



CITY PLANNING COMMISSION

July 26, 1995/Calendar No. 28

N 950426 ZRM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article 1, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1,2,3,4,5,6,7 and 8 in the Borough of Manhattan), Section 13-12; and Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Borough of Manhattan, Brooklyn and Queens), Sections 15-111 and 15-13.

This application for an amendment of the New York City Zoning Resolution was filed by the Department of City Planning on April 10, 1995. The proposed text amendment would apply to buildings erected prior to 1961 and converted to residential use in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, except that portion of the Special Lower Manhattan Mixed Use District that extends south of Murray Street. The proposed text amendment would allow accessory off-street parking at up to 20 percent of the units in converted buildings; modify the density requirements in overbuilt buildings in R10 equivalent districts by deleting the requirements of a minimum average of 1,800 square feet per dwelling unit for the floor area in excess of 10 FAR converted to residential use; and modify home occupation controls for conversions in Lower Manhattan.

BACKGROUND

The Department of City Planning is proposing a zoning text amendment to modify two sections in Chapter 15 (Sections 15-111 and 15-13) and one in Chapter 13 (Section 13-12), of the Zoning Resolution. The proposed changes would apply to existing commercial buildings erected prior to 1961 that would convert to residential use in R10 equivalent districts in the area below Murray Street and its easterly prolongation, and the Brooklyn Bridge in Lower Manhattan, except that portion of the Special LMM District that extends south of Murray Street. Conversion of such buildings is currently permitted but some of the zoning controls do not provide enough flexibility for these buildings, many of them "overbuilt" since they predate the current FAR restrictions of the 1961 Zoning Resolution. The proposed text

change would: 1) delete the requirement of a minimum average of 1,800 square feet per dwelling unit for the floor area in excess of the as-of-right 10 FAR converted to residential use; 2) create more flexibility in home occupation controls such as raising the floor area limit for home occupations to 49 percent from the current 25 percent, allowing certain uses as home occupations, and allowing up to 3 employees per unit; and 3) allow residential conversions in pre-'61 buildings to provide accessory off-street parking for up to 20 percent of the dwelling units similar to what is currently permitted for new construction only.

The proposed text change was one of the recommendations contained in the Plan for the Revitalization of Lower Manhattan, announced by the Mayor in December 1994. This plan was designed to stem and turn around the decline in the economy of Lower Manhattan. It proposes certain tax benefits to facilitate residential conversion and encourage commercial renovation, and a number of other public and private initiatives to broaden the economic base, increase tourism opportunities, and create a 24-hour community. It proposes zoning text changes to facilitate residential conversions, and a longer-term effort to comprehensively review all zoning controls in Lower Manhattan. The proposed text amendment addresses the immediate concerns of potential conversions, and complements the tax incentive program by modifying certain zoning controls which regulate residential conversion of non-residential buildings in Lower Manhattan.

Office buildings are the predominant land use in Lower Manhattan: approximately 103 of the 150 or so blocks in the area are occupied by office buildings with approximately 116 million square feet of office space. In recent years, however, the commercial real estate in the area has been in a steady decline. According to Cushman & Wakefield, approximately 20.5 million square feet of commercial space, or 18.4 percent of the office building stock in Lower Manhattan, was vacant during the first quarter of 1995. Secondary office buildings have been affected the most. They have higher vacancy rates than Class A buildings in general; they are becoming increasingly more expensive to maintain as their infrastructure gets older; and they are less likely to be developed anew due to lack of demand for new office space, and because they require assemblages which is a costly, lengthy and

complicated process. Reuse of older commercial buildings as residential structures can provide a viable alternative for those buildings that will never be useful as commercial space. Existing regulations may unnecessarily impede the conversion of commercial buildings to residential use.

