

#Wide Street#

For the purposes of this Section, a #wide street# shall be limited to either a way shown on the City Map, or any other public way which on December 15, 1961 was performing the functions usually associated with a way shown on the City Map. In addition, no #street# shall be considered a #wide street# pursuant to this Section if any portion of the #street# fronting on a #zoning lot# or extending to the nearest intersection is occupied by a #building or other structure#. For purposes of this Section, a #zoning lot# shall be considered to front on a #wide street# only if it has either:

(i) at least 150 feet of #street# frontage on a #wide street# or

(ii) at least 50 percent of its total #street# frontage on a #wide street#.

If a #zoning lot# is located at the intersection of two #street lines#, frontage along a #narrow street# within 100 feet of its intersection with a #wide street# may be counted as frontage along a #wide street#.

#Narrow street#

For the purposes of this Section, a #narrow street# shall be any #street# not meeting the definition of a #wide street# as defined in this paragraph (a). In addition, any #zoning lot# not considered to front on a #wide street# pursuant to this paragraph (a) shall be considered to front on a #narrow street#.

(b) Special location requirements

When #uses# listed in Table A of this Section are located on a #zoning lot# fronting on a #narrow street#, no more than 150 required or permitted #accessory# parking spaces attributable to such #uses# shall be provided. In addition, the aggregate of such #uses# shall not exceed 20,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses#.

(d) Special urban design provisions for certain retail uses

For purposes of this special traffic analysis, on a zoning lot containing both uses listed in Table A of this Section and any other uses, all non-required accessory parking spaces shall be considered attributable to such uses listed in Table A.

The uses listed in Table A of this Section shall be subject to the provisions of Section 44-47 (Traffic Control Plan) where the aggregate of such uses comprise all or part of a development, enlargement, extension, or change of uses from a non-listed use located on a zoning lot, including such uses already existing on such zoning lot, exceeds a total of 35,000 square feet of floor area and retail kiosk space exclusive of storage and mechanical equipment space allotted to such uses or, regardless of the amount of floor area, more than 120 required or permitted accessory parking spaces are attributable to such uses.

(e) Special traffic analysis for certain retail uses

Furthermore, uses listed in Table A of this Section located in the Ladies' Mile Historic District in Manhattan shall be exempt from such special permit requirements and shall be permitted as-of-right regardless of the square footage of the uses, provided that the floor area proposed for such uses has been at any time in the past occupied by a use listed in Table A.

Notwithstanding the foregoing, uses that exceed the limitations of this paragraph (b) shall be permitted subject to the special permit requirements of Section 74-922 (Certain large retail facilities).

When such uses are located on a zoning lot fronting on a wide street, no more than 607 required or permitted accessory parking spaces attributable to such uses shall be provided. In addition, the aggregate of such uses shall not exceed 200,000 square feet of floor area and retail kiosk space, exclusive of storage and mechanical equipment allotted to such uses.

The #uses# listed in Table A of this Section shall be subject to the provisions of Chapter 5 (Special Urban Design Requirements) where the aggregate of such #uses# comprise all or part of a #development#, #enlargement#, #extension#, or change of #use# from a non-listed #use# located on a #zoning lot#, including such #uses# already existing on such #zoning lot#, exceeds a total of 35,000 square feet of #floor area# and retail #cellar# space exclusive of storage and mechanical equipment space allotted to such #uses# or, regardless of the amount of #floor area#, more than 120 required or permitted #accessory# parking spaces are attributable to such #uses#.

However, in Manhattan south of 110th Street, the provisions of Chapter 5 (Special Urban Design Requirements) shall also apply to the #uses# listed in Table A of this Section when such #uses# exceed a total of 20,000 square feet of #floor area# and retail #cellar# space exclusive of storage and mechanical equipment space allotted to such #uses#.

42-13 (10/25/93)

Use Groups 6C, 9A and 12B Special Use Regulations in Certain Mixed-Use Areas

M2 M3-

~~Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists' supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; docks for ferries or water taxis; eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less; eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less; frozen food lockers; fishing tackle or equipment, rental or sales; jewelry or art metal craft shops; locksmith shops; meeting halls; millinery shops; music stores; newsstands, open or closed; paint stores; picture framing shops; and watch or clock repair shops.~~

~~Use Group 9A shall be limited to blueprinting or photostating establishments; business schools or colleges; medical or dental laboratories; musical instrument repairs; printing establishments; public auction rooms; studios, art, music, dancing, or theatrical; trade or other schools for adults; typewriter or other small business machine sales, rental or repairs; and umbrella repairs.~~

~~Use Group 12B shall be limited to antique stores; art galleries; commercial; candy or ice cream stores; cigar or tobacco stores; delicatessen stores; jewelry or art metal craft shops; music stores; and newsstands.~~

42-131 (8/20/81)

M1-5A and M1-5B Districts

The regulations governing M1 Districts shall apply in M1-5A and M1-5B Districts except as set forth in this Section: where the special use regulations set forth in Section 42-14(D) (Special Uses in M1-5A and M1-5B Districts) provide otherwise.

Note: the Following Text Is Relocated from Sections 42-14 (Use Group 17) Paragraph (D)(Special Uses in M1-5A and M1-5B Districts) and Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of Uses in M1-5A and M1-5B Districts).

~~D. — Special #uses# in M1-5A and M1-5B Districts~~

~~M1-5A-M1-5B~~

~~(+)(a) #Joint living-work quarters for artists# in #buildings# in M1-5A and M1-5B Districts, provided:~~

~~(a)(1) Such #building# was erected prior to December 15, 1961;~~

~~(b)(2) The #lot coverage# of such #building# does not exceed 5,000 square feet; except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet. However, such quarters may also be located in a #building# occupying more than 5,000 square feet of #lot area# if the entire #building# was held in cooperative ownership by #artists# on September 15, 1970.~~

#Joint living-work quarters for artists# are permitted in other #buildings or other structures# only by special permit of the City Planning Commission pursuant to Section 74-782 (Residential Conversion and Joint Living-Work Quarters for Artists in C6-2M, C6-4M,

M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts), or by minor modification of the Chairperson of the City Planning Commission pursuant to ~~paragraph (f) of this Section 42-141 paragraph(e)~~;

- ~~(e) In M1-5B Districts in #buildings# occupying less than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts) or Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts).~~
- ~~(d) In #buildings# occupying more than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts) or Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts).~~
- ~~(e)(3) At least 30 percent of the gross roof area of a #building# containing 15 #joint living-work quarters for artists# shall be developed for recreational use. For each additional #joint living-work quarters for artists#, 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 ~~paragraph (f) of this Section 42-141.~~~~

- (f)(4) In any #building# which as a result of zoning map change CP-23167 is zoned M1-5B, any existing occupant of a #joint living-work quarters for artists# which cannot meet the qualifications of the Department of Cultural Affairs may remain as a lawful #use#. This lawful #use# is non-transferable and ceases immediately upon the vacating of such space. Such occupants must register with the Department of Cultural Affairs not later than August 31, 1983, in order to preserve their lawful status in their existing space.
- (g)(5) In a #building# for which an alteration permit for #joint living-work quarters for artists# was requested prior to April 27, 1976, such alterations may comply with the regulations effective prior to such date.
- (h)(6) Prior to the issuance of an alteration permit for #joint living-work quarters for artists use#, the owner shall pay a conversion contribution in accordance with the provisions of Article 1, Chapter 5.

(2)(b) ~~#Commercial# and #manufacturing uses# below the floor level of the second #story# provided #Uses# listed in Table A of Section 42-121 are permitted up to a total of 20,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses# on a #zoning lot#, except as further limited in this Section, or as otherwise provided in Section 74-922.~~

- (a) ~~In M1-5A Districts, in #buildings# occupying more than 3,600 square feet of #lot area#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings#, unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the of the City Planning Commission of uses in M1-5A and M1-5B Districts) or Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts);~~

~~(b) In M1-5B Districts, in any #buildings#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings# unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts) or Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts);~~

~~(c)~~ In addition to the above restrictions, The following #uses# are not permitted as of right in any #building or other structure# or on any tract of land in M1-5A or M1-5B Districts:

~~(e)(1)~~ All eating or drinking places as listed in Use Groups 6A, 6C, 10A, or 12A of more than 5,000 square feet of floor space, except that any eating or drinking place which is listed in Use Group 6A, which had obtained an alteration permit prior to July 14, 1976, is permitted.

~~(e)(2)~~ Eating or drinking places of less than 5,000 square feet with entertainment other than musical entertainment but not dancing, with a capacity of 200 persons or less as listed in Use Group 6C, and with entertainment or dancing as listed in Use Groups 10A or 12A. However, such #uses# are permitted:

(i) provided that there is entertainment but not dancing, with a capacity of 200 persons or less as listed in Use Group 6C, only by special permit of the Board of Standards and Appeals in accordance with Section 73-241; or

(ii) with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing as listed in Use Group 12A only by special permit of the Board of Standards and Appeals in accordance with Section 73-244.

~~(e)(3)~~ Non-commercial clubs as listed in Use Groups 6E and 14B.

- (4)(4) All #uses# listed in Use Group 8A except that theaters are permitted only by special permit of the Board of Standards and Appeals in accordance with standards set forth in Section 73-202. However, this provision shall not apply to theaters with a capacity of less than 100 seats.
- (5)(5) Banquet halls, wedding chapels, catering establishments, #physical culture or health establishments#, including gymnasiums, reducing salons, massage establishments, or steam baths. However, this provision shall not apply to gymnasiums occupying not more than 10,000 square feet and used exclusively for the following sports facilities: basketball, handball, squash, and tennis.
- (4)(6) All other #uses# listed in Use Group 12A.
- (5)(7) All #uses# listed in Use Group 13 except that theaters are permitted only by special permit of the Board of Standards and Appeals in accordance with standards set forth in Section 73-202. However, this provision shall not apply to theaters with a capacity of less than 100 seats.

