



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

74-78 - Conversions of Non-residential Floor Area

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74-78 - Conversions of Non-residential Floor Area

LAST AMENDED

2/2/2011

74-781 - Modifications by special permit of the City Planning Commission of uses in M1-5B Districts

LAST AMENDED

6/6/2024

In M1-5B Districts, the City Planning Commission may, after public notice and hearing and subject to Board of Estimate approval, permit modification of paragraphs (a)(3), (a)(4) and (b) of Section [42-325](#), 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 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 - Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5B, M1-5M and M1-6M Districts

LAST AMENDED

6/6/2024

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 paragraph (d) of Section [15-021](#) or Section [15-21](#), and in M1-5B Districts, the Commission may permit modification of the requirements of paragraph (a)(2) of Section [42-325](#), 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 and informing local and citywide industry groups. The applicant shall provide records showing the specific efforts to rent such space;
- (c) there is sufficient alternative space to meet the needs of #commercial# and #manufacturing uses# in the area. The vacancy rate 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), (c), (d) and (e) of this Section 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 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) of this Section. Said report is to be provided within 30 days of the Commission's request.

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