Of the approximately 8,800 units in Lower Manhattan more than 1,860 are in converted buildings. These conversions range from 3-story office/warehouse structures built in mid- to late-nineteenth century to a 33-story office building at 55 Liberty Street built in 1910 and converted to 89 units in 1979. A large number of these conversions were made possible by a city tax abatement and exemption program known as J-51 which was created in 1951 to encourage renovation and upgrade of substandard apartment buildings. In 1976, it was expanded to cover conversion of non-residential buildings. In 1983, concerns about excessive tax benefits to market-rate housing led to locational and other restrictions which effectively eliminated the J-51 program from Lower Manhattan. No major conversion has occurred in the area since the elimination of these benefits.

To explore the potential for residential conversions in Lower Manhattan, the Department of City Planning undertook a systematic and comprehensive survey of all structures in the area. The intent was to determine the overall potential of convertible buildings, the potential square footage that could be reused through conversions, and their impact on the area. Criteria were developed to identify those buildings suitable for conversion. The criteria screened out buildings designed for a unique or specialized function, structures less than 30 years old, those that had been extensively renovated within the last 10 years, and class A buildings. Criteria based on physical characteristics such as floor plate size and configuration were also applied to eliminate buildings with excessively deep window-to-interior-wall distances, as well as buildings of excessive bulk. Buildings exceeding these criteria were deemed to be unlikely candidates for conversion since they would produce either very deep apartments with non-habitable spaces away from windows or would be difficult to market because of their bulk and excessively large number of units in individual buildings.

The analysis identified approximately 39 buildings of seven stories and above that were physically suitable for conversions without any major alteration to their existing form and bulk. These potential conversions contain close to three million square feet of floor area and could potentially have more than 3,000 units. Although market demand and variations in the cost of conversion of different structures would yield a different number of possible conversions, the analysis identified the potential stock of buildings which were physically suitable for converting to residential use. The analysis included evaluating the zoning regulations that control the conversion of non-residential buildings to residential use. Although existing zoning controls allow conversion of non-residential buildings to residential use, certain regulations restrict their density, home occupations, and the provision of accessory residential parking for converted units.

Conversion to residential use of non-residential buildings built prior to 1961 is regulated through Chapter 15 of the Zoning Resolution which was adopted by the City Planning Commission on February 9, 1981 along with other zoning measures designed to balance the needs of industrial/commercial and residential uses in the area south of 59th Street in Manhattan, as well as certain community districts in Brooklyn and Queens. Residential use of entire buildings was permitted subject to housing standards deemed appropriate to recycled buildings, including density, light and air, and open space. New density standards reflected the densities permitted for new construction in the respective residential districts, and the minimum average dwelling unit size controls replaced the standard room count which were no longer considered appropriate in converted units since most of them were loft spaces.

Section 15-111 (Number of permitted dwelling units) regulates the density of converted buildings. It requires that, in R10 equivalent districts, the minimum average floor area per dwelling unit be 900 square feet for the as-of-right 10 FAR. The average floor area in this case includes hallways, elevators and common areas, which means the net square footage of the apartment would be lower than 900 square feet depending upon the floor layout and the percentage of floor area dedicated to common areas. Floor area in excess of the as-of-right 10 FAR converted to residential use must have a minimum average floor area per dwelling

unit of 1,800 square feet per dwelling unit. This density "penalty" for overbulk buildings increases the overall aggregated average unit size for the entire building and may restrict the ability of potential conversions to respond to market conditions and to provide the most desirable mix of units.

The proposed modification to this section would reduce the minimum average unit size from 1,800 to 900 square feet for that portion of the building in excess of 10 FAR in R10 equivalent zones in Lower Manhattan. Thus, the entire residential portion of a converted building would be subject to a consistent 900 square foot minimum average dwelling unit size requirement.

