

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: August 1, 1986

TO: Borough Superintendents

FROM: Assistant Commissioner George Berger, P.E.

SUBJECT: Zoning Lots Divided by District Boundaries (77-00 Z.R.)

As part of the zoning study leading to a special permit (C360462ZSM) for a site on Broadway and 86th Street in Manhattan the City Planning Commission reviewed the as-of-right ability of a zoning lot owner to transfer zoning rights across zoning boundaries under the provisions of Article VII Chapter 7 of the New York City Zoning Resolution. The City Planning Commission in their resolution of approval acted upon by the Board of Estimate on July 18, 1986 adopted the following language:

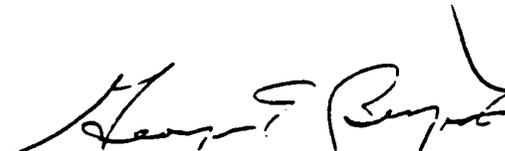
Section 23-19 of the Zoning Resolution states that "whenever a zoning lot is divided by a boundary between districts with ... different maximum floor area ratios, the provisions set forth in Article VII, Chapter 7 shall apply". Article VII, Chapter 7 prohibits the transfer of floor area across district boundary lines. In certain specific instances, such as Housing Quality or landmark special permits, the prohibition against transfer across district boundaries may be modified. In the case of a zoning lot divided into R10A and C4-6A portions, the maximum residential FAR in the R10A portion is 10, while the maximum residential FAR in the C4-6A portion is less than 10 because non-residential uses are required on the ground floor of developments in C4-6A districts. Since one zoning lot includes two different residential floor area ratios, it is subject to the prohibition in Article VII Chapter 7, against the transfer of floor area across district boundary lines.

Commencing immediately where a zoning lot is divided by zoning district boundaries with the same basic 'Floor Area Ratio' authorization and with a mandatory use requirement in one zone not in the other zone the zoning lot shall be subject to the prohibition in Article VII Chapter 7 against the transfer of Floor Area across district boundary lines.

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Where a zoning lot is divided by zoning district boundaries with the same basic 'Floor Area Ratio' authorization and with no mandatory use requirement in either zone, the zoning lot shall not be subject to the prohibition in Article VII Chapter 7 against the transfer of Floor Area across district boundary lines. Voluntary provision of floor area used for different basic uses shall not effect this right.

This change in departmental interpretation shall be treated as an amendment to the Zoning Resolution subject to the provisions of Section 11-33.



George E. Berger, P.E.
Assistant Commissioner

cc: Commissioner Smith
Deputy Commissioner Dennis
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Executive Assistant P. Iacobazzo
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