Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

81-213 - Special provisions for transfer of development rights from landmark sites in certain areas

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LAST AMENDED
12/5/2024

Within the East Midtown and Theater Subdistricts, the City Planning Commission may permit a transfer of development rights from #zoning lots# occupied by #landmark buildings or other structures# to #zoning lots# within the #surrounding area#, as modified pursuant to paragraph (a) of Section 81-212 (Special provisions for transfer of development rights from landmark sites). The transfer of #floor area# from a #granting site# to a #receiving site# shall be subject to the conditions, application requirements and findings of paragraphs (a), (b) and (c) of this Section.

In addition to the provisions of this Section, the transfer of development rights pursuant to this special permit shall be made in accordance with the provisions of Sections 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), 81-653 (Special permit for transfer of development rights from landmarks to non-qualifying sites) and 81-747 (Transfer of development rights from landmarks).

For the purposes of this Section, defined terms additionally include those in Section 75-421 (Definitions).

(a) Conditions

The transfer of development rights shall be subject to the following conditions:

(1) The maximum amount of #floor area# that may be transferred from any #granting site# shall be the maximum #floor area# allowed by Sections 81-63, 81-65 or 81-747 less the

total #floor area# of all existing #buildings on the #granting site#.

(2) For each #receiving site#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section may exceed the maximum #floor area# pursuant to Sections 81-63, 81-65 or 81-747.

(b) Requirements for application

An application to the City Planning Commission for a grant of a special permit to allow a transfer of development rights and construction based thereon shall be made by the owners of the respective #zoning lots# and shall include: a site plan of #granting site# and the #receiving site#, including plans for all #developments# or #enlargements# on the #receiving site#; a program for the continuing maintenance of the landmark; and such other information as may be required by the City Planning Commission. The application shall be accompanied by a report from the Landmarks Preservation Commission.

A separate application shall be filed for each independent "adjacent lot" to which development rights are being transferred under this Section.

(c) Findings

The Commission shall make the following findings:

(1) that the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or nearby #blocks#, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the landmark's

preservation to the local community and the City as a whole;

(2) that the program for continuing maintenance will result in the preservation of the landmark; and

(3) that in the case of landmark sites owned by the City, State or Federal Government, transfer of development rights shall be contingent upon provision by the applicant of a major improvement of the public pedestrian circulation or transportation system in the area.

The Commission shall give due consideration to the relationship between the landmark #building# and any #buildings# #developed# or #enlarged# on the adjacent lot regarding materials, design, scale and location of #bulk#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

(d) Transfer instruments and notice of restrictions

The owners of the landmark lot and the adjacent lot shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# on the lot occupied by the #granting site# and #receiving site# shall be filed by the owners of the respective lots in the place and county designated by law for the filing by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of

#floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which, such transfer is made.