Home occupations in converted buildings are regulated by Sections 12-10 (DEFINITIONS) and 15-13 (Special Home Occupation Provision). Section 12-10 defines a home occupation as an accessory use which, among other conditions, is not allowed to "sell articles produced elsewhere than the premises," and which does not "produce offensive noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects." The floor area used by a home occupation is limited to 25 percent of the unit's floor area with a maximum cap of 500 square feet. All uses permitted in the underlying zoning districts are permitted as home occupations with the exception of the following eleven uses which are specifically prohibited:

1. advertising or public relations agencies (UG 6)
2. barber shops (UG 6)
3. beauty parlors (UG 6)
4. commercial stables or kennels (UG 16)
5. depilatory, electrolysis, or similar offices (UG 6)
6. interior decorators' offices or workshops (UG 6)
7. ophthalmic dispensing (UG 6)
8. pharmacy (UG 6)
9. real estate or insurance offices (UG 6)
10. stockbrokers' offices (UG 6)
11. veterinary medicine (limited to small animals-UG 6)

It allows teaching of up to four pupils simultaneously, or no more than one at a time for musical instruction, and in the case of professional offices, it allows one employee per unit.

Section 15-13 does, however, allow some flexibility for home occupation uses in converted buildings in C6 districts only. It raises the maximum floor area used by a home occupation to 49 percent and eliminates the maximum limit of 500 square feet. However, this section is not applicable to C5 zones which constitute a large part of Lower Manhattan. In C5 districts, the floor area occupied by a home occupation is limited to 25 percent with a cap of 500 square feet.

The proposed modification to this section would allow a home occupation as an accessory use for up to 49 percent of the unit's floor area without the current 500 square foot limit in C5 districts; allow up to three employees per unit for any permitted home occupation; and make permitted commercial uses, except Use Group 12 (entertainment uses), to be permitted home occupation uses subject to all other conditions of Section 12-10.

Section 13-12 (Residential Development), which regulates all accessory off-street residential parking in Community Districts 1 through 8 in Manhattan, has no provisions to allow accessory off-street parking in converted residential buildings. For new construction, it allows accessory off-street parking at 20 percent of the dwelling units or 200 spaces, whichever is less. Other zoning controls for accessory off-street residential spaces are:

13-141 (Location of accessory off-street spaces) which requires that all such spaces be located on the same zoning lot as the residential building; and

13-142 (Location of access to the street) which prohibits location of vehicular entrance and exits within 50 feet of a street intersection, except through a certification by the Commissioner of Buildings subject to certain traffic safety, congestion, and pedestrian flow considerations. Entrances and exits may also not be located on wide streets except by authorization of the City Planning Commission subject to reports

from DOT and DEP (Section 13-43) and findings of safety, congestion, and flow of traffic (Section 13-453).

The proposed modification to this section would allow accessory parking at 20 percent of the units, up to 200 spaces, in converted buildings erected prior to 1961 in Lower Manhattan (south of Murray Street and the Brooklyn Bridge).

ENVIRONMENTAL REVIEW

This application (N 950426 ZRM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. , and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 95DCP043 M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a negative declaration was issued on April 24, 1995.

PUBLIC REVIEW

This application for the proposed text amendment was reviewed by the City Planning Commission on April 24, 1995 and duly referred to Community Board 1 and the Borough President for review and comment.

Community Board Review

On May 16, 1995, Community Board 1 adopted a resolution supporting this proposed text change with a vote of 30 in favor, 0 opposed, with 5 abstentions. The Board, however, stated that the Plan for The Revitalization of Lower Manhattan must provide additional new schools to accommodate the new and existing residents. The Board rejected the notion that

new and existing residents will attend "underutilized" existing schools since existing residents for over 20 years have been unwilling to attend those schools. The Board further recommended that the Board of Education rezone the area so that all children residing in CB1 may attend any of the schools in CB#1; and that additional active and passive open space must be provided on the east side of the district. The Board repeated its recommendation that the 250 Water Street site be used for a water tunnel distribution shaft and later be converted into a park.

