Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

93-30 - SPECIAL FLOOR AREA REGULATIONS

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93-30 - SPECIAL FLOOR AREA REGULATIONS

LAST AMENDED
1/19/2005

93-31 - District Improvement Fund Bonus

LAST AMENDED
8/14/2025

In the #Special Hudson Yards District#, except in Subdistrict F, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Sections 93-21 or 93-22, as applicable, provided that instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #Hudson Yards District Improvement Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area# for such #development# or #enlargement#.

The Commissioner of Buildings shall not authorize the construction of any #development# or #enlargement# utilizing #floor area# bonused pursuant to this Section, including foundations with respect thereto, nor shall the construction of any bonused portion thereof be authorized, until the Chairperson has certified that the requirements of this Section have been met. Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a #development# or #enlargement# which does not utilize such bonused #floor area#, provided that, prior to issuance of such permit, the Chairperson has notified the Commissioner of Buildings in writing of the receipt by the Department of City Planning of either:

(a) a letter from the applicant for such permit dated no earlier than 30 days prior to issuance thereof, stating whether as of such date the applicant anticipates filing an application to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or other provisions in Sections 93-222 (Maximum floor area ratio in the 34th Street Corridor Subdistrict C) or 93-223 (Maximum floor area ratio in Hell's Kitchen Subdistrict D); or

(b) an application for a bonus from such applicant to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or other provisions in Sections 93-222 or 93-223.

Copies of letters received from applicants pursuant to paragraph (a) of this Section shall be forwarded by the Department of City Planning to the Community Board and local City Council member, and maintained on file and be available for public inspection at such Department.

The contribution amount shall be $100 per square foot of #floor area# as of January 19, 2005, and shall be adjusted by the Chairperson annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the twelve months ended on June 30 of that year. The contribution amount shall be determined based upon the rate which is in effect at the time the contribution is received, and contributions may be made only on days when the Hudson Yards Infrastructure Corporation (the "Corporation") is open for business and during business hours as specified by the Corporation.

The Commission may promulgate rules regarding the administration of this Section, and the Commission may also, by rule, adjust the contribution amount specified in the preceding paragraph to reflect changes in market conditions within the #Hudson Yards Redevelopment Area# if, in its judgment, the adjusted amount will facilitate the district-wide improvements that are consistent with the purposes of this Chapter. The Commission may make such an adjustment by rule, not more than once a year.

For any such adjustment by rule decreasing the contribution amount, or increasing the contribution amount by more than the percentage change in the Consumer Price Index for all urban consumers, the following shall apply:

(1) Such rule shall be effective for not more than two years; and

(2) The Commission shall not publish the proposed rule pursuant to the City Administrative Procedure Act unless the City Council Land Use Committee and the Department of City Planning have jointly filed an application for a zoning text amendment under Section 201 of the New York City Charter, which would make such adjustment of the contribution amount permanently effective. The contribution amount established under such rule as finally adopted shall continue in effect with further adjustments based upon the Consumer Price Index for all urban consumers, until the next adjustment of the contribution amount pursuant to this Section.

For the #conversion# to #dwelling units# of non-#residential# #floor area#, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to the provisions of this Section.

93-32 - Floor Area Regulations in the Phase 2 Hudson Boulevard and Park

LAST AMENDED
12/5/2024

In the #Phase 2 Hudson Boulevard and Park#, no #development# shall be permitted and, except as provided in Section 93-051 (Applicability of Article I, Chapter 1), no #building# shall be #enlarged#. However, #floor area# from a granting site within the #Phase 2 Hudson Boulevard and Park# may be transferred to a receiving site in accordance with the provisions of paragraph (a) of this Section.

For the purposes of this Section, a "granting site" shall mean a #zoning lot#, or portion thereof, within the #Phase 2 Hudson Boulevard and Park# and the #lot area# of such granting site shall include any area on such site designated on the City Map as Hudson Boulevard or #public park#, and a "receiving site" shall mean a #zoning lot#, or portion thereof, within Subareas A2 through A5 of the Large-Scale Plan Subdistrict A or Subareas D1 or D2 of Hell's Kitchen Subdistrict D, to which #floor area# from a granting site has been transferred.

Special regulations for certain #zoning lots# partially within the #Phase 2 Hudson Boulevard and Park# are set forth in Section 93-33.

