



Zoning Resolution

THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Marisa Lago, Chair

15-212 - Reduced floor area preservation

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LAST AMENDED
2/2/2011

Notwithstanding the provisions of Section 15-211, Table I as set forth in this Section may be substituted for Table I in Section 15-211, and Table II in this Section may be substituted for Table II in Section 15-211 governing the amount of #floor area# to be preserved, provided that such preserved #floor area# will be occupied by a #commercial# or #manufacturing# #use# that has been in occupancy for two years prior to the application for a certification under the provisions of Section 15-21 or by a #use# listed in Section 15-60 (REFERENCED COMMERCIAL AND MANUFACTURING USES), and subject to the following conditions:

- (a) Where the preserved #floor area# is occupied by an existing #commercial# or #manufacturing# #use# for two years immediately preceding the date of application for a certification under Section 15-21, or where the preserved #floor area# is occupied by a #use# listed in Section 15-60, the landlord shall present a lease, signed by both the landlord and such tenant, and certified as recorded by the Office of the City Register of New York County.

Such lease shall:

- (1) be for a period of not less than three years from the date of application for such certification with provision for two years renewal at the tenant's option; and
 - (2) not be subject to cancellation by the landlord.
- (b) Where the preserved #floor area# is occupied by any such #use# for two years immediately preceding the date of application under Section 15-21, and such occupant is the owner of said #floor area#, the Chairperson of the City Planning Commission shall require that the certificate of occupancy designate the preserved #floor area# for a #use# listed in Section 15-60 for a period of five years from the date of such certification.
- (c) Where the preserved #floor area# will be occupied by a #use# listed in Section 15-60 but no such tenant is yet occupying the #floor area#, the owner shall covenant to preserve such #floor area# for a #use# listed in Section 15-60, in the legal commitment required pursuant to Section 15-214.

TABLE I

FOR CONVERSION IN C6-2M OR C6-4M DISTRICTS

REDUCED FLOOR AREA AND FLOORS PRESERVED FOR PERMITTED

COMMERCIAL OR PERMITTED MANUFACTURING USE*

#Lot area#	Percentage of #building's# total #floor area# to be preserved
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less than 5,000 sq. ft.	one floor, plus, in #buildings# of more than 6 #stories#, 25% of the #floor area# in excess of 6 #stories#
5,000 sq. ft. or more but less than 10,000 sq. ft.	33.3
10,000 sq. ft. or more	50.0

TABLE II

FOR CONVERSION IN M1-5M OR M1-6M DISTRICTS

REDUCED FLOOR AREA AND FLOORS PRESERVED FOR PERMITTED

COMMERCIAL OR PERMITTED MANUFACTURING USE*

#Lot area#	Percentage of #building's# total #floor area# to be preserved
less than 5,000 sq. ft.	one floor, plus, in #buildings# of more than 6 #stories#, 25% of the #floor area# in excess of 6 #stories#
5,000 sq. ft. or more but less than 10,000 sq. ft.	50
10,000 sq. ft. or more	50

* All requirements for preservation of #floor area# shall be determined by the entire #lot area# of the #zoning lot#, and by the total #floor area# of the #building# to be #converted#, regardless of the amount of #floor area# being #converted# within the #building#.