Borough President Recommendation

The Borough President, in her comments dated June 8, 1995, strongly supported the proposed text amendment and stated that it would "help put empty older buildings to good use, make area more diverse and, therefore less prone to cyclical fluctuations of the real estate market, and help create the critical mass of residents needed to support the 24-hour activities engendered by a residential population."

The Borough President agreed with the Community Board's three recommendations and encouraged the City to initiate planning for future school needs and to commit the necessary resources. She strongly urged the Board of Education to give careful consideration to the Community Board's longstanding rezoning request, and recommended that a determination be made as quickly as possible. She agreed with the community board that there was a serious need for additional open space on the east side of the district and that the 250 Water Street site should be developed as open space.

City Planning Commission Public Hearing

On June 7, 1995 (Calendar No. 3), the City Planning Commission scheduled June 21, 1995 for a public hearing on this application (N 950426 ZRM). The hearing was duly held on June 21, 1995 (Calendar No. 20). There were 7 speakers in favor of the application and none in opposition. The hearing was closed.

The speakers were: President of the Historic Districts Council; a Vice-President of the Alliance for Downtown New York; a Sr. Vice-President of the Real Estate Board of New York; a representative of AIA New York Chapter; a representative of the Manhattan Borough President; an architect; and the Chairman of the Municipal Art Society's sub-committee on Lower Manhattan.

While all speakers supported the proposed text change and stated the need for this proposal in order to facilitate conversion of old office buildings to residential use, some of them stated concerns regarding accessory parking provisions of the proposal. The speakers from the Historic District Council, the Municipal Art Society (MAS), and the American Institute of Architects (AIA) New York Chapter expressed concerns about the potential impact on historically significant buildings and sidewalks around them if new openings and curb cuts for parking garages were created. The speaker from the Historic Districts Council also mentioned that elimination of the 1,800 square feet minimum average per unit requirement in overbuilt buildings could encourage conversions with studios and small apartments. The AIA and MAS offered to work with the Department of City Planning to further investigate the issues concerning conversion of non-residential buildings to residential use. The MAS suggested the need for a new use group category for live/work environments.

CONSIDERATION

The Commission believes that this proposed text amendment to the Zoning Resolution is appropriate.

Lower Manhattan plays a critical role in the economy of New York City and the region. The commercial real estate market in the area has been the hardest hit by the recent recession. Vacancy rates in Lower Manhattan have been on the rise since 1987 and, according to Cushman & Wakefield which tracks a total of 112 million square feet of office space in Lower Manhattan, were at 21.3 percent for secondary office space during the first

quarter of 1995, the highest in the City. The 20.5 million square feet of currently vacant office space represents approximately 18.4 percent of the office building stock in Lower Manhattan, and includes many entirely vacant buildings. This decline has hurt the city's economy. Billable assessed value dropped 28.6 per cent between 1991 and 1994 costing the City \$115 million per year in taxes.

The Commission believes that many of the secondary buildings cannot compete in the office market because they do not have the amenities offered by Class A buildings. Many cannot be upgraded economically to modern standards because of their small floor sizes, odd-shaped lots, and obsolete physical design. The demand for office space in these secondary office buildings has decreased further due to the decade-long trend of corporate downsizing, consolidation of clerical and data processing functions, and relocation to lower cost areas. For many of these buildings, redevelopment is not a viable option due to cost, the need for assemblages to achieve larger building floor plate sizes, and the lack of demand for office space.

The Commission notes that the Plan for the Revitalization of Lower Manhattan is intended to promote commercial reinvestment and residential conversions of obsolete office buildings. Together with other initiatives to improve access and reinforce the historic fabric, conversions to residential use would remove some secondary office buildings from the vacant commercial space inventory, and help the area achieve the critical mass needed to be a 24-hour community -- one of the objectives of almost every major planning initiative for the area since The Lower Manhattan Plan of 1966.

