



## **Zoning Resolution**

THE CITY OF NEW YORK  
Bill de Blasio, Mayor

CITY PLANNING COMMISSION  
Marisa Lago, Chair

# **42-48 - Supplemental Use Regulations in M1- 6D Districts**

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## 42-48 - Supplemental Use Regulations in M1-6D Districts

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LAST AMENDED  
9/21/2011

All permitted #uses# in M1-6D Districts, as set forth in Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall comply with the provisions set forth in this Section, inclusive.

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### 42-481 - Residential use

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LAST AMENDED  
9/21/2011

#Residential use# shall be permitted in M1-6D Districts only in accordance with the provisions of this Section. For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

(a) #Residential use# as-of-right

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

(b) #Residential use# by certification

#Residential use# shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within qualifying #buildings# on the #zoning lot# on April 25, 2011, provided that:

- (1) preservation of non-#residential floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
- (2) #floor area# from #community facility uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential floor area converted# to #residential# vertical circulation and lobby space need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration

shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #residential#, or for a new #building# containing #residences#.

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## 42-482 - Community facility use

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LAST AMENDED  
9/21/2011

The #community facility use# regulations applicable in M1 Districts shall not apply in M1-6D Districts. In lieu thereof, all #community facility uses# listed in Use Groups 3 and 4 shall be permitted, except that #community facilities# with sleeping accommodations shall only be permitted in accordance with paragraphs (a) or (b) of this Section, as applicable.

For the purposes of this Section, a “qualifying #building#” shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

- (a) #Community facilities# with sleeping accommodations shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.
- (b) #Community facilities# with sleeping accommodations shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within qualifying #buildings# on the zoning lot on April 25, 2011, provided that:
  - (1) preservation of non-#residential floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
  - (2) #floor area# from #community facility uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential floor area# converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #community facility# with sleeping accommodations, or for a new #building# containing a

#community facility# with sleeping accommodations.

- (c) On #narrow streets#, ground floor #community facility uses# shall be subject to the streetscape provisions set forth in Section 42-485 (Streetscape provisions).

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## 42-483 - Commercial uses

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LAST AMENDED  
9/21/2011

The #commercial use# regulations applicable in M1 Districts shall apply in M1-6D Districts, except that:

- (a) #Transient hotels# shall be allowed, except that #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with paragraph (a) of Section 42-481 (Residential use), shall only be allowed upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal has been met for the area in which such #transient hotel# is located, as set forth in this paragraph, (a), or where such residential development goal has not been met, by special permit pursuant to Section 74-802 (In M1-6D Districts).

The residential development goal shall be met when at least 865 #dwelling units#, permitted pursuant to the provisions of Section 42-481, on #zoning lots# located within an area bounded by West 28th Street, West 30th Street, a line 100 feet west of Seventh Avenue, and a line 100 feet east of Eighth Avenue, have received temporary or final certificates of occupancy subsequent to September 21, 2011.

- (b) Food stores, including supermarkets, grocery stores and delicatessen stores, shall not be limited as to size of establishment.
- (c) On #narrow streets#, ground floor #commercial uses# shall be subject to special streetscape provisions, as set forth in Section 42-485.
- (d) All #uses# listed in Use Group 10 shall be permitted without limitation, except as provided for in paragraph (c) of this Section.

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## 42-484 - Manufacturing uses

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LAST AMENDED  
9/21/2011

In M1-6D Districts, the #manufacturing use# regulations applicable in #Special Mixed Use Districts#, as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive, shall apply.

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## 42-485 - Streetscape provisions

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LAST AMENDED  
9/21/2011

For the purposes of applying the special “ground floor level” streetscape provisions set forth in Section 37-30 to this Section, #narrow streets# with a #street# frontage of 50 feet or more shall be considered “primary street frontages”, as defined in Section 37-311.

On #narrow streets#, for #zoning lots# with #street# frontage of 50 feet or more, ground floor #uses# limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B shall extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#. Such #uses# shall extend to a depth in accordance with the provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses). The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies or entrances to parking spaces, provided that lobbies shall comply with the provisions for Type 2 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses).

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor, provided that such spaces are wrapped by #floor area# or screened in accordance with the provisions of Section 37-35 (Parking Wrap and Screening Requirements), as applicable.

For any #development# or #enlargement# that includes a ground floor #street wall#, each ground floor #street wall# occupied by #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

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## 42-486 - Authorization for modification of streetscape provisions

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LAST AMENDED  
10/13/2016

For #zoning lots# that have a #street# frontage of less than 75 feet, where entrances to off-street parking or loading facilities are located along such #street# frontage, the City Planning Commission may modify the dimensions of the frontage and depth requirements for ground floor #commercial uses# set forth in Section 42-485 (Streetscape provisions), provided that the Commission finds that such modifications:

- (a) are the minimum necessary to provide sufficient space for access to off-street parking or loading facilities;
- (b) will not adversely affect the streetscape experiences or impact the viability of such #uses#, and the resulting ground floor frontages will effectively contribute to a vibrant mixed-use district; and
- (c) to the greatest extent feasible will result in a ground floor that meets the height requirements

for #qualifying ground floors#.