Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

104-60 - MODIFICATION OF BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT

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LAST AMENDED
10/23/2024

The City Planning Commission may, by special permit:

(a) modify the special height and setback requirements of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS), inclusive, provided the Commission finds that such modifications are necessary to:

(1) meet programmatic and mechanical requirements;

(2) achieve a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets#, #buildings# and properties;

(3) provide flexibility of architectural design and encourage more attractive #building# forms; and

(4) result in a #development# or #enlargement# that is compatible with #development# in the surrounding area.

(b) permit the transfer of #floor area# from any granting site to a receiving site for a #development# that requires modification of the special height and setback requirements of Section 104-30, inclusive, provided the Commission finds:

(1) such transfer complies with the general requirements set forth in paragraphs (a), (b), (c) and (d) of Section 104-51;

(2) the distribution of #floor area# on the receiving site does not adversely affect the character of the surrounding area by unduly concentrating #floor area# in any portion of Subdistrict A; and

(3) where such transfer is from a granting site on Blocks A, C or D, it shall also comply with the provisions of paragraphs (b) and (c) of Section 104-52 (Transfer of Floor Area by Notice).

(c) modify the applicable #bulk# requirements for any #development# or #enlargement# that is subject to the provisions of Section 74-681 (Development within or over a railroad or transit right-of-way or yard), except #floor area ratio# provisions, provided that such #bulk# modifications will:

(1) not unduly obstruct access to light and air to surrounding #streets# and properties; and

(2) be compatible with the essential character of the surrounding area.

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