The Commission supports modification to the existing density controls for conversion of pre-1961 non-residential buildings to residential use in Lower Manhattan. Density controls for conversions of buildings greater than 10 FAR are penalized by the requirement for larger minimum average unit sizes. The Commission believes that this control may discourage conversions and that the proposed modification would provide needed flexibility to allow developers to meet a wide range of market needs. The Commission notes that a consistent

minimum average unit size of 900 square feet does not preclude larger unit sizes, but allows greater flexibility in apartment layouts and building conversions.

The Commission supports the modification to the home occupation controls to provide more flexibility in residential conversions and to help create new opportunities for live/work environments in Lower Manhattan. Many of the older buildings in Lower Manhattan are well suited for a live/work environment because of their deep window to wall distances which would otherwise create excessively large, dark interior spaces. The Commission believes that flexibility in home occupation controls combined with innovative designs could turn these interior spaces into an asset for these buildings.

The Commission also envisions the more flexible home occupation provisions to be a mechanism to create new opportunities for small businesses in Lower Manhattan and to respond to the changing economy. These modifications are similar to those recently approved in conjunction with the Special Lower Manhattan Mixed-Use District text amendment. Small businesses and entrepreneurs can take advantage of the modified use controls, the maximum three employee provision and greater floor area to establish themselves as house-based businesses.

This application for a proposed text change as originally filed on April 10, 1995 has been modified by the Commission in the course of its review of the proposed text change. Section 15-13 (Special Home Occupation Provision), paragraph (b)(2) contained language which would have overruled the listing of specific uses prohibited in the definition of home occupation in Section 12-10. All uses permitted in the underlying districts, except for Use Group 12, would have been permitted subject to all other conditions of Section 12-10. The Commission was concerned about removing the specific restrictions on beauty parlors and veterinary medicine since these two uses are generally known to produce objectionable odors, fumes, or noise in the course of their normal operation. Therefore, the text change as originally proposed was modified to continue to prohibit beauty parlors and veterinary medicine as permitted home occupations in Lower Manhattan. The Commission notes that

the Department will review home occupation provisions citywide, and as suggested by one speaker, will explore the need for a live/work use group.

The Commission believes that the proposed modifications to accessory parking regulations are appropriate and would further facilitate residential conversions by allowing accessory parking for up to 20 percent of the units in converted buildings. The flexibility to have some accessory parking within a converted building could allow some of the potential future conversions to offer an amenity that could help market these buildings. The Commission notes that, currently, almost one-third of all households in Lower Manhattan have one or more vehicles available to them (owned, leased, or company cars in personal use). Twenty percent is consistent with new construction, and applicability of this provision to buildings erected prior to 1961 is consistent with Chapter 15 which regulates residential conversions in Pre-1961 buildings.

The Commission is sensitive to the issues raised at the public hearing about how this provision may impact on historically significant buildings in Lower Manhattan. It believes that the impact on historically significant buildings and the character of the area will be minimal. The Department of City Planning conducted an analysis of potential accessory parking garages in 59 buildings generally considered to be historically significant. The analysis showed that most of these buildings are already landmarked or located in a historic district; had been scheduled either for landmarking or to be included in the proposed Stone Street Historic District; are not considered likely candidates for conversion due to current use, size or configuration; or if convertible, are unlikely to provide parking due to size or physical layout.

A small number of buildings met the criteria for conversion and potentially could provide parking under the proposal. The Commission notes that most of these buildings were found to have existing features such as existing facade alterations, existing curb cut and vehicular entrances, rear service entrances or rear facades on a service street, and/or an existing opening in the facade on a side street where a garage entrance could be provided without

adversely impacting the facade or the street character. In most cases it found that a parking entrance could be provided without negatively impacting the architectural significance of the building.

