Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

89-20 - SPECIAL PERMITS

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89-20 - SPECIAL PERMITS

LAST AMENDED
12/15/2016

89-21 - Transfer of Floor Area From Hudson River Park

LAST AMENDED
7/16/2026

The City Planning Commission may permit a transfer of #floor area# from a #granting site# to a #receiving site#, may permit distribution of total allowable #floor area# of a #receiving site# without regard for zoning district boundaries, may permit that such #receiving site# be treated as a single #zoning lot# for all purposes of this Resolution, and may modify #bulk# regulations, except #floor area# regulations, for a #development#, #enlargement# or #conversion# located on such #receiving site#. In addition, for #receiving sites# within Area B-R1 on the maps in the Appendix to this Chapter, the Commission may exempt floor space from the definition of #floor area# in a #building# that contains an ambulance station and may increase the maximum number of #accessory# off-street parking spaces permitted for such station.

(a) Application requirements

All applications for a special permit pursuant to this Section shall include the following:

(1) a survey of the #granting site# illustrating existing #buildings# to remain on the #granting site# and zoning calculations indicating the #floor area# on the #granting site# and within such #buildings#;

(2) a survey of the #receiving site# and a site plan illustrating the proposed #development#, #enlargement# or #conversion# on such lot, and associated zoning calculations demonstrating compliance with the conditions and limitations set forth in this special permit;

(3) drawings that illustrate any proposed #bulk# modifications for the proposed #development#, #enlargement# or #conversion# on the #receiving site#; and

(4) a statement from the Hudson River Park Trust identifying improvements to be made to Hudson River Park, and indicating that payment of the #required funds# necessary to effectuate the transfer of #floor area# pursuant to this Section, in combination with any other available funding, would be sufficient, according to the Trust's estimate, to complete such identified improvements.

(b) Conditions and limitations

All applications for a special permit pursuant to this Section shall comply with the following conditions:

(1) the maximum #floor area# that may be transferred from the #granting site# shall be the maximum #floor area# permitted for the #granting site# under the applicable district regulations if it were undeveloped, less the #floor area# of all #buildings# on such #granting site#;

(2) the increase in #floor area# on the #receiving site# allowed by the transfer of #floor area# to such #receiving site# shall in no event exceed 20 percent of the maximum #floor area# permitted on such #receiving site# by the underlying district;

(3) the transfer, once completed, shall irrevocably reduce the amount of #floor area# that can be utilized by the #granting site# by the amount of #floor area# transferred;

(4) the #granting site# and location of identified improvements to be made to the Hudson River Park in connection with the proposed transfer of #floor area# are located in the same Community District as the #receiving site#;

(5) if the proposed #development#, #enlargement# or #conversion# on the #receiving site# includes #residential# #floor area#, it shall provide #qualifying affordable housing#;

(6) for the #receiving site# within Area A2 on the map in the Appendix to this Chapter:

(i) the portion of the #receiving site# located over West Houston Street shall not generate #floor area# for the proposed special permit #development#, and no #floor area# shall be located directly above West Houston Street;

(ii) the height and setback requirements of the applicable district shall apply to the portions of the #receiving site# located on each side of the mapped #street lines# of West Houston Street; and

(7) no more than 200,000 square feet of #floor area#, in the aggregate, shall be transferred to #receiving sites# located within the boundaries of Manhattan Community District 2.

(c) Findings

The Commission may grant the transfer of #floor area# and any associated #bulk#

modifications, provided that:

(1) such transfer of #floor area# will facilitate the repair, rehabilitation, maintenance and development of Hudson River Park, including its piers, bulkheads and infrastructure;

(2) the transfer of #floor area# will support the completion of improvements to Hudson River Park as identified in the statement submitted to the Commission by the Trust as part of this application; and

(3) for the #receiving site#:

(i) the proposed configuration and design of #buildings#, including any associated structures and open areas, will result in a superior site plan, and such #buildings# and open areas will relate harmoniously with one another and with adjacent #buildings# and open areas;

(ii) the location and quantity of the proposed mix of #uses# will complement the site plan;

(iii) the proposed transfer of #floor area# and any modification to #bulk# regulations will not unduly increase the #bulk# of any #building# on the #receiving site# or unduly obstruct access of adequate light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks#, or of people using the public #streets# and other public spaces;

(iv) such transferred #floor area# and any proposed modifications to #bulk# are appropriate in relation to the identified improvements to Hudson River Park;

(v) any #qualifying affordable housing# that is provided as part of the project will enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes; and

(vi) the Commission, in consultation with the Fire Department, determines that the amount of proposed floor space and the number of proposed parking spaces in such ambulance station is reasonable in order to provide a necessary service to the surrounding area.

(d) Additional requirements

The City Planning Commission shall receive a copy of a transfer instrument legally sufficient in both form and content to effect such a transfer of #floor area#. Notices of the restriction upon further #development#, #enlargement# or #conversion# of the #granting site# and the #receiving site# shall be filed by the owners of the respective #zoning lots# in the Office of the Register of the City of New York (County of New York). Proof of recordation of the notices shall be submitted to the Chairperson of the City Planning Commission, in a form acceptable to the Chairperson.

Both the transfer instrument and the notices of restriction shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the #granting site# and the #receiving site# that are a party to such transfer.

On a #receiving site#, for any #development#, #enlargement# or #conversion# that is the subject of a special permit granted by the Commission pursuant to this Section, the Department of Buildings shall not:

(1) issue a building permit until the Chairperson has certified that the owner of the #receiving site# and the Hudson River Park Trust have jointly executed a Purchase and Sale Agreement for the amount of the #required funds#, specified in paragraph (a)(4) of this Section, associated with the transfer of #floor area#, and that all of such #required funds# have either been irrevocably paid to Hudson River Park Trust or will be paid in accordance with a payment schedule and secured by a cash equivalent, such as a letter of credit, in accordance with such Purchase and Sale Agreement; or

(2) issue a temporary or final certificate of occupancy until the Chairperson has certified that the Hudson River Park Trust has submitted a letter to the Chairperson confirming that payment of all of the #required funds# specified in paragraph (a)(4) of this Section, associated with the transfer of #floor area#, has been irrevocably made by the owner of such #receiving site# to the Hudson River Park Trust, or that the Hudson River Park Trust has drawn down on the security such that no portion of the #required funds# is outstanding.

Any modification of a special permit previously issued pursuant to this Section which proposes a change to the amount of #required funds# shall be referred to the affected Community Board for a period of at least 45 days. The Commission shall not act upon the modification application until the completion of the Community Board review period.

The Commission may prescribe additional appropriate conditions and safeguards to improve the quality of the #development#, #enlargement# or #conversion# and to minimize adverse effects on the character of the surrounding area.