(8) #Uses# in Use Group 18, as set forth in Section 42-15.

- (4)(d) (a) Any #use# which became #non-conforming# after April 27, 1976, shall be governed by Article V of this Resolution (Non-Conforming Uses and Non-Complying Buildings), except that in M1-5A and M1-5B Districts Section 52-37 is hereby suspended and replaced by Section 42-14 D.(4)(b).
- (b) ~~In M1-5A and M1-5B Districts any #non-conforming use# listed in Use Groups 5, 6, 8, 10, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or a #use# listed in Use Group 6.~~
- (5)(c) Museums or non-commercial art galleries, ~~are permitted as of right in M1-5A and M1-5B Districts~~ subject to the #bulk# regulations applicable for #manufacturing uses#, ~~and subject to the provisions of this Section.~~

~~(a) As of right:~~

~~In any #building#, a museum or non-commercial art gallery is permitted on the ground floor where a #use# in Use Group 6 is permitted pursuant to the provisions of Section 42-14 D.(2) or 42-14 D.(4), and above the ground floor where #joint living work quarters for artists# are permitted pursuant to Section 42-14 D.(1).~~

~~(b) By authorization of the City Planning Commission:~~

~~In an M1-5A District, the City Planning Commission may authorize a museum or non-commercial art gallery where it is not permitted as of right, provided that the Commission finds that:~~

- ~~(i) the #use# of such space as a museum or non-commercial art gallery will not harm #manufacturing uses# in the M1-5A District or the industrial sector of the City's economy;~~
- ~~(ii) any commercial or manufacturing tenants in such space were given the opportunity by the owner or predecessors in title to remain in the space at fair market rentals, and the property owners or predecessors in title did not cause the vacating of the space through harassment, non-renewal of leases, or the charging of rents in excess of the then fair market value; and~~
- ~~(iii) any such museum or non-commercial art gallery will be supportive of the local art industry.~~

~~The Commission shall refer to a copy of any application for authorization pursuant to this Section to the #Industrial Left Advisory Council#, the Office of Economic Development, and to the Department of Cultural Affairs, each of which shall have thirty days to comment upon such application. The Commission may set such conditions on the grant of an authorization to allow such #uses# as it~~

~~deems necessary to protect #manufacturing uses# or the industrial sector of the City's economy. In no case shall such museum or non-commercial art gallery occupy more than 65,000 square feet of #floor area#.~~

~~E. _____ #Accessory uses#~~

Note: the Following Text Is Relocated from 42-141 (Modification by Certification of the Chairperson of the City Planning Commission of Uses in M1-5A and M1-5B Districts)

~~42-141 (7/19/90)~~

~~(f) Modification by certification of the Chairperson of the City Planning Commission of #uses in M1-5A and M1-5B Districts the regulations governing #joint living-work quarters for artists# in paragraph (a) of this Section:~~

~~In M1-5A and M1-5B Districts, the requirements of Sections 42-14 D. (1)(b) and (c), (d) and (e) or 42-14 D.(2) paragraphs (a)(2) and (3) of this Section may be modified by certification of the Chairperson of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant to the applicable Community Board at least twenty days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.~~

~~(a) The provisions of Section 42-14D (1), (c) or (d) or Section 42-14 D.(2) may be modified if the #floor area# below the level of the second #story# was vacant as of January 28, 1976 and a complete application under this provision is filed with the City Planning Commission not later than June 21, 1983;~~

~~(b) The provisions of Section 42-14 D (1), (c) or (d) may be modified provided that:~~

- ~~(1) the #floor area# below the level of the second #story# was occupied by #joint living-work quarters for artists# as of September 1, 1980, and a complete application for a determination of occupancy has been filed by the owner of the #building# or the occupant of a #joint living-work quarters for artists# in the #building# with the Department of City Planning not later than June 21, 1983. For the purpose of Article 7C of the New York State Multiple Dwelling Law, such a determination of #joint living-work quarters for artists# occupancy by the Chairperson of the City Planning Commission shall be deemed to permit #residential use# as of right for such quarters; or~~
- ~~(2) the Chairperson finds that the space below the floor level of the second #story# is required by an #artist# whom the Department of Cultural Affairs has certified as working in a heavy or bulky medium which is not easily transported to the upper floors.~~
- ~~(e) The provisions of Section 42-14 D. (2) may be modified provided a #use# other than those listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E occupied the #floor area# below the level of the second #story# as of September 1, 1980 and an application under this provision has been filed with the City Planning Commission not later than June 21, 1983; or~~
- (d)(1) The requirements of 42-14 D. (1) (e) paragraph (a)(3) of this Section may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the roof either is unsuited for open space use or cannot be made suitable for open space use at a reasonable cost.
- (e)(2) The requirements of Section 42-14 D. (1)(b) paragraph (a)(2) of this Section relating to #joint living-work quarters for artists# in #buildings# where the #lot coverage# is 5,000 square feet or more, or 3,600 square feet or more in #buildings# with frontage along Broadway, may be modified, provided that:
- (1)(i) such #floor area# was occupied on September 1, 1980 as #joint living-work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found

covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;

~~(2)(ii)~~ such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy or separate utilities or systems for the entirety of each section of the #building#; and

~~(3)(iii)~~ the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#, except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet.

* * *

Note: The following text has been relocated from section 42-47 (Residential Uses in M1-D Districts)

42-47 (12/21/89)

Residential Uses in M1-D Districts

42-134

M1-D Districts

~~(a)~~ Residential uses

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 paragraphs ~~(e)(1)~~, ~~(e)(2)~~, or ~~(e)(3)~~ of this Section below.

(a)(1) On #zoning lots# containing #residential# or #community facility uses#, new #residences# or #residential enlargements# may be authorized; provided:

(1)(i) 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;

(2)(ii) the #zoning lot# contains no other #commercial# or #manufacturing uses#; and

(3)(iii) 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)(2) On vacant #zoning lots#, new #residences# may be authorized; provided:

(1)(i) 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;

(2)(ii) 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)(iii) either of the following conditions exists:

(+)(a) 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)(b)~~ 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#~~.

~~(e)(3)~~ On ~~#land with minor improvements#~~, new ~~#residences#~~ may be authorized, provided:

~~(1)(i)~~ such ~~#land with minor improvements#~~ otherwise meets all the criteria for vacant ~~#zoning lots#~~ listed in paragraph ~~(2)(b)~~ above ~~of this Section~~, except:

~~(2)(ii)~~ 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)(4)~~ In determining eligibility for ~~#residential use#~~ pursuant to paragraphs ~~(a)(1)(a)~~, ~~(2)(b)~~, or ~~(3)(e)~~ of this Section, the following regulations shall be applicable:

~~(1)(i)~~ In order to determine whether a ~~#corner lot#~~ meets the criteria of paragraphs ~~(a)(1)~~, ~~(b)(2)~~ or ~~(e)(3)~~ 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)(ii) 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 purposes 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 uses# and more than one #story# of #commercial# or #manufacturing uses# shall be considered as a frontage of #commercial# or #manufacturing uses#.

- (3)(iii) 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)(iv) In any #building#, no #residential use# may be located on or below a #story# occupied by a #commercial# or #manufacturing use#.

- (5)(v) 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)(1), (b)(2) or (c)(3) of this Section, 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.

(6)(vi) A #zoning lot# or contiguous #zoning lots# existing on June 20, 1988; that have been vacant continuously since June 20, 1988; or have been vacant continuously for five years prior to the date of application for such authorization, that are contiguous to and front on the same #street# as a vacant #zoning lot# or #land with minor improvements# that meets all the requirements of paragraphs (b)(2) or (c)(3) of this Section, may be combined with such eligible #zoning lot# in its application to authorize #residential use#. The aggregate #lot area# of all such contiguous vacant #zoning lots# or #land with minor improvements# shall be limited by the requirements of paragraph (a)(2)(iii) of this Section.

(e)(5) In authorizing such #residential uses#, the Commission shall find that:

- (1)(i) 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)(ii) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;
- (3)(iii) the #residential uses# will not adversely affect #commercial# or #manufacturing uses# in the M1-D District; and
- (4)(iv) 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.

(b) Regulations for uses in retail facilities

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, on #zoning lots# fronting on a #street# where 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# the #uses# listed in Section 42-121, paragraph

(e) (Definitions), are limited to a total of 20,000 square feet of floor area and retail space, exclusive of storage and mechanical equipment allotted to such use on a zoning lot, and not more than a total of 150 permitted or required accessory parking spaces attributable to such use, except as otherwise provided in Section 74-922. Certain large retail facilities.

42-14 (10/25/93)

Use Group 17

M1 M2 M3

* * *

A. Service or wholesale establishments

Building materials or contractors' yards, open or enclosed, including sales, storage, or handling of building materials, with no limitation on lot area per establishment, except that lumber yards shall be limited to 20,000 square feet of lot area per establishment, and provided that any yard in which such use is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

* * *

(B) Manufacturing Establishments

* * *

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries or similar supplies

Electronic equipment, including computers and audio and video equipment

Film, photographic

* * *

Note: the Following Text of Section 42-14 Paragraph (D)(special Uses in M1-5a and M1-5b Districts)is Amended and Relocated to Section 42-131.

~~(D) Special Uses in M1-5A and M1-5B Districts~~

~~(E)(D) #Accessory Uses#~~

Note: the Following Text of Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts) Districts)is deleted and Relocated to Section 42-131(f).