(a) Transfer of floor area by certification

The Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# of a receiving site to be increased up to the maximum amount specified in Section 93-21 or 93-22, as applicable, through the transfer of #floor area# from a granting site, provided that:

(1) the maximum amount of #floor area# transferred from a granting site shall not exceed the #floor area ratio# permitted on the granting site, as listed below, less any existing #floor area# to remain on the granting site:

District	Maximum #floor area ratio#
C2-8	7.5
C6-2	6.02

C6-4	10.0
M1-5	5.0

(2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred;

(3) the maximum amount of #floor area# transferred to a receiving site shall be based on an amount not to exceed the #floor area ratio# permitted on a #zoning lot# through such transfer pursuant to Section 93-21 or 93-22, as applicable. In the event a granting site generates more #floor area# than is permitted on a receiving site, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# transfers pursuant to this Section; and

(4) where all #floor area# shall be transferred from a granting site pursuant to one or more such certifications, all certificates of occupancy have been surrendered for such granting site, all structures on such granting site have been demolished, and such granting site has been conveyed to the City for improvement, where applicable, as a #public park# or #street#, as provided for on the City Map.

Where, as a result of the transfer of #floor area# pursuant to this paragraph (a), the amount of #floor area# on a receiving site is less than the maximum allowable as specified for the applicable subarea in Row B in the table in Section 93-21 and Row C in the table in Section 93-22, any additional #floor area#, up to the maximum #floor area ratio# permitted on the receiving site as specified in such rows, may be achieved only through contributions to the #Hudson Yards District Improvement Fund# pursuant to Section 93-31 (District Improvement Fund Bonus), an increase in #floor area# pursuant to paragraph (b) of this Section or Section 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park), or the provisions of Section 93-223

(Maximum floor area ratio in Hell's Kitchen Subdistrict D).

An application filed with the Chairperson for the transfer of #floor area# pursuant to this paragraph (a) shall be made jointly by the owners of the granting site and receiving site, and shall include a site plan and #floor area# zoning calculations for the granting site and the receiving site, and a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with notice of the restrictions upon further development of the granting site and the receiving site.

Notices of restrictions shall be filed by the owners of the granting site and receiving site in the Borough Office of the Register of the City of New York, indexed against the granting site and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site which incorporates #floor area# transferred pursuant to this paragraph (a).

(b) Authorization for contribution-in-kind

The City Planning Commission may authorize a contribution-in-kind to the #Hudson Yards District Improvement Fund# for a receiving site, provided that:

(1) the conditions for transferring #floor area# set forth in paragraph (a) of this Section have been met as of the date of the authorization or will be met in accordance with agreements or instruments entered into pursuant to paragraph (b)(3) of this Section;

(2) the granting site will be improved, at the applicant's expense, as a #public park# or #street#, as provided for on the City Map, prior to conveyance to the City; and

(3) the applicant, or an affiliate of such applicant, has entered into an agreement or provided instruments in a form satisfactory to the City, providing for the

improvement of the granting site as a #public park# or #street# pursuant to an agreed-upon construction schedule. The construction schedule may be adjusted from time to time in accordance with the provisions of such agreement or instruments and shall include progress milestones, including the date by which the improvements will be 50 percent complete, and a date by which the improvements will be substantially complete and usable by the public. In the event that the conditions for transferring #floor area# set forth in paragraph (a) of this Section have not been completed as of the date of this authorization, such agreement or instruments shall also provide that such conditions will be met, to the extent applicable, pursuant to an agreed-upon schedule.

In order to grant such authorization, the Commission shall find that the #public park# or #street# has been designed in accordance with the approved plan for the Hudson Boulevard and Park, or as an appropriate interim design, in consultation with the Department of Parks and Recreation or Department of Transportation.

The Commission shall determine the reasonable cost of such improvement, including any acquisition and site preparation costs, and shall divide this reasonable cost by the contribution amount per square foot of the District Improvement Bonus, as determined pursuant to Section 93-31, and in effect on the date of authorization of the contribution-in-kind pursuant to this paragraph (b), in order to determine the amount of increased #floor area# generated by the contribution-in-kind. In making such determination, the Commission may consult with an appraiser or engineer at the applicant's expense. In the event the contribution-in-kind results in an amount of #floor area# in excess of what is permitted on the receiving site, the Commission shall authorize that such excess #floor area# be credited towards future #floor area# increases pursuant to Section 93-31.

