Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

75-42 - Transfer of Development Rights From Landmarks

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75-42 - Transfer of Development Rights From Landmarks

LAST AMENDED
12/5/2024

75-421 - Definitions

LAST AMENDED
12/5/2024

For purposes of this Section, inclusive, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section.

Granting lot

For the purposes of this Section, inclusive, a "granting lot" shall mean a #zoning lot# or #split lot# that contains a #landmark building or other structure#.

Landmark building or other structure

For the purposes of this Section, inclusive, a "landmark building or other structure" shall include any structure designated as a landmark by the Landmarks Preservation Commission pursuant to the New York City Charter and Administrative Code, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges. No transfer of development rights is permitted pursuant to this Section, inclusive, from those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges.

Receiving lot

For the purposes of this Section, inclusive, a “receiving lot” shall mean a #zoning lot# or #split lot# to which development rights of a #granting lot# are transferred.

Split lot

For the purposes of this Section, inclusive, a “split lot” is each portion of a #zoning lot# that is divided by district boundaries.

Surrounding area

For the purposes of this Section, inclusive, the “surrounding area” shall mean all #zoning lots# on the #block# on which the #landmark building or other structure# is located, as well as all #zoning lots# across a #street# or #street# intersection from the #block#. It shall also mean, in #Commercial Districts# where the maximum #floor area ratio# for #commercial uses# is 15.0 or greater, #zoning lots# that, except for the intervention of #streets# or #street# intersections, form a series extending to the #zoning lot# occupied by the #landmark building or other structure#. All such lots shall be in the same ownership (fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10).

75-422 - Certification to transfer development rights from landmarks

LAST AMENDED
12/5/2024

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from #granting lots# to #receiving lots# within the #surrounding area#, provided that the provisions of this Section are met.

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

(1) The maximum amount of #floor area# that may be transferred from a #granting lot# shall be the maximum #floor area# allowed by the applicable district regulations, less the total #floor area# of all existing #buildings# on the #granting lot#, and any previously transferred #floor area#. Such maximum #floor area# shall not include any additional #floor area# allowed for #publicly accessible open areas# or any