* * *

~~7/19/90~~

~~42-141~~

~~Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts~~

42-15 (8/15/74)

Use Group 18

M3

* * *

B. Storage or Miscellaneous #Uses#, Open or Enclosed

* * *

~~Lumber yards, with no limitation on #lot area# per establishment~~

* * *

42-30 (12/15/61)

USES PERMITTED BY SPECIAL PERMIT

42-31 (2/8/90)

By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

* * *

M1

#Schools#, provided they have no living or sleeping accommodations

~~M1-5A M1-5B~~

~~Theaters, with a capacity greater than 100 seats~~

42-32 (10/25/95)

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

* * *

M1

~~Carpet, rug, linoleum, or other floor covering stores, with no limitation on #floor area# per establishment [PRC-B1]~~

Children's amusement parks with sites of not less than 75,000 square feet nor more than 10 acres per establishment [PRC-E]

~~Clothing or clothing accessory stores with no limitation on #floor area# per establishment [PRC-B]~~

~~Department stores [PRC-B]~~

M1 M2 M3

Drive-in theaters, with a maximum capacity of 500 automobiles

M1

~~Dry goods or fabrics stores, with no limitation on #floor area# per establishment [PRC-B]~~

~~Food stores, with no limitation on #floor area# per establishment [PRC-B]~~

~~Furniture stores, with no limitation on #floor area# per establishment [PRC-B1]~~

M1 M2 M3

Heliports

M1*

Indoor interactive entertainment facilities with eating and drinking [PRC-D]

M1 M2

~~Large retail facilities, exceeding the limitations of Section 42-121, Section 42-131(b) and Section 42-134(b)~~

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

#Public parking garages# with capacity of more than 150 spaces**

* * *

M1 M2

Sewage disposal plants

M1

~~Television, radio, phonograph, or household appliance stores, with no limitation on #floor area# per establishment [PRC-B]~~

M1 M2 M3

Trade expositions with rated capacity of more than 2,500 persons [PRC-D]

#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

M1

~~Community facility #Uses# listed in Use Group 4A Community facility~~

~~Variety stores, with no limitation on #floor area# per establishment [PRC-D]~~

* * *

42-42 (1/10/74)
Enclosure or Screening of Storage

* * *

42-421 (12/15/61)
In M1 Districts

M1

In the district indicated, storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#-, except that open lumber yards shall be completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) at least eight feet in height.

* * *

Note: The following text of section 42-47 (Residential Uses in M1-D Districts) has been relocated and incorporated as part of section 42-134.

~~42-47 (12/21/89)~~
~~Residential Uses in M1-D Districts~~

* * *

Chapter 3
Bulk Regulations

43-23 (1/28/71)
Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Manufacturing Districts#, the following shall not be considered obstructions when located within a required #yard# or #rear yard equivalent#:

* * *

(b) In any #rear yard# or #rear yard equivalent#:

* * *

Any #building# or portion of a #building# used for any permitted #use#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care and treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event ~~23~~ ~~30~~ feet above #curb level#.

* * *

Chapter 4

Accessory Off-Street Parking and Loading Regulations

44-10 (12/15/61)

PERMITTED ACCESSORY OFF-STREET PARKING SPACES

44-11 (6/23/66)

General Provisions

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section 44-12 (Maximum Sizes of Accessory Group Parking Facilities).

Such #accessory# off-street parking spaces may be open or enclosed, or located on a roof. ~~However, except as otherwise provided in Section 73-49 (Roof Parking), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.~~ When permitted roof parking is located on a #zoning lot# within 60 feet of a district permitting #residential use#, except as otherwise provided in Section 73-49 (Roof Parking), such parking shall be limited to the roof immediately above the #basement#.

44-12 (6/23/66)

Maximum Size of Accessory Group Parking Facilities

M1 M2 M3

In all districts, as indicated, no #accessory group parking facility# shall contain more than 150 off-street parking spaces, except as provided in Section 44-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages), or to retail facilities subject to Section 42-121 (Special regulations for certain retail uses).

* * *

44-14 (6/23/66)

Exceptions to Maximum Size of Accessory Group Parking Facilities

M1 M2 M3

In all districts, as indicated, the Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces in accordance with the provisions of Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages), or to retail facilities subject to Section 42-121 (Special regulations for certain retail uses).

* * *

44-20 (12/15/61)

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

44-21 (10/25/93)

General Provisions

M1 M2 M3

* * *

		M2-3
None required		M1-6 M2-4 M3-2
		M1-1
		M1-2
		M1-3
1 per 600		M1-4*** M2-1
sq. ft. of #floor area#		M1-5*** M2-2 M3-1

* * *

- * For predominantly open #manufacturing uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements.
- ** For predominantly open storage of miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements.
- ~~*** The parking requirements for #uses# in parking requirement category B1 may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Spaces for Uses in Parking Requirement Category B1).~~
- *** In Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 and a portion of Community Districts 1 and 2 in the Borough of Queens, the provisions of Article I, Chapter J, apply.
- **** In the case of golf driving ranges, requirements in this table apply only to that portion of the range used for tees.
- ***** In the case of outdoor skateboard parks "in M3-1 Districts", the requirements of this table apply only to that portion used as skating runs and #accessory buildings#. The #floor area# of #accessory buildings# shall be considered #lot area# for the purposes of these requirements.
- ***** Requirements are in addition to area utilized for ambulance parking.

* * *

44-23 (12/15/61)

Waiver of Requirements for Spaces Below Minimum Number

M1 M2 M3

In all districts, as indicated, subject to the provisions of Section 44-231 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 44-21 (General Provisions) or Section 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to ~~commercial uses~~ in parking requirement category A, B, B1, C, D, E, or H, or to permitted ~~community facility uses~~, if the total number of ~~accessory~~ off-street parking spaces required for all such ~~uses~~ on the ~~zoning lot~~ is less than the number of spaces set forth in the following table:

<u>Number of Spaces</u>	<u>District</u>
15	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
40	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

44-231 (12/15/61)

Exceptions to application of waiver provisions

M1 M2 M3

In all districts, as indicated, the waiver provisions of Section 44-23 shall not apply to the following types of ~~uses~~:

- (a) ~~Manufacturing or semi-industrial uses~~ in Use Group 17B, 17D, 18A, or 18C, or in parking requirement category F in Use Group 11 or 16.
- (b) ~~Storage or miscellaneous uses~~ in Use Group 17A, 17C, 17D, 18B, or 18C, or in parking requirement category G in Use Group 16.
- (c) the following ~~commercial uses~~ in parking requirement category H in Use Group 7 or 13:

~~Boatels~~

Camps, overnight or day

#Motels# or #tourist cabins#

Refreshment stands, drive-in.

* * *

44-27 (12/21/89)

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 ~~42-134~~ (Residential Uses in M1-D Districts).

- (a) In M1-1D Districts, for any new #residential building# authorized pursuant to Section 42-47 ~~42-134~~, 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#.

* * *

44-28

City Planning Commission Authorization For Modification of Parking Requirements For Large Vehicle Repair Facilities

M1 M2 M3

In the districts indicated, where #accessory# parking is required for vehicle repair facilities listed in Use Group 16B, on #zoning lots# with a minimum of 1.5 acres of #lot area#, the City Planning Commission may authorize the parking requirement to be reduced to an amount not less than a ratio of one space per three employees, provided the Commission finds that the lowered parking requirement is sufficient for the expected demand for parking generated by expected employment and visitor traffic.

* * *

44-33 (12/15/61)

Joint Facilities

M1 M2 M3

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#; except that for retail facilities subject to Section 42-121 (Special requirements for certain retail uses), up to one-third of the required off-street parking spaces for retail #uses# on the #zoning lot# may be used to satisfy the parking requirement for #uses# listed in Use Groups 16D, 17 or 18 served by the joint facility:

Section 44-21 (General Provisions)

Section 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

- (b) all such spaces conform to the provisions of Section 44-32 (Off-Site Spaces for All Permitted Uses); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

* * *

44-40 (12/15/61)

ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

44-41 (12/15/61)

General Provisions

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces shall conform to the provisions of the following Sections:

- Section 44-42 (Size of Spaces)
- Section 44-43 (Location of Access to the Street)
- Section 44-44 (Surfacing)
- Section 44-45 (Screening)
- Section 44-47 (Traffic Control Plan)

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

* * *

44-47

Traffic Control Plan

M1 M2

In the districts indicated, all #zoning lots# containing retail #uses# exceeding the limitations set forth in Section 42-121(c) (Special traffic analysis for certain retail uses) and not requiring a special permit pursuant to Section 74-922 shall be subject to the provisions of this Section 44-47.

No building permit shall be issued for a #development# including such retail #uses#, or for the #enlargement# or #extension# of such retail #uses#, nor shall any #building# or portion thereof be converted to such retail #uses#, prior to the submission to and approval by the Commissioner of Buildings of a Traffic Control Plan designed to facilitate adequate vehicular and pedestrian access and egress to and from the facility and to prevent avoidable congestion on the surrounding streets.