The owner of the receiving site shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this paragraph (b), and the Department of

Buildings shall not issue a temporary certificate of occupancy for such portion until the Chairperson has certified that the improvements are substantially complete and usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement# nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the improvements have been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson. A restrictive declaration in a form acceptable to the Chairperson shall be recorded against the receiving site in the Office of the Register of the City of New York in order to implement such restrictions.

An application filed with the Chairperson for the contribution-in-kind pursuant to this paragraph (b) shall be made jointly by the owners or contract vendees of the granting site and receiving site and shall, in all instances, include the party responsible either directly or through its affiliate, for the improvement of the granting site as a #public park# or #street# pursuant to the agreement or instruments entered into pursuant to paragraph (b)(3) of this Section.

Receipt of executed copies of the agreement or instruments required pursuant to paragraph (b)(3) of this Section, and of copies of the recorded restrictive declaration, shall be a precondition to the issuance of a building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site that incorporates a #floor area# bonus granted pursuant to this paragraph (b).

In no event shall a building permit for a #development# or #enlargement# utilizing a #floor area# increase pursuant to this paragraph (b) be granted for the receiving site until the Chairperson provides notice to the Commissioner of Buildings that the applicant, or affiliate responsible for the improvement of the granting site, has provided acceptable evidence of site control for purposes of construction of the improvement.

93-33 - Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park

LAST AMENDED
2/2/2011

Where all of the #lot area# within the following parcels, as they existed on January 19, 2005, that is also within the #Phase 2 Hudson Boulevard and Park#, has been conveyed to the City pursuant to the provisions of Section 93-32, the owner of the residual portion of one of these parcels may convey to the City such residual portion, with all development rights appurtenant thereto, provided that all certificates of occupancy have been surrendered and all structures on such parcel have been demolished:

Block 708, Lots 20 and 46

Block 709, Lot 17

Block 710, Lot 20.

When such conveyance is made, the Chairperson of the City Planning Commission may certify that such owner is entitled to an increase in #floor area# on any receiving site as specified in Section 93-32, in lieu of a permitted #floor area# increase in exchange for contributions to the #Hudson Yards District Improvement Fund#. The amount of increase certified shall not exceed the #lot area# of the residual portion times the #floor area ratio# of the applicable zoning district, as specified in Section 93-32, paragraph (a)(1).

The maximum amount of #floor area# increase on a receiving site shall be based on an amount not to exceed the #floor area ratio# increase permitted on a #zoning lot# through such contribution pursuant to Sections 93-21 or 93-22, as applicable. In the event the certified permissible #floor area# increase is greater than that permitted on a receiving site, the Chairperson shall certify that such excess #floor

area# be credited towards future #floor area# increases on receiving sites pursuant to this Section.

Once certified by the Chairperson, the entitlement to an increase in #floor area# pursuant to this Section shall be the property of the former owner of the residual property conveyed to the City, and such owner may assign, sell or otherwise transfer such entitlement without restriction.

Where certification is made pursuant to this Section, the site plan and #floor area# calculations for the receiving site, together with the notice of restrictions upon further development of the receiving site, included in the application submitted pursuant to Section 93-32, shall set forth the increase in #floor area# for such receiving site certified hereunder.

93-34 - Distribution of Floor Area in the Large-Scale Plan Subdistrict A

LAST AMENDED
2/2/2011

In order to promote a superior site plan in the Eastern Rail Yard Subarea A1 of the Large-Scale Plan Subdistrict A, the Chairperson of the City Planning Commission shall allow, by certification, the distribution of #floor area# from the Eastern Rail Yard Subarea A1 to #zoning lots# in Subareas A2 through A5 of the Large-Scale Plan Subdistrict A. Such distribution shall only be permitted for receiving sites that have maximized their permitted #floor area# through contributions to the #Hudson Yards District Improvement Fund#, pursuant to Section 93-31, or the transfer of #floor area# or increase in the amount of #floor area# from the #Phase 2 Hudson Boulevard and Park#, pursuant to Sections 93-32 or 93-33. For the purposes of this Section, a "receiving site" shall mean a #zoning lot# within Subareas A2 through A5 to which #floor area# from the Eastern Rail Yard Subarea A1 has been distributed.