The Commission further notes that existing building conditions such as column layout, mechanical equipment relocation, and the shape and size of the lot, as well as the cost of creating new ramps or installing vehicle elevators would also limit the potential for new garages in existing buildings. Provision of accessory garages is further controlled by the restrictions of Section 13-142 which prohibits curb cuts on wide streets unless authorized by the Commission, and within 50 feet of street intersections unless certified by the Commissioner of Buildings. The Commission is also aware that the program for additional landmark designations in Lower Manhattan will ensure added protection for significant buildings.

The Commission is concerned, however, about the possible proliferation of one- or two-space parking garages in many of the smaller residential conversions. It notes that the primary intent of allowing accessory parking in converted buildings is to facilitate conversion of large, obsolete office buildings. In response, the application has been modified to prohibit new curb cuts for residential accessory parking in converted buildings on streets where the building frontage is 40 feet or less. The Commission believes that this restriction on accessory parking in conversions would promote a better streetscape and help ensure retail continuity. It would also have the added benefit of precluding accessory garages in some of the potentially significant historical buildings with narrow facades.

The Commission takes note of Community Board 1 comments and recommendations regarding an increased residential population in Lower Manhattan. The Commission recently approved an application for a text change for the Special Battery Park City District which addressed the issue of additional schools in the area. The Commission reiterates its recommendation that the Board of Education take appropriate measures to address the Community Board's concern regarding zoning of public schools in the area. In addition, the

Commission notes that the Department of City Planning has undertaken a comprehensive review of zoning regulations in Lower Manhattan which includes an examination of open space issues.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment.

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961 and as subsequently amended, is further amended as follows:

Matter in Underline is new, to be added;

Matter in ~~strikeout~~ is existing, to be deleted;

Matter within # # is defined in Section 12-10 (DEFINITIONS) of the Zoning Resolution;

* * * indicates where unchanged text appears in the Zoning Resolution.

Chapter 3

Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan

* * *

13-10

PERMITTED ACCESSORY OFF-STREET PARKING SPACES

* * *

13-12

Residential Development

#Accessory# off-street parking spaces are permitted only for new #residential developments# or #enlargements# as follows:

- (a) For the area south of 60th Street and its prolongations, the number of #accessory# off-street parking spaces shall not exceed 20 percent of the number of new #dwelling units# contained in the #development# or #enlargement# or 200 spaces, whichever is less.
- (b) For the area north of 60th Street and its prolongations in Community Districts 7 and 8, the number of #accessory# off-street parking spaces shall not exceed 35 percent of the number of new #dwelling units# contained in the #development# or #enlargement# or 200 spaces, whichever is less.

However, in Manhattan, for the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, except that portion of the #Special LMM District# that extends south of Murray Street, accessory# off-street parking spaces are permitted for #dwelling units# converted in non-#residential buildings#, or portions thereof, erected prior to December 15, 1961, provided that the number of #accessory# off-street parking spaces shall not exceed 20 percent of the number of #dwelling units# contained in the conversion or 200 spaces, whichever is less. Curb cuts shall be prohibited on streets where the frontage of such converted #buildings# is 40 feet or less.

(e) All such #accessory# off-street parking spaces shall be located within a #completely enclosed building# and shall be used exclusively by the occupants of the #residential development#, ~~or #enlargement#~~ or conversion.

* * *

Chapter 5

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

* * *

15-111

Number of permitted dwelling units

The number of #dwelling units# permitted is the total number calculated under ~~Section 15-111 paragraphs~~ (a) and (b) of this Section, and may be distributed anywhere within the #building#, ~~except in the #cellar#~~. provided that any P portions of a #dwelling unit# located in the #cellar# shall also comply with the provisions of Section 15-112.