The proposed Traffic Control Plan shall be prepared by or on behalf of the applicant for the building permit. The applicant or applicant's representative shall consult with the Department of Transportation (DOT) prior to preparing the Traffic Control Plan. The Traffic Control Plan shall provide:

- (a) a site plan of the #zoning lot# and adjacent area indicating the location of proposed vehicular and pedestrian circulation areas for the retail facility, including:
- (1) the location and dimension of all pedestrian and vehicular access and egress points onto the #zoning lot#, and the location of pedestrian entrances to any buildings containing retail #uses#;
 - (2) the distance of such access and egress points from the #lot lines# of the #zoning lot# and from adjacent curb cuts and street intersections;
 - (3) the location and dimensions of parking areas and traffic lanes on the #zoning lot#; and
 - (4) the location and dimension of all PUBLIC SIDEWALKS ADJOINING THE #ZONING LOT# AND ALL pedestrian circulation spaces provided on the #zoning lot# in accordance with the provisions of Section 45-11;
- (b) estimates of hourly traffic flow to and from the retail facility;
- (c) evaluation of the impact of such traffic on the #streets# and intersections within 1,200 linear feet or three intersections, whichever is greater, of the nearest boundary of a #zoning lot# occupied by the retail facility;
- (d) results of a Traffic Warrant analysis conducted at every access/egress point to the site;
- (e) proposal of specific traffic control measures to facilitate adequate vehicular and pedestrian flow in and out of the #zoning lot#, limited to the following:
- (1) installation of new traffic signals, or modification of existing equipment including signal timing changes if the Traffic Warrant analysis required by paragraph (d) of this Section indicates the need for a traffic signal;
 - (2) installation of traffic detectors;

The Commissioner of Buildings shall review the proposed Traffic Control Plan to determine whether the Plan will facilitate adequate vehicular and pedestrian access and safety, and will prevent avoidable congestion on surrounding streets. In making this determination, the Commissioner of Buildings may forward the proposed Plan within five days of receipt of same to the Commissioner of the Department of Transportation (DOT) for review and a written report, such report to be made within 30 days of receipt of the Plan by the (DOT). Any review and report by (DOT) shall be limited to determining whether (a) the proposed Traffic Control Plan will facilitate adequate access to and egress from the retail facility, and (b) whether proposed off-site modifications are consistent with other plans for street improvements in the area. The report of DOT may recommend modifications to the proposed Traffic Control Plan in order to better facilitate access and egress to and from the retail facility or to make the plan more consistent with other plans for street improvements; provided, however, that DOT shall not make recommendations to respond to traffic conditions unrelated to the existence and operation of the retail facility. Upon the earlier of receipt of the report from DOT or the expiration of 30 days, or within such additional time, not to exceed 30 days, if DOT requires such additional time to complete its review of the Traffic Control Plan and prepares a report, the Commissioner of Buildings shall approve the Traffic Control Plan if it is determined that the Plan will facilitate access and egress to and from the retail facility and will prevent avoidable congestion on the surrounding streets. If DOT has recommended modifications to the Traffic Control Plan, the Commissioner of Buildings may condition approval on acceptance of the modifications by the applicant if the Commissioner determines

(6) the elimination of on-street parking

(5) locating vehicular access and egress points to the zoning lot, and parking and circulation areas on the zoning lot, to facilitate circulation to and from the retail facility and to prevent avoidable congestion on surrounding streets; and

(4) traffic signage and street striping, with signage conforming to Department of Transportation standards or to the Manual of Uniform Traffic Control Devices (MUTCD);

(3) possible changes in street treatment or realignment of street geometry, including improvements such as traffic storage lanes, acceleration or deceleration lanes, medians or channelization islands, neck-downs and other traffic-calming features;

that the modifications are necessary to facilitate adequate access and egress to the #zoning lot# or to avoid conflict with other plans for #street# improvements in the area. Such modifications shall not, however, require the applicant to provide more parking spaces than was proposed as part of their review.

If the Traffic Control Plan includes improvements to be carried out on the #zoning lot#, such improvements shall be undertaken by the applicant at the applicant's sole cost and expense, and the completion of all such improvements shall be a condition of obtaining a temporary certificate of occupancy for any portion of the retail facility. If the Traffic Control Plan includes improvements to be carried out off the #zoning lot#, at any time subsequent to the issuance of a building permit for the retail facility, DOT may at its option (a) request applicant to undertake such off-site improvements or (b) undertake such improvements and request reimbursement from applicant. Applicant shall promptly comply with such request; provided, however, that if DOT has failed to request applicant to make such off-site improvements, or has failed to request reimbursement for making such improvements within two years of receipt of a permanent certificate of occupancy for the retail facility, applicant shall have no obligation to undertake or to reimburse DOT with respect to such off-site improvements.

In order to secure applicant's obligations with respect to the Traffic Control Plan, prior to obtaining a building permit from the Department of Buildings for any portion of the retail facility, the applicant shall post with the Comptroller for the City a performance bond or letter of credit in form acceptable to the Commissioner of Buildings and in an amount equal to 125% of the expected cost of making such improvements. Upon completion of such improvements, reimbursement of DOT or passage of two years after receipt of a permanent certificate of occupancy for the retail facility with no request for improvement or reimbursement, the performance bond or letter of credit shall be cancelled. Any off-site improvements, whether undertaken by the applicant or DOT, shall become the property of DOT or the City.

Any Traffic Control Plan shall continue in effect for as long as a #zoning lot# continues to be occupied by a retail facility satisfying the standards of Section 42-121. Any approved Traffic Control Plan may be subsequently modified upon the application of the owner or on behalf of the owner of the retail facility by the Commissioner of Buildings in the same manner as set forth above for new, #enlarged#, or #extended# retail facilities.

The existence of a Traffic Control Plan shall not in any way interfere with the right of DOT to control or regulate the City's #streets#, and DOT shall have full rights at any time to take action consistent or inconsistent with any Traffic Control Plan.

* * *

Chapter 5 Special Urban Design Requirements

45-00 GENERAL PURPOSES

The purpose of this Chapter is to ensure public safety and security within certain #developments# and a harmonious relationship with their context by:

- (a) reducing on-site conflict between vehicular and pedestrian circulation and ensuring adequate illumination of exterior areas at night; and
- (b) protecting adjoining #residential uses# through screening, appropriate sign controls and enhancement of the visual character of the streetscape.

45-10 Special Urban Design Requirements for Certain Retail Establishments

M1 M2

In the districts indicated, all #zoning lots# containing #uses# listed in Table A of Section 42-121 exceeding the limitations set forth in Section 42-121, paragraph (d) (Special urban design regulations for certain retail uses) shall be subject to the provisions of this Chapter.

45-11 Pedestrian Circulation Spaces

Pedestrian circulation spaces are required for all public entrances or exits of retail establishments that do not open directly to a public sidewalk of a public #street#. Such pedestrian circulation spaces shall be #developed# in accordance with the following provisions:

(f) an opaque fence or wall with a minimum height of six feet and a maximum height of eight feet, or

(g) Open areas on the zoning lot shall be screened along sides or rear lot lines bounding Residence District or zoning lots in Commercial or Manufacturing Districts containing residential uses by either:

(a) Required screening along side or rear lot lines

Zoning lots shall provide screening in accordance with the requirements of this Section. The screening requirements of Section 44-45 shall not apply. Accessory off-street parking may be permitted within an open area required pursuant to Section 43-301 (Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4, or R5 District), provided such parking is screened in accordance with the provisions of this Section 45-12.

45-12 Screening Requirements

(a) Each required pedestrian circulation space shall have a minimum width of 10 feet and a clear path with a minimum width of five feet. Trees, planting beds, seating, lighting fixtures, pillars for roofs or canopies, and signs may be provided outside the clear path. Each pedestrian circulation space shall be raised a minimum of four inches and a maximum of seven inches above the adjacent grade and be constructed of concrete, brick or other such hard-surface, dustless material. A pedestrian circulation space may be traversed by vehicular driveways or circulation aisles, but a crosswalk equal in width to the clear path of the pedestrian circulation space shall be provided at such locations indicated by striping in the driveway or aisle or by a clearly visible change of paving material.

(b) A pedestrian circulation space shall adjoin the full length of each building wall containing a principal public entrance or exit to each retail establishment, and shall connect either directly or by means of additional pedestrian circulation space with the public sidewalk of a public street.

(4) Whenever *street* or *rear lot line* of a *zoning lot* are coincident for a distance of at least 70 feet with *street* or *rear lot line* of one or more *zoning lots* containing *residential buildings* in a *Commercial District*, or conforming *residential buildings* in a *Manufacturing District*, all open parking areas, driveways and loading berths shall be screened from such *residential buildings* with a planting strip at least six feet in width containing a row of trees with a minimum caliper of three inches at time of planting spaced a maximum of 15 feet on center. Such planting strip may

(3) Whenever *street* or *rear lot line* of a *zoning lot* are coincident with *street* or *rear lot line* of a *zoning lot* in an R6, R7, R8, R9, or R10 District, all open parking areas, driveways and loading berths shall be screened from such *Residence District* with a planting strip at least six feet in width containing a row of trees with a minimum caliper of three inches at time of planting spaced a maximum of 15 feet on center. Such planting strip may include any landscaping provided pursuant to paragraph (a)(1) of this Section. However, the landscaping requirements of this paragraph (3) shall not apply along the *street* or *rear lot line* of an adjoining *zoning lot* in a *Residence District* where a building wall higher than 18 feet above adjoining grade exists along any portion of such *street* or *rear lot line*.

(2) Whenever *street* or *rear lot line* of a *zoning lot* are coincident with *street* or *rear lot line* of a *zoning lot* in an R1, R2, R3, R4 or R5 District, all open parking areas, driveways and loading berths shall be screened from such *Residence District* with a planting strip at least 12 feet in width containing two rows of trees with a minimum caliper of three inches at time of planting. The trees in each row shall be spaced a maximum of 15 feet on center. Such planting strip may include any landscaping provided pursuant to paragraph (a)(1) of this Section.

(b) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year round dense screen at least six feet high within three years.

include any landscaping provided pursuant to paragraph (a)(1) of this Section. However, the landscaping requirements of this paragraph (4) shall not apply along the #side# or #rear lot line# of an adjoining #zoning lot# containing a #residential building# where no windows of #residences# face such #lot lines#, or where a building wall higher than 18 feet above adjoining grade exists along any portion of such #side# or #rear lot line#.

(b) Screening of open areas along street lines

Open areas on the #zoning lot# shall be screened from the #street# in accordance with the provisions of this paragraph (b). Required screening may be interrupted only where it is traversed by vehicular driveways or pedestrian walkways.

