Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

104-50 - PERMITTED TRANSFER OF FLOOR AREA

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104-50 - PERMITTED TRANSFER OF FLOOR AREA

LAST AMENDED
10/23/2024

Transfers of #floor area# may be made from granting sites to receiving sites, within Subdistrict A, subject to the requirements of this Section.

For the purposes of this Section, a "granting site" shall mean any #zoning lot# in Subdistrict A that comprises a #block# as identified by letter on Map 2 (Subdistrict A Block Plan) in Appendix A of this Chapter, or the portion of the #block# identified as Block H on Map 2, from which #floor area# is to be transferred pursuant to the provisions of this Section, and a "receiving site" shall mean a #zoning lot# in Subdistrict A that comprises a #block#, as identified by letter on Map 2, or the portion of the #block# identified as Block H on Map 2, to which #floor area# is transferred.

#Floor area# may be transferred as follows:

(a) by notice, in accordance with the provisions of Section 104-52 (Transfer of Floor Area by Notice);

(b) by authorization, in accordance with the provisions of Section 104-53 (Transfer of Floor Area by Authorization); or

(c) by special permit, in accordance with the provisions of Section 104-60 (MODIFICATION OF BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT), where the proposed #development# or #enlargement# on the receiving site requires modification of the #bulk# regulations of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS).

104-51 - General Requirements for Transfer

LAST AMENDED
12/19/2007

For any transfer of #floor area# by notice or by authorization pursuant to Section 104-50, inclusive, the requirements of this Section shall apply.

(a) Notification

Prior to any transfer of #floor area#, pursuant to Sections 104-52 (Transfer of Floor Area by Notice) or 104-53 (Transfer of Floor Area by Authorization), the owners of the granting site and the receiving site(s) shall jointly notify or apply to the Department of City Planning, as applicable, in writing, of such intent to transfer #floor area#. Such notification or application shall be signed by the owners of the granting site and the receiving site(s) and shall include site plans.

(b) Notices of restriction

Notices of restrictions shall be filed by the owners of the granting site and the receiving site(s) in the Office of the Register of the City of New York, indexed against the granting site and the receiving site(s), certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a condition to issuance by the Commissioner of Buildings of a building permit for a #building# on the receiving site containing any such transferred #floor area#.

(c) #Floor area#

The amount of #floor area# to be transferred from a granting site shall not exceed the maximum amount of #floor area# permitted on the #block# containing the granting site for

#community facility uses#, pursuant to Section 104-12 (Community Facility Use Modifications), less the total floor area of all existing #buildings# on such #block#. The transfer of #floor area#, once completed, shall irrevocably reduce the maximum #floor area# permitted on the granting site for any #use# by the amount of #floor area# transferred.

(d) #Use#

#Floor area# transferred pursuant to the provisions of Section 104-50 through 104-53, inclusive, shall only be used for #community facility uses# and shall be in addition to the #floor area# permitted for #community facility uses# on the receiving site.

(e) Height and setback

Any #building# on a receiving site that uses the #floor area# so transferred shall comply with the special #bulk# regulations of this Chapter.

104-52 - Transfer of Floor Area by Notice

LAST AMENDED
12/19/2007

For any transfer of #floor area# from a granting site which comprises any of Blocks A, C or D to one or more receiving sites on Blocks B, E, F, G or H, the general requirements of Sections 104-50 and 104-51 shall apply as well as the following:

(a) the site plan submitted for the granting site under the provisions of paragraph (a) of Section 104-51 shall show the conditions and #floor area# calculations for the granting site and the receiving site, before and after the transfer;

(b) no building permit shall be issued by the Department of Buildings for a #building# on a receiving site containing any such transferred #floor area# until the Chairperson of the City Planning Commission has certified to the Department of Buildings that plans submitted to the Department of City Planning for the Square, the Small Square or the Grove, as applicable, on the granting site, conform with the requirements of Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS); and

(c) no temporary certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public open area which is required to be provided on the granting site pursuant to the provisions of Sections 104-424 (The Square), 104-425 (The Small Square) or 105-426 (The Grove), as applicable, has been constructed substantially in accordance with the plan certified by the Chairperson pursuant to paragraph (a) of this Section and is substantially complete and may be opened to the public, and no permanent certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson certifies to the Department of Buildings that construction of the public open space which is required to be provided on the granting site is complete.

104-53 - Transfer of Floor Area by Authorization

LAST AMENDED
12/19/2007

Within Subdistrict A, the City Planning Commission may authorize the transfer of #floor area# from a granting site other than Blocks A, C or D to a receiving site, subject to the general requirements of Sections 104-50 and 104-51, provided the Commission finds that such transfer:

(a) will permit better site planning; and

(b) will not unduly increase the #bulk# of #buildings# in any #block# to the detriment of the occupants or users of #buildings# on #blocks# outside Subdistrict A.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.