15-212 - Reduced floor area preservation

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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

<table>
<thead>
<tr>
<th>Lot area</th>
<th>Percentage of building's total floor area to be preserved</th>
</tr>
</thead>
</table>

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LAST AMENDED
2/2/2011
<table>
<thead>
<tr>
<th>Lot area</th>
<th>Percentage of building's total floor area to be preserved</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 5,000 sq. ft.</td>
<td>one floor, plus, in buildings of more than 6 stories, 25% of the floor area in excess of 6 stories</td>
</tr>
<tr>
<td>5,000 sq. ft. or more but less than 10,000 sq. ft.</td>
<td>33.3</td>
</tr>
<tr>
<td>10,000 sq. ft. or more</td>
<td>50.0</td>
</tr>
</tbody>
</table>

*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.*