(1) Screening of open parking areas and driveways

All open parking areas and driveways on the #zoning lot# visible from the #street# shall be screened along the #front lot line# with an opaque wall or fence with a minimum height of three feet. Above a height of three feet, such wall or fence shall be at least 65 percent open. Alternatively, such open areas shall be screened with a landscaped berm, hedge or densely planted shrubs with minimum heights above the adjacent grade of two feet six inches and maximum heights of three feet six inches and minimum widths of four feet at time of planting.

(2) Additional screening requirements in certain situations

(i) Screening of open areas located across the street from certain Commercial and Manufacturing Districts

Where a #zoning lot# contains open areas, including open areas containing parking areas, driveways, or areas between #street walls# and #street lines#, and any portion of such open areas are located directly across the #street# from a #Commercial District# with a R6, R7, R8, R9 or R10 equivalent, a C8-4 District, or a M1-3, M1-5, M1-6, M2-2, or M2-4 District, such open areas shall be screened along that portion of the #street line# directly opposite such districts with a

planting strip at least 4 feet in width containing a row of trees of at least three inch caliper at time of planting spaced a maximum of 15 feet on center. Such planting strip may include any landscaping provided pursuant to paragraph (b)(1) of this Section. The requirements of this paragraph shall not apply where the portion of the open area directly across the #street# from a listed district extends along a #front lot line# for a distance of less than 50 feet.

(ii)

Screening of open areas located across the street from Residential and certain Commercial Districts

Where a #zoning lot# contains open areas, including open areas containing parking areas, driveways, or areas between #street walls# and #street lines#, and any portions of such open areas are located directly across the #street# from a #Residence District# or a #Commercial District# with a R1, R2, R3, R4, or R5 equivalent, such open areas shall be screened along that portion of the #street line# directly opposite such districts with a planting strip at least 12 feet in width containing two rows of trees of at least three inch caliper at time of planting. The trees in each row shall be spaced a maximum of 15 feet on center. Such planting strip may include any landscaping provided pursuant to paragraph (b)(1) of this Section. The requirements of this paragraph shall not apply where the portion of the open area directly across the #street# from a listed district extends along a #front lot line# for a distance of less than 50 feet.

(c) Screening of Refuse Areas

All refuse disposal, storage, and recycling areas shall be screened with opaque fencing to a minimum height of eight feet.

45-13

Location of street walls across from certain districts

For #zoning lots# located directly across the street from a R1, R2, R3, R4, or R5 District, the #street wall# of any #development# or #enlargement#, any portion of which faces such #Residence District#, shall be located at least 14 feet from the #street line#. All open areas located between such #street wall# and #street line# shall be screened in accordance with the provisions of Section 45-12(b)(2)(i).

45-14

Glazing of street walls across from certain districts

The glazing provisions of this Section shall apply to:

- (a) all #street walls# of #buildings or other structures#, or portions thereof, located on or within six feet of a #street line# directly across the #street# from a M1-3, M1-5, M1-6, M2-2, M2-4, C8-4, or other #Commercial District# with a R6, R7, R8, R9, or R10 equivalent, where screening is not provided in accordance with Section 45-12(b)(2)(i), and
- (b) all #street walls# of #buildings or other structures#, or portions thereof, located on or within 14 feet of a #street line# directly across the #street# from a R6, R7, R8, R9 or R10 DISTRICT OR A #Commercial District# with a R1, R2, R3, R4 or R5 equivalent, where screening is not provided in accordance with Section 45-12(b)(2)(ii).

For new #street walls#, at least 50 percent of the area of the ground floor level of the #street wall#, exclusive of areas occupied by #accessory# off-street loading berths, shall be glazed with clear untinted transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with signs.

For existing #street walls#, at least 30 percent of the area of the ground floor level of the #street wall#, exclusive of areas occupied by #accessory# off-street loading berths, shall be glazed with clear untinted transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with signs.

For the purpose of this Section 45-14, the area of the ground floor level of the building's #street wall# shall be measured from the floor to the height of the ceiling of the ground floor or 14 feet above grade, whichever is less.

45-15

Lighting standards

A minimum illumination level of 1.5 footcandles at ground level shall be provided throughout all exterior public areas, including parking lots and walkways, during operating hours. All lighting shall be directed away from any residential windows on adjacent zoning lots.

45-16

Tree planting

Street trees

Street trees shall be planted on all street frontages of the zoning lot at maximum intervals of 25 feet on corner, or maximum intervals of 30 feet on center along street frontages where screening is required pursuant to Section 45-12(b)(2). However, such tree planting may be modified or waived at locations where the Commissioner of Buildings determines that such planting would be infeasible. Trees shall be of three-inch caliper at the time of planting and be planted, and replaced when necessary, in accordance with the standards of the Department of Parks and the Department of Transportation.

45-17

Maximum size of parking facilities

If more than 500 parking spaces are provided on a zoning lot, such spaces shall be arranged so that they are divided by buildings or other structures, planting strips at least five feet in width, or pedestrian circulation spaces at least 10 feet in width and planted with trees at maximum intervals of 15 feet on center, so that such divisions create separate parking areas containing no more than 500 parking spaces each. Such divisions may be traversed by driveways connecting the separate parking areas.

45-18

Sign regulations

#Accessory business signs# and #advertising signs# are permitted in accordance with the provisions for C6 Districts of Section 32-60 (SIGN REGULATIONS). In addition, the following rules shall apply:

Within 100 feet of a #Residence District#, #advertising signs# and #flashing signs# are prohibited. Furthermore, on each #street# frontage, no more than one #sign# with a maximum #surface area# of 200 square feet shall be permitted.

Within 100 feet of a #Commercial District#, all #signs# shall conform to the #sign# regulations of that #Commercial District#.

45-19

Modification or Waiver of Urban Design Requirements

The City Planning Commission may authorize the modification or waiver of any urban design requirement of Section 45-10 (Special Urban Design Requirements for Certain Retail Establishments) if the Commission finds that such requirements are impractical or unreasonable, or that such modifications would result in a design that is functionally equivalent or superior to the design prescribed by strict adherence to the provisions of this Chapter. In the event of any modification or waiver, the Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the surrounding area.

* * *

Article VI

Special Regulations Applicable to Certain Areas

Chapter 2

Special Regulations Applying in the Waterfront Area

62-241 (10/25/93)

Uses on existing piers and platforms

* * *

- (d) the following #uses#, not otherwise limited in size by their Use Group listing, shall be limited to 20,000 square feet of #floor area# per establishment:
- (1) all #uses# in Use Groups 6A and 6C;
 - (2) the following #uses# in Use Group 9A;
 - (i) clothing or costume rental establishments;
 - (ii) typewriter or other small business machine sales, rental or repairs;
 - (3) all #uses# in Use Group 10 with parking categories "B" or "B1"; and
 - (4) the preceding #uses#, when listed in other Use Groups;
 - ~~(5) wholesale establishments or warehouses that provide #accessory# retail sales areas; and~~

* * *

Article VII
Administration

Chapter 3
Special Permits by the Board of Standards and Appeals

73-42 (1/28/65)
Enlargement of Uses across District Boundaries

In all districts, the Board of Standards and Appeals may permit the expansion of a conforming #use# located within a #building or other structure# into a district where such #use# is not permitted, provided that the enlarged #use# is contained within a single #block# and the expansion of either the depth or the width of the conforming #use# is no greater than 50 percent of either the depth or width, respectively, of that portion of the #zoning lot# located in the district where such #use# is a conforming #use#, but in no case shall the area of the expansion exceed 50 percent of the area of the #zoning lot# located in the district where such #use# is a conforming #use#, and provided further that the following findings are made:

- (a) there is no reasonable possibility of expanding such #use# within the existing district where it is a conforming #use#;
- (b) such conforming #use# was in existence prior to January 6, 1965 (the effective date of this amendment), or the date of any applicable subsequent amendment to the #zoning maps#; and

* * *

73-44 (12/15/61)

Reduction of Parking Spaces for Uses in Parking Requirement Category B1

In the districts indicated, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required by the provisions of Section 36-21 or 44-21 (General Provisions) for #uses# in parking requirement category B1 in Use Group 6, 7, 8, 9, 10, 11, 14 or 16 to the number of spaces specified in the table set forth at the end of this Section, provided that the Board finds that occupancy by #uses# in parking category B1 is contemplated in good faith on the basis of evidence submitted by the applicant. In such a case, the Board shall require that the certificate of occupancy issued for the #building# within which such #use# is located shall state that no certificate shall thereafter be issued if the #use# is changed to a #use# listed in parking category B unless additional #accessory# off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius.

REDUCED ACCESSORY OFF-STREET PARKING SPACES REQUIRED FOR COMMERCIAL USES IN PARKING REQUIREMENT CATEGORY B1

Parking spaces required,
per number of sq. ft.
of floor area#

	<u>Districts</u>
1 per 400	C1-1 C2-1 C3 C4-1
1 per 600	C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
1 per 800	C1-3 C2-3 C4-3 C7 C8-2

* * *

73-48 (4/29/82)

Exceptions to Maximum Size of Accessory Group Parking Facilities

The Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts# or for hospital and related facilities in #Residence Districts# in accordance with the provisions of this Section provided that such provisions shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 or 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages) ~~or to the retail facilities subject to Section 42-121 in #Manufacturing Districts#.~~

This Section shall not apply to Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan where the regulations set forth in Article I, Chapter 3 shall apply.

* * *

73-482 (6/27/63)

In Commercial or Manufacturing Districts

The Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts#, ~~except that in #Manufacturing Districts# this provision shall not apply to retail facilities subject to Section 42-121,~~ provided either that such facilities have separate entrances and exits on two or more #streets# or that the following findings are made:

- (a) that such facility, if #accessory# to a non-#residential use#, other than a #non-profit hospital staff dwelling#, has adequate reservoir space at the vehicular entrance to accommodate either ten automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles; and
- (b) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for locations of entrances or for shielding of floodlights.