(a) Distribution of #floor area# by certification

The Chairperson of the Commission shall allow, by certification, a distribution of #floor area# from the Eastern Rail Yard Subarea A1 to a receiving site provided that:

(1) The amount of #floor area# distributed does not result in distributions in excess of the maximum amount specified for the applicable #use# that may be distributed from the Eastern Rail Yard Subarea A1, as set forth in paragraph (b)(2) of Section 93-21;

(2) Each distribution, once completed, irrevocably reduces the amount of #floor area# that may be distributed from the Eastern Rail Yard Subarea A1 by the amount of #floor area# distributed; and

(3) The amount of #floor area# on the receiving site which results from such distribution does not exceed the maximum #floor area ratio# permitted on a #zoning lot# through distribution of #floor area# from the Eastern Rail Yard Subarea A1, as specified in Row C of the table in Section 93-21.

(b) Requirements for application

An application filed with the Chairperson of the Commission for the distribution of #floor area# by certification pursuant to paragraph (a) of this Section shall be made jointly by the owner of the development rights of the Eastern Rail Yard Subarea A1 and the receiving site and shall include:

(1) a site plan and #floor area# zoning calculations for the receiving site; and

(2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, together with a notice of the restrictions limiting further development of the Eastern Rail Yard Subarea A1.

Such notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the Eastern Rail Yard Subarea A1 and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit for any #development# or #enlargement# utilizing #floor area# distributed pursuant to this Section, including foundations with respect thereto, on the receiving site. Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a #development# or #enlargement# which does not utilize such distributed #floor area#.

93-35 - Special Permit for Transit Bonus in Pennsylvania Station Subarea B4

LAST AMENDED
1/19/2005

In the Pennsylvania Station Subarea B4, for #developments# or #enlargements# that significantly enhance the pedestrian environment and provide improvements to access to public transit facilities, the City Planning Commission may permit a commensurate #floor area# increase for #commercial# #use# above a #floor area ratio# of 10.0 to a maximum #floor area ratio# of 19.5.

(a) The following conditions shall apply:

(1) the applicant shall submit a plan acceptable to the Commission identifying that portion of the #development# or #enlargement# utilizing such increased #floor area#;

(2) all transit facility improvements shall comply with applicable design standards or the current guidelines of the Metropolitan Transit Authority, New Jersey Transit, or

Amtrak, as applicable;

(3) the applicant shall submit schematic or concept plans for all proposed improvements to the applicable transportation agency and the Commission, and any further documentation deemed necessary by the reviewing agencies;

(4) the Commission shall receive a letter from the applicable transportation agency stating the drawings and other documents submitted by the applicant have been determined to be of sufficient scope and detail to fix and describe the size and character of the transit improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and other such elements as may be appropriate; and

(5) the owner shall sign a legally enforceable instrument in a form acceptable to the reviewing agencies containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain all parts of the improvement, whether on-site or off, pursuant to an agreed-upon construction schedule. Such instrument shall be recorded against the #zoning lot# in the Office of the Register of the City of New York for New York County and a certified copy of the instrument shall be submitted to the Chairperson of the Commission and the applicable transportation agencies.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion, until the applicable transportation agencies have certified that the transit facility improvement is substantially complete and usable by the public. The owner shall not apply for or

accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the transit improvement has been finally completed in accordance with the approved plans and such final completion has been certified by the applicable transportation agencies.

(b) In order to grant such special permit, the Commission shall find that:

(1) the transit improvements significantly enhance the surface and subsurface pedestrian circulation network into and around the #development# or #enlargement# and to and from public transit facilities;

(2) the streetscape, the site design and the location of #building# entrances for the #development# or #enlargement# contribute to the overall improvement of pedestrian circulation within the #Special Hudson Yards District# and minimize congestion on surrounding streets; and

(3) the increased #floor area# will not unduly increase the #bulk# of the #development# or #enlargement#, density of population or intensity of #use# to the detriment of the occupants of #buildings# in the surrounding area.

In determining the amount of #floor area# bonus, the Commission shall consider the extent to which the transit improvements address each of the above findings.

The Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# or #enlargement# and to minimize adverse effects on the character of the surrounding area.