- (a) #Floor area# ~~which~~ that does not exceed the maximum #residential floor area# permitted by the provisions of the applicable district may be converted to #dwelling units#. The number of #dwelling units# attributable to the #floor area# permitted under the provisions of the applicable district shall be determined by the following table:

MINIMUM AVERAGE FLOOR AREA PER DWELLING UNIT

IN SPECIFIC ZONING DISTRICTS

Applicable District	Maximum #residential floor area ratio# permitted	Minimum average #floor area# per #dwelling unit# permitted
R4 or equiv.	1.50	615 sq. feet
R5 or equiv.	1.65	645 sq. feet
R6 or equiv.	2.43	700 sq. feet
R7 or equiv.	3.44	745 sq. feet
R8 or equiv.	6.02	790 sq. feet
R9 or equiv.	7.52	880 sq. feet
R10 or equiv.	10.00	900 sq. feet

(b) In existing non-#residential buildings#, ~~the #residential~~ that portion of the #floor area# which ~~that~~ exceeds the #residential floor area# permitted by the provisions of the applicable district may be converted to #dwelling units#, provided that there shall be a minimum average of 1,800 square feet of gross #floor area# per #dwelling unit# in such excess #residential floor area#.

~~However, f~~For #floor area# converted to public or publicly-assisted housing or #non-profit residences for the elderly#, as described in Section 25-25, there shall be a minimum average of 1,500 square feet of gross #floor area# per #dwelling unit# in such excess #floor area#.

However, in Manhattan, in all #Commercial Districts# with an R10 equivalent in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, except that portion of the #Special LMM District# that extends south of Murray Street, that portion of the #floor area# in existing non-#residential buildings# that exceeds the permitted #residential floor area# may be converted to #dwelling units#, provided that there shall be a minimum average of 900 square feet of gross #floor area# per #dwelling unit# in such excess #residential floor area#.

(c) The requirements of paragraphs (a) and (b) above may be replaced by the regulations of Section 15-026 for #dwelling units#:

(i1) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

(i2) that the Loft Board determines were occupied for #residential use# on September 1, 1980.

No #building# that meets the density requirements of paragraphs (a) or (b) ~~above~~of this Section may subsequently add #dwelling units# except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied may subsequently add additional units except in accordance with the requirements of Section 15-111.

For the purposes of this Section only, mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #dwelling units# provided that the gross area of such mezzanine does not exceed 33 1/3 percent of the #floor area# contained within such #dwelling unit#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less, and only between existing floors that are to remain. No mezzanine shall be included as #floor area# for the purpose of calculating the minimum required size of a #dwelling unit# or for calculating #floor area# devoted to #dwelling units#.

* * *

Special Home Occupation Provision

(a) In C6 Districts, the #home occupation# provisions of Section 12-10 (DEFINITIONS - Home occupation) shall apply, except that up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#. Such #home occupation# may occupy more than 500 square feet of #floor area#. For the purposes of this Section, mezzanines shall be counted as #floor area#.

(b) In C5 and C6 Districts, in Manhattan, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, except that portion of the #Special LMM District# that extends south of Murray Street, the #home occupation# provisions of Section 12-10 shall apply, except that up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#.

In addition:

(1) businesses operated as #home occupations# may have up to three non-#residential# employees;

(2) notwithstanding the listing of specifics #uses# prohibited in the definition of #home occupations# in Section 12-10, a #home occupation# may include any permitted #commercial use# except beauty parlors, veterinary medicine, and those #uses# listed in Use Group 12.

Such #home occupation# may occupy more than 500 square feet of #floor area# and, for the purposes of this Section, mezzanines shall be counted as #floor area#.

The above resolution (N950426 ZRM), duly adopted by the City Planning Commission on July 26, 1995 (Calendar No. 28), is filed with the Office of the Speaker, City Council and the Manhattan Borough President, in accordance with the requirements of Section 200 of the New York City Charter.

JOSEPH B. ROSE, Chairman
VICTOR G. ALICEA, Vice-Chairman
AMANDA M. BURDEN, A.I.C.P., IRWIN G. CANTOR, P.E., ALEXANDER GARVIN,
ANTHONY I. GIACOBBE, ESQ., MAXINE GRIFFITH, WILLIAM J. GRINKER,
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