* * *

73-53 (12/17/87)

Enlargements or Extensions of Certain Manufacturing or Related Uses

- (a) In all districts, the Board of Standards and Appeals may modify #use#, and #bulk#, and #accessory# parking regulations to permit the #enlargement# or #extension# of #floor area# or permit additional #accessory# parking and/or loading of a conforming or #non-conforming use# listed in Section 15-58; provided that:

* * *

73-63 (12/15/61)

Enlargement of Non-Residential and Mixed Buildings

For a complying or #non-complying# non-#residential building# existing on December 15, 1961, the Board of Standards and Appeals may permit an #enlargement#, provided that such #enlargement# shall not create any new #non-compliance# or increase the amount or degree of any existing #non-compliance# except as provided in this Section.

In all districts, the #floor area ratio# permitted under this Section shall not exceed the #floor area ratio# permitted under the applicable #bulk# regulations set forth in Article II, III or IV of this Resolution by more than 10 percent, or 10,000 square feet, whichever is less, except that retail #uses# in #mixed buildings# located in C1 or C2 Districts may expand into the #rear yard# up to the maximum commercial #floor area# permitted under Section 33-121, without regard to the maximum #floor area# allowed for the #building# or the limitations contained in this section, provided the expansion does not exceed one #story#, excluding #basement#, nor, in any event, a height of 23 feet above #curb level#.

* * *

Chapter 4

Special Permits by the City Planning Commission

* * *

74-78 (4/9/81)

Conversions of Non-Residential Buildings

~~74-781 (5/27/82)~~

Modifications by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts

~~In M1-5A and M1-5B Districts, the City Planning Commission may, after public notice and hearing and subject to Board of Estimate approval, permit modification of Section 42-14(D), (1)(c), (1)(d), (2)(a), or (2)(b) provided that the Commission finds that the owner of the space, or a predecessor in title, has made a good faith effort to rent such space to a mandated #use# at fair market rentals. Such efforts shall include but not be limited to: advertising in local and citywide press, listing the space with brokers, notifying the New York City Office of Economic Development, and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet prior to the date of the application for a special permit.~~

~~74-782 (2/11/92)~~

Residential Conversion and Joint Living-Work Quarters for Artists 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 may permit modification of the requirements of Sections 15-021 paragraph (e) or 15-21; in M1-5A and M1-5B Districts, the City Planning Commission may permit the modification of the requirements of Section 42-14(D) 42-131, paragraph (a)(2), and in the LMM Special Purpose District, Special Lower Manhattan Mixed Use District, the City Planning Commission may permit the modification of the requirements of Section 111-103, 111-102, 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 citywide 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 citywide industry groups. The applicant shall provide records showing the specific efforts to rent such space;~~

- (e) there is sufficient alternative space to meet the needs of #commercial# and #manufacturing uses# in the area. The vacancy rate for 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 predecessor 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) ~~of this Section, (e), (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 Commission by the owner of the building or the occupant of a #dwelling unit# or #joint living-work quarters for artists# in such #buildings# 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 area# 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 Mayer's Office of Economic Development.~~

In granting a 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.

* * *

74-922 (2/28/85)

Certain large retail facilities establishments

In M1 and M2 Districts, the City Planning Commission may permit the aggregate of retail #uses# subject to Section 42-121 to exceed 200,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses# per #zoning lot#, or more than a total of 667 #accessory# parking spaces attributable to such #uses#, when such #uses# are located on a #zoning lot# fronting on a #wide street#, as defined in Section 42-121, and not further restricted by other provisions of this Resolution. The City Planning Commission may also permit the total #floor area# of retail #uses# subject to Section 42-121 to exceed 20,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses# on a #zoning lot#, or more than a total of 150 #accessory# parking spaces attributable to such #uses#, when such #uses# are located on any #zoning lot# fronting on a #narrow street# or located in a zoning district or special district where #uses# are limited to a total of 20,000 square feet pursuant to this Zoning Resolution. Department stores; or Carpet, rug, linoleum, or other floor covering stores; or Clothing or clothing accessory stores; or Dry goods or fabric stores; or Food stores; or Furniture stores; or Television, radio, phonograph, or Household appliance stores; or Variety stores; with no limitation on #floor area# per establishment.

In M1-5M or M1-6 Districts, the City Planning Commission may modify the applicable regulations governing height and setback or #yards# for a change of #use#, #extension# or minor #enlargement# involving a large retail establishment.

~~In M1-5M Districts, the City Planning Commission may also modify the applicable regulations governing loading berths so as to allow the location of such berths off site in conjunction with a change of #use#, #extension# or #enlargement# of a large retail establishment with a #floor area# of at least 25,000 square feet within a #building designed for residential use#.~~

As a condition of granting a special permit for such large #retail# establishments, the Commission shall find ~~that~~:

~~(a) that the principal vehicular access for such #use# is not located on a local #narrow street#;~~

~~(b) that such #use# is so located to draw a minimum of vehicular traffic to and through local #streets#;~~

~~(c) that adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;~~

~~(d) that vehicular entrances and exits are provided for such #uses# and are located not less than 100 feet apart;~~

~~(e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;~~

~~(f)(g) such #development#, #enlargement#, #extension#, or change of #use# is so located as not to impair the essential character or the future use of or development of the surrounding area; and~~

~~(g) That such #use# will not produce any adverse effects which interfere with the appropriate #use# of land in the district or in any adjacent district;~~

~~(h) that such #bulk# modifications will not unduly obstruct the access of light and air to surrounding streets and properties~~

~~(i) That in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further finds:~~

~~(d) the #streets# providing access to the facility will be adequate to handle the traffic generated by such #use#.~~

In M1-5M Districts, the Commission may also modify the applicable regulations governing loading berths so as to allow the location of such berths off-site in conjunction with a change of ~~use~~, ~~extension~~ or ~~enlargement~~ of a large retail facility with a ~~floor area~~ of at least 25,000 square feet within a ~~building designed for residential use~~.

As a condition of granting a special permit for modification of loading berth regulations to allow off-site loading berths, the Commission shall find that:

- (1) ~~that an adequate alternate loading facility in the same ownership (single fee ownership or control or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the retail store is provided, subject to a deed restriction filed in an office of record binding the owner and his heirs and assigns to maintain the alternate facility throughout the life of the retail store;~~
- (2) ~~that the alternate loading facility is located within the same district or an adjoining C6-M, C8 or #Manufacturing District# and the maximum distance between the two sites is 1,000 feet;~~
- (3) ~~that the location of the loading berths on the same #zoning lot# as the retail store would have a significant impact on the existing #residential uses# in the #building#;~~
- (4) ~~that the location of the loading berths on the same #zoning lot# as the retail store would create serious vehicular and pedestrian traffic conflict on the #street# upon which the store fronts; and~~
- (5) ~~that the alternate location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# surrounding the alternate site.~~

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Any special permit granted pursuant to this Section prior to (effective date of this amendment), shall remain in effect subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit). Any application certified by the Department prior to (the date of the City Planning Commission approval of this text

amendment) may continue pursuant to the regulations in effect at the time of certification

* * *

Article IX Special Purpose District

Chapter 7 Special Northside Mixed Use District

* * *

97-02 (3/18/76) General Provisions

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Northside Mixed Use District# and in accordance with the provisions of this Chapter, regulations of the #Special Northside Mixed Use District# shall replace and supersede the existing district regulations. In the R(M) #Special Northside Mixed Use District#, all #use#, #bulk# and off-street parking regulations of R6 Districts shall govern #residential# and #community facility uses# and the provisions of this Chapter shall apply only to #manufacturing# and #commercial uses# listed in Section 97-111 (Use Group M). Except as modified by Section 97-27 (Regulations for Uses in Retail Facilities), in the M(R) #Special Northside Mixed Use District# all #use, bulk#, off-street parking and off-street loading regulations of the applicable #Manufacturing Districts# shall govern #manufacturing, commercial# and #community facility uses#, and the provisions of this Chapter shall apply only to #residential uses# allowed in R6 Districts. #Zoning lots# adjacent to the #Special Northside Mixed Use District# shall not be subject to the provisions of Section 42-214 (Special provisions applying along district boundaries), 42-412 (In M2 or M3 Districts), 42-42 (Enclosure or Screening of Storage), 42-44 (Limitation on Business Entrances, Show Windows or Signs) 42-54 (Special Provisions Applying along District Boundaries), 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES), or 44-583 (Restrictions on locations of berths near Residence Districts).

* * *

97.27

Regulations for Uses in Retail Facilities

In the M(R) #Special Northside Mixed Use District#, retail #uses# subject to Section 42-121 shall be limited to a total of 20,000 square feet of #floor area# and retail #cellar# space, exclusive of storage and mechanical equipment allotted to such #uses# on a #zoning lot#, and no more than 150 required or permitted #accessory# parking spaces attributable to such #uses#, except as otherwise provided in Section 74-922 (Certain large retail facilities).

* * *

Article XI

Special Purpose District

Chapter 1

Special Lower Manhattan Mixed Use District

* * *

111-02 (6/28/95)

General Provisions

The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed, and changes in #uses# within the Special District.

* * *

Museums or non-commercial art galleries are permitted #uses# within Areas B1 and B2 of the Special District in accordance with the provisions of Section 111-1054 (Museums or non-commercial art galleries), and are subject to the #bulk# regulations applicable to #manufacturing uses# in Areas B1 and B2.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect.

