



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 9 - Special Hudson River Park District (HRP)**

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# Chapter 9 - Special Hudson River Park District (HRP)

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## 89-00 - GENERAL PURPOSES

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LAST AMENDED

12/15/2016

The “Special Hudson River Park District” established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to facilitate the repair and rehabilitation of piers, bulkheads and infrastructure within Hudson River Park, and to facilitate their maintenance and development, through the transfer of development rights within the Special Hudson River Park District, given that commercial development is limited by the Hudson River Park Act;
  - (b) to promote an appropriate range of uses that complements Hudson River Park and, to the extent housing is included, to serve residents of varied income levels;
  - (c) to establish criteria for any and all transfers of air rights from the Hudson River Park to inland areas; and
  - (d) to promote the most desirable use of land and development in this area and thus to conserve the value of land and buildings and thereby protect the City’s tax revenues.
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## 89-01 - General Provisions

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LAST AMENDED

5/12/2021

The provisions of this Chapter shall apply within the #Special Hudson River Park District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones), the provisions of Article VI, Chapter 4, shall control.

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## 89-02 - Definitions

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LAST AMENDED

12/15/2016

For the purposes of this Chapter, matter in italics is defined in Section [12-10](#) (DEFINITIONS) and in this Section.

### Granting site

Within the #Special Hudson River Park District#, a “granting site” is a #zoning lot#, or a portion of a #zoning lot#, within the areas identified as “A1” or “B1” on the map in the Appendix to this Chapter, upon which development is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Special District and from which #floor area# may be transferred. A #granting site# may only transfer #floor area# to a #receiving site# within an area that shares the same letter designation. For example, a #granting site# within area A1 may transfer #floor area# to a #receiving site# within area A2, but not to a #receiving site# within area B2.

## Receiving site

Within the #Special Hudson River Park District#, a “receiving site” is a #zoning lot#, within the area identified as “A2”, “B2” or “B3” on the maps in the Appendix to this Chapter, to which #floor area# of a #granting site# may be transferred.

## Required funds

Within the #Special Hudson River Park District#, the “required funds” are the specified amount of funds required to effectuate the transfer of #floor area#, pursuant to paragraph (a) of Section [89-21](#), set forth in a statement from the Hudson River Park Trust.

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## 89-03 - District Plan and Maps

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LAST AMENDED

12/15/2016

The regulations of this Chapter are designed to implement the #Special Hudson River Park District# Plan. The District Plan includes the map in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

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## 89-10 - USE AND BULK REGULATIONS

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LAST AMENDED

12/15/2016

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## 89-11 - Use and Bulk Regulations on Receiving Sites

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LAST AMENDED

10/9/1986

The #use# and #bulk# regulations applicable to a #receiving site# shall be modified as follows:

(a) C6-4 Districts

Within Area A2 on the maps in the Appendix to this Chapter, the #use# and #bulk# regulations of the underlying C6-4 District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M1-5 District shall apply.

Within Areas B2 and B3, the #use# and #bulk# regulations of the underlying C6-4X District shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-3 District shall apply.

(b) C6-3 and M1-5 Districts

The #use# and #bulk# regulations of the underlying C6-3 and M1-5 Districts shall not apply. In lieu thereof, the #use# and #bulk# regulations of an M2-4 District shall apply.

However, on a #receiving site#, for any #development#, #enlargement# or #conversion# that is the subject of a special permit granted by the City Planning Commission pursuant to Section [89-21](#) (Transfer of Floor Area From Hudson River Park), the

#use# and #bulk# regulations of the underlying C6-3, C6-4 or M1-5 District shall only apply to such approved #development#, #enlargement# or #conversion#.

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## **89-12 - Special Floor Area Regulations Within Areas B2 and B3**

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LAST AMENDED

10/9/1986

Within Areas B2 and B3 on the maps in the Appendix to this Chapter, where the #bulk# regulations of the underlying C6-4X District apply pursuant to the provisions of Section [89-11](#) (Use and Bulk Regulations on Receiving Sites), the #floor area ratio# of the underlying district shall not apply. In lieu thereof, the maximum base #floor area ratio# shall be 10.0 within a #Mandatory Inclusionary Housing area#, and such maximum #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section [89-21](#) (Transfer of Floor Area From Hudson River Park).

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## **89-20 - SPECIAL PERMITS**

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LAST AMENDED

12/15/2016

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

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LAST AMENDED

12/15/2016

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 B2 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 #affordable housing# in accordance with Section [23-90](#) (INCLUSIONARY 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 #affordable housing#, as defined in Section [23-90](#) (INCLUSIONARY HOUSING), that is provided as part of the project will support the objectives of the Inclusionary Housing Program; 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:

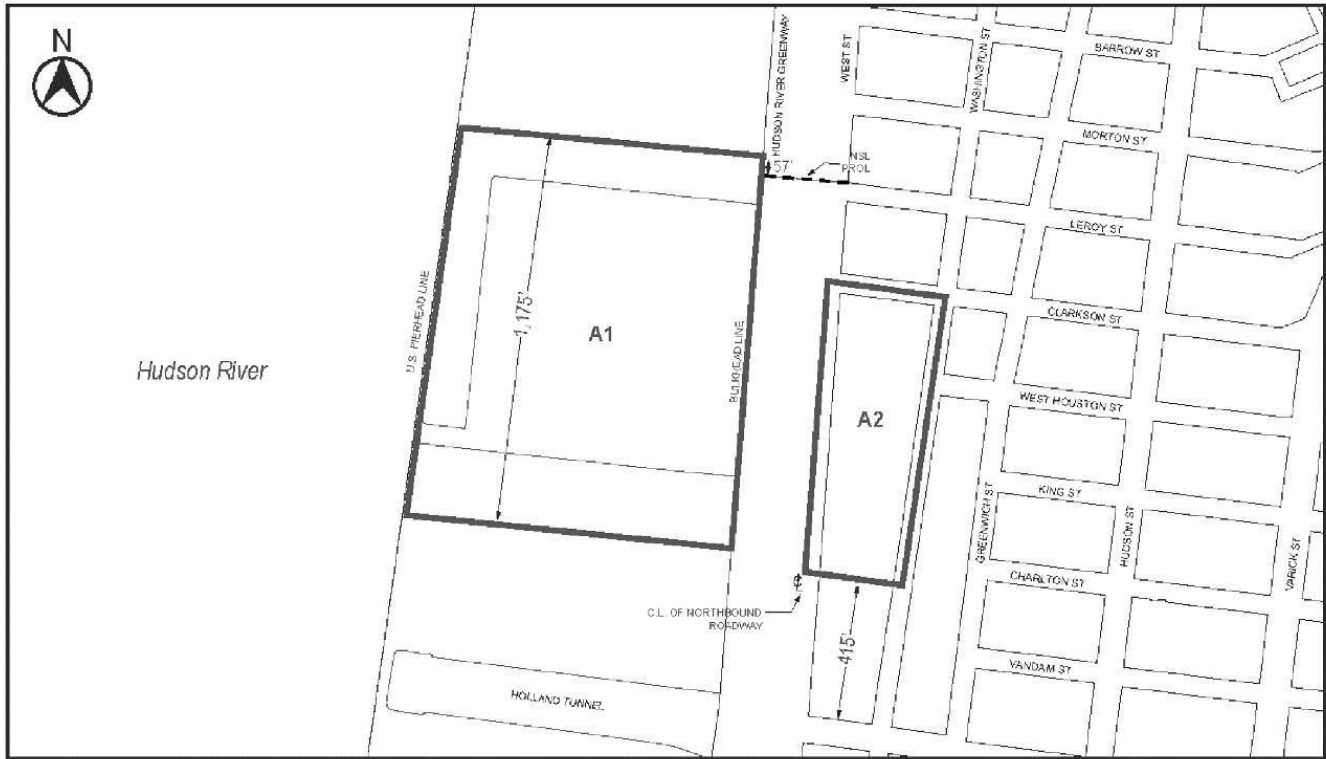
- (1) issue a building permit until the Chairperson has certified that the owner of the #receiving site# and the Hudson River Park Trust have jointly executed a Purchase and Sale Agreement for the amount of the #required funds#, specified in paragraph (a)(4) of this Section, associated with the transfer 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.

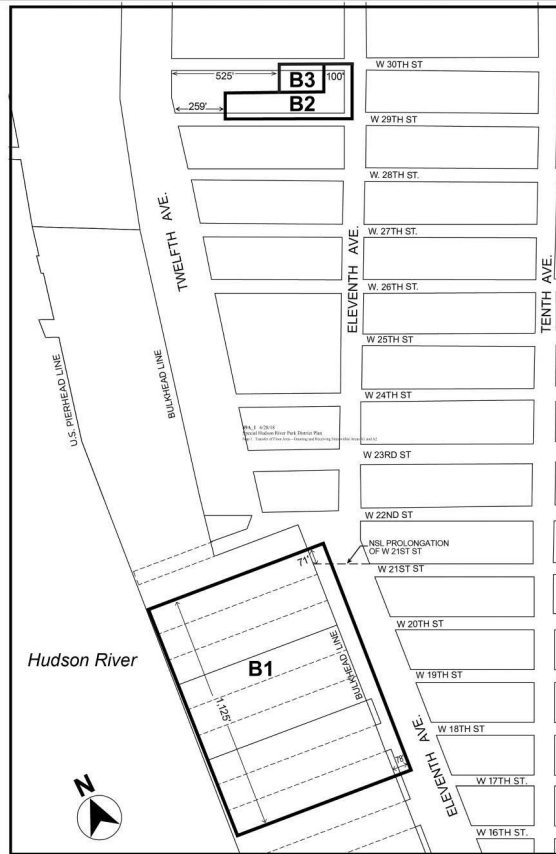
## Appendix - Special Hudson River Park District Plan

Map 1. Transfer of Floor Area — Granting and Receiving Sites within Areas A1 and A2



-  Special Hudson River Park District
- A1** Area within which a *granting site* may be located
- A2** Area within which a *receiving site* may be located

Map 2. Transfer of Floor Area — Granting and Receiving Sites within Areas B1, B2 and B3



- Special Hudson River Park District
- B1** Area within which a *granting site* may be located
- B2** Area within which a *receiving site* may be located
- B3** Area within which a *receiving site* may be located