* * *

111-10 (4/9/81)
SPECIAL USE REGULATIONS

111-101 (6/28/95)

~~Location of permitted uses in buildings containing loft dwellings or joint living-work quarters for artists.~~

~~Within Areas B1 and B2, #loft dwellings# and #joint living work quarters for artists# are not permitted below the floor level of the third #story#.~~

111-102~~1~~ (6/28/95)

Ground floor use restrictions

~~(a) In Areas A1 and A4, G# ground floor spaces in separate #buildings# may not be combined for #uses# in Use Groups 3, 4, 5 and 6, except in those #buildings# having frontage on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway.~~

~~(b) Areas B1 and B2~~

~~(1) Use of the ground floor in #buildings# constructed prior to March 10, 1976 shall be restricted to #uses# in Use Groups 7, 9, 11, 16, 17a, 17b, 17c, or 17e, except that where a #use# other than these occupied the ground floor of a #building# prior to March 10, 1976, it shall be permitted in conformance with the underlying district regulations.~~

~~(2) In #buildings# having frontage on Greenwich Street, West Street, Hudson Street, West Broadway or Canal Street, ground floor #uses# shall be permitted in conformance with the underlying districts, except as provided in Section 111-103, paragraph (c).~~

111-103~~2~~ (6/28/95)

Additional use regulations

* * *

(b) In Areas B1 and B2,

~~(3) #Loft dwellings# and #joint living-work quarters for artists# shall be permitted in #buildings# where the #lot coverage# is less than 5,000 square feet. #Loft dwellings# and #joint living-work quarters for artists# shall be permitted in other #buildings or other structures# only by special permit of the City Planning Commission pursuant to Section 74-782 (Special permit) 74-78 (Residential Conversion and Joint Living-Work Quarters for Artists in C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B and LMM Districts) or by minor modification of the Chairman of the City Planning Commission pursuant to Section 111-20, paragraph (d).~~

~~(2) Retail #uses# subject to Section 42-121 shall be limited to a total of 20,000 square feet of #floor area# and retail #cellar# space exclusive of storage and mechanical equipment allotted to such #uses# on a #zoning lot#, except as otherwise provided in Section 74-922.~~

* * *

111-104~~3~~ (6/28/95)

Special provisions for Areas A1, A2, A3, A4 and B2

111-105~~4~~ (6/28/95)

Museums or non-commercial art galleries

Areas B1 and B2

In any #building#, a museum or non-commercial art gallery is permitted on the ground floor where a #use# in Use Group 6 is permitted pursuant to the provisions of Section 111-102 and above the ground floor where #joint living-work quarters for artists# or #loft dwellings# are permitted pursuant to the provisions of Sections 111-101 or 111-103~~2~~.

* * *

111-20 (6/28/95)

MINOR MODIFICATIONS

On application, the Chairperson of the City Planning Commission may grant minor modifications to the following provisions of this Chapter:

~~(a) The requirements of Section 111-101 relating to location of #loft dwellings# or #joint living-work quarters for artists# below the floor level of the third~~

~~#story# of a #building# in Areas B1 and B2, and Section 111-102, paragraph (b), relating to #use# restrictions in #floor area# on the ground floor may be modified provided that the Chairperson of the Commission finds that the owner of the space has made a good faith effort to rent such space to a mandated #use# at fair market rentals.~~

~~Such efforts shall include but not be limited to:~~

~~advertising in local and city wide press;~~

~~listing the space with brokers;~~

~~notifying the New York City Office of Economic Development; and~~

~~informing local and city wide industry groups.~~

~~Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet prior to the date of the application.~~

- (ba) The requirements of Section 111-111 relating to #loft dwellings# may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the design of the #loft dwellings# or #joint living-work quarters for artists# provides sufficient light and air to allow minor modifications of these provisions.
- (eb) The requirements of Section 111-112 relating to roof top #open space# may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the roof either is unsuited for #open space use# or cannot be made suitable for #open space use# at reasonable cost.
- (ec) The requirements of Section 111-103~~2~~ (Additional use restrictions), paragraph (b), relating to #loft dwellings# and #joint living-work quarters for artists# in #buildings# within Area B1 and B2, where the #lot coverage# is 5,000 square feet or more, may be modified provided that:
- (1) such #floor area# was occupied on September 1, 1980 as #loft dwellings# or #joint living-work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;

- (2) such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy, or separate utilities or systems for the entirety of each section of the #building#; and
- (3) the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#.

A developer must send a copy of any request for modification pursuant to this Section to the applicable Community Board at least ten days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests it must do so within 30 days of such notification.

* * *

111-40 (6/28/95)

SPECIAL PERMIT FOR CERTAIN LARGE RETAIL FACILITIES

The City Planning Commission may permit the total #floor area# of large retail facilities subject to Section 111-103~~2~~, paragraph (a)(3), to exceed 20,000 square feet of #floor area#, including retail #cellar# space allotted to such #uses#, in #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, and 10,000 square feet of #floor area#, including retail #cellar# space allotted to such #uses#, in #buildings# fronting on other #streets#.

* * *

(On September 9, 1996, Cal. No. 1, the Commission scheduled September 25, 1996 for a public hearing which has been duly advertised.

Close the hearing.

NOTICE

The public hearing was continued to September 25, 1996 at 10:00 a.m. in City Hall, New York, by the City Planning Commission to receive comments related to the Draft Environmental Impact Statement (DEIS) concerning the proposed Modified Retail & Industrial Text, pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review Act (CEQR) CEQR No.96DCP001Y.

III. REPORTS

BOROUGH OF THE BRONX

No. 24

CD 1

C 940144 MMX

IN THE MATTER OF an application submitted by National Land and Building Corp., pursuant to Sections 197-c and 199 of the New York City Charter, for an **amendment to the City Map** involving the elimination of East 132nd Street from Willis Avenue to Brown Place, the establishment of an addition to Pulaski Park on Block 2277, the adjustment of block dimensions in the vicinity thereof, and the delineation of an access, maintenance and structural easement, and any acquisition or disposition of real property related thereto, in accordance with Map No. 13069 dated July 19, 1995 and signed by the Borough President.

(On July 31, 1996, Cal. No. 1, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 14, the hearing was closed.)

For consideration.

Nos. 25, 26, 27 and 28

(Applications for an amendment of the Zoning Map, the 20th Amendment to the South Bronx Urban Renewal Plan for the South Bronx Urban Renewal Area, establishment of the Mott Haven East Urban Renewal area and plan, acquisition and redevelopment of sites within the Mott Haven East Urban Renewal Area for development of approximately 72 Nehemiah Houses)

No. 25

CD 1

C 940469 ZMX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an **amendment of the Zoning Map, Section No. 6c**, changing from an M1-2 district to an R6 district property bounded by St. Mary's Street, Jackson Avenue, East 142nd Street, and a line midway between Powers Avenue and Jackson Avenue, as shown on a diagram (for illustrative purposes only) dated May 6, 1996 and subject to the conditions of CEQR Declaration E-56.

(On July 31, 1996, Cal. No. 2, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 15, the hearing was closed.)

For consideration.

No. 26

CD 1

C 940466 HUX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the 20th amendment to the South Bronx Urban Renewal Plan for the South Bronx Urban Renewal Area.

The proposed plan provides for the deletion of Mott Haven East and Mott Haven North from the South Bronx Urban Renewal Area. They are being established as separate urban renewal areas.

(On July 31, 1996, Cal. No. 3, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 16, the hearing was closed.)

For consideration.

No. 27

CD 1

C 940467 HUX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the Mott Haven East Urban Renewal Plan in the Mott Haven East Urban Renewal Area.

The proposed plan provides for the acquisition and redevelopment of seven sites for residential re-use as follows:

<u>Site #</u>	<u>Block #</u>	<u>Lot #</u>	<u>Address</u>
1	2551	17	594 East 139th Street
		18	596 East 139th Street
		20	600 East 139th Street
2	2553	45	631-637 East 140th Street
3	2555	38	598 Beech Terrace
4	2555	86	591 Beech Terrace

5	2555	72	611 Beech Terrace
6	2571	23	674-76 St. Mary's Street
		27	682-84 St. Mary's Street
7	2572	56 (p\o)	359-369 Jackson Avenue

The proposed plan will facilitate the development of these sites under the South Bronx Churches Nehemiah Program.

The Mott Haven East Urban Renewal Plan, formerly part of the South Bronx Urban Renewal Area, is established as a separate urban renewal area.

(On July 31, 1996, Cal. No. 4, the Commission scheduled August 21, 1996 for a public hearing. On August 21, Cal. No. 18, the hearing was closed.)

For consideration.

No. 28

CD 1

C 940468 HDX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property, comprising seven sites within the Mott Haven East Urban Renewal Area.

The property to be disposed to the South Bronx Churches sponsoring committee comprises property described as follows:

<u>Site #</u>	<u>Block #</u>	<u>Lot #</u>	<u>Address</u>
1	2551	17	594 East 139th Street
		18	596 East 139th Street
		20	600 East 139th Street
2	2553	45	631-637 East 140th Street
3	2555	38	598 Beech Terrace
4	2555	86	591 Beech Terrace
5	2555	72	611 Beech Terrace
6	2571	23	674-76 St. Mary's Street
		27	682-84 St. Mary's Street
7	2572	56 (p\o)	359-369 Jackson Avenue

The proposed disposition will facilitate the development of approximately 72 Nehemiah units.

(On July 31, 1996, Cal. No. 5, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 18, the hearing was closed.)

For consideration.

No. 29

CD 11

N 970104 PXX

IN THE MATTER OF a Notice of Intent to Acquire Office Space submitted by the Department of General Services, pursuant to Section 195 of the New York City Charter for use of property located at 990/4 Morris Park Avenue (Block 4101, Lot 8). (Bronx Community Board 11 Offices).

(On August 27, 1996, the Commission duly advertised September 11, 1996 for a public hearing. On September 11, 1996, Cal. No. 17, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

No. 30

CD 4

C 960135 PCK

IN THE MATTER OF an application submitted by the Police Department and the Department of General Services, pursuant to Section 197-c of the New York City Charter for site selection of city-owned property (Block 3245, Lots 24, 39, 42 and 43) and site selection and acquisition of privately-owned property (Block 3245, Lots 41 and 126), located at 143 Stockholm Street for use as a parking lot.

(On July 31, 1996, Cal. No. 6, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 19, the hearing was closed.)

For consideration.

No. 31

CD 5

C 960499 DMK

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 2946 Fulton Street (Block 3953, Lot 59) pursuant to zoning.

(On July 31, 1996, Cal. No. 7, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 20, the hearing was closed.)

For consideration.

Nos. 32, 33 and 34

(Applications for an amendment to the Crown Heights Urban Renewal Plan for the Crown Heights Urban Renewal Area, and the disposition of city-owned properties to facilitate the development of housing, a community facility and parking for the community facility)

No. 32

CD 8

C 960391 HUK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for an amendment to the Crown Heights Urban Renewal Plan, for the Crown Heights Urban Renewal Area.

The proposed 4th amendment provides for:

D) The deletion of properties from Sites 2A and 2B, as follows:

Site # Location

2A Properties on a part of the block bounded by Bergen Street, Buffalo Avenue, St. Mark's Avenue and Rochester Avenue; 135-145 Rochester Avenue; 1662-1674 Bergen Street (Block 1356, Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 64 and 65).

2B Properties on the westerly side of Buffalo Avenue, between Bergen Street and St. Mark's Avenue; 150-154 Buffalo Avenue (Block 1356, Lots 46, 47 and 48).

II) The acquisition and redevelopment of two new sites comprising the following:

Site # Location

2C Property on the northerly side of St. Mark's Avenue, between Rochester and Buffalo Avenues; 1295 St. Mark's Avenue (Block 1356, Lot 57).

- 2D** Property on the easterly side of Buffalo Avenue, between St. Mark's Avenue and Bergen Street; 151-159 Buffalo Avenue (Block 1357 Lots 1, 2, and 3).

The proposed urban renewal plan amendment would facilitate the construction of housing, to be developed on Sites 2A and 2C; and the construction of a community facility, with parking, on Sites 2B and 2D.

(On July 31, 1996, Cal. No. 9, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 22, the hearing was closed.)

For consideration.

No. 33

CD 8

C 960392 HDK

IN THE MATTER OF an application, submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property, comprising Sites 2A and 2C within the Crown Heights Urban Renewal Area.

The following properties are proposed to be disposed to a sponsor to be selected:

Site # Location

- 2A** Properties on the southerly side of Bergen Street, between Buffalo and Rochester Avenues; 1672-1694 Bergen Street (Block 1356, Lots 11, 13, 14, 15, 17, 18, 19, 21, 22 and 23).
- 2C** Property on the northerly side of St. Mark's Avenue, between Rochester and Buffalo Avenues 1295 St. Mark's Avenue (Block 1356, Lot 57).

It is proposed to develop these sites with housing under the New York City Partnership Program.

(On July 31, 1996, Cal. No. 10, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 23, the hearing was closed.)

For consideration.

IN THE MATTER OF an application, submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property, comprising Site 2B and 2D, within the Crown Heights Urban Renewal Area:

The following properties are to be disposed to a sponsor to be selected:

Site # Location

- 2B Properties on the eastern part of the block bounded by Buffalo Avenue, St. Mark's Avenue, Rochester Avenue and Bergen Street; 1710-1720 Bergen Street; 132-146 and 156-158 Buffalo Avenue; 1301-1305 St. Mark's Avenue (Block 1356, Lots 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 50, 51, 53 and 54).
- 2D Property on the easterly side of Buffalo Avenue, between St. Mark's Avenue and Bergen Street; 151-159 Buffalo Avenue (Block 1357, Lots 1, 2, and 3).

The proposed project involves the development of a community facility and parking for the community facility.

(On July 31, 1996, Cal. No. 11, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 24, the hearing was closed.)

For consideration.

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1) pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State for:

- a) **the designation of property on the northwesterly side of Schaeffer Street, between Broadway and Bushwick Avenue; 21-31 Schaeffer Street (Block 3420, Lots 43, 44, 45, 46, 47 and 48) as an Urban Development Action Area;**

b) an Urban Development Action Area Project for such area; and

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a sponsor selected by HPD.

Approval of the application would facilitate the construction of a six-story elevator building, tentatively known as Bushwick Apartments, containing 32 units of rental housing for homeless individuals and families.

(On July 31, 1996, Cal. No. 12, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 25, the hearing was closed.)

For consideration.

No. 36

CD 4

C 940684 PPK

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 1301 Gates Avenue (Block 3333, Lot 53), pursuant to zoning.

(On July 31, 1996, Cal. No. 14, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 26, the hearing was closed.)

For consideration.

No. 37

CD 13

N 970105 PXX

IN THE MATTER OF a Notice of Intent to Acquire Office Space submitted by the Department of General Services, pursuant to Section 195 of the New York City Charter for use of property located at 3050 West 21st Street (Block 7071, Lot 123). (Income Support Center/Division of AIDS Services Offices).

(On August 27, 1996, the Commission duly advertised September 11, 1996 for a public hearing. On September 11, 1996, Cal. No. 23, the hearing was closed.)

Close the hearing.

BOROUGH OF MANHATTAN

No. 38

CD 2

C 960419 ZSM

IN THE MATTER OF an application submitted by Sheldon Lobel, P.C. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-782 of the Zoning Resolution to permit the modification of the use regulations of Section 42-14D (1)(b) of the Zoning Resolution to allow joint living-work quarters for artists on the second through the seventh floors of a building located at 52 Thompson Street, at the northeast corner of Thompson and Broome streets (Block 488, Lot 1), in an M1-5B District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On July 31, 1996, Cal. No. 15, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 27, the hearing was closed.)

For consideration.

No. 39

CD 12

C 950603 PCM

IN THE MATTER OF an application submitted by the Department of Transportation and the Department of General Services, pursuant to Section 197-c of the New York City Charter for acquisition of an aerial easement over a railroad right-of-way (Block 2134, Lot 300), to facilitate the reconstruction of the ramp from the Henry Hudson Parkway at West 158th Street.

(On July 31, 1996, Cal. No. 16, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 28, the hearing was closed.)

For consideration.

No. 40

CD 8

C 960060 ZMM

IN THE MATTER OF an application submitted by Rothkrug and Rothkrug pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6b and 9a, changing from a C8-4

District to a C2-8 District property bounded by East 95th Street, First Avenue, a line midway between East 94th Street and East 95th Street, and a line 100 feet west of First Avenue, as shown on a diagram (for illustrative purposes only) dated June 17, 1996 and subject to the conditions of CEQR Declaration E-75.

(On July 31, 1996, Cal. No. 17, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 29, the hearing was closed.)

For consideration.

No. 41

CD 11

C 960496 HAM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State for:
 - a) **the designation of 323-329 East 115th Street; and 326-330 East 116th Street (Block 1687, lots 13, 14, 15, 16 and 38), located on a part of the block bounded by East 115th Street, First Avenue, East 116th Street, and Second Avenue as an Urban Development Action Area;**
 - b) **an Urban Development Action Area Project for such area; and**
- 2) pursuant to Section 197-c of the New York City Charter for **the disposition of such property to a sponsor/developer selected by HPD.**

Approval of the proposed actions would facilitate the construction of a development, tentatively known as Dreitzer House, containing 37 apartments in a seven story-elevator building, and one apartment for the superintendent, under the New York State Housing Trust Fund and Homeless Housing Assistance programs.

(On August 21, 1996, Cal. No. 7, the Commission scheduled September 11, 1996 for a public hearing. On September 11, 1996, Cal. No. 24, the hearing was closed.)

For consideration.

BOROUGH OF QUEENS**No. 42****CD 12****C 960533 PPQ**

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 108-39 157th Street (Block 10146, Lot 6), pursuant to zoning.

(On July 31, 1996, Cal. No. 18, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 31, the hearing was closed.)

For consideration.

No. 43**CD 3****C 960416 PQQ**

IN THE MATTER OF an application submitted by the Human Resources Administration, the Administration for Children's Services and the Department of General Services, pursuant to Section 197-c of the New York City Charter for acquisition of property located at 34-05 99th Street (Block 1733, Lot 1), for use as a group foster home.

(On July 31, 1996, Cal. No. 19, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 32, the hearing was closed.)

For consideration.

No. 44**CD 13****C 960471 ZMQ**

IN THE MATTER OF an application submitted by the Queensboro Temple pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15c, changing from an M1-4 District to an R3-2 District property bounded by 222nd Street, a line 525 feet north of 99th Avenue, a line 100 feet west of 222nd Street and the southerly boundary line of the Long Island Rail Road (Main Line) right-of-way, as shown on a diagram (for illustrative purposes only) dated May 20, 1996.

(On July 31, 1996, Cal. No. 20, the Commission scheduled August 21, 1996 for a public hearing. On August 21, 1996, Cal. No. 33, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 45

CD 2

N 950213 ZAR

IN THE MATTER OF an application submitted by R. Raju for the grant of authorizations pursuant to:

- 1) **Section 105-421 of the Zoning Resolution to allow the modification of existing topography;**
2. **Section 105-423 of the Zoning Resolution to permit the alteration of botanical environment for removal of trees; and**
3. **Section 105-424 of the Zoning Resolution to allow the alteration of other natural features**

to facilitate the development of a single-family dwelling and a swimming pool on property located at 10 St. James Street (Block 868, Lot 75) within the Special Natural Area District (NA-1).

Plans for the proposal are on file with the City Planning Commission and may be seen at 56 Bay Street, 6th Floor, Staten Island, NY 10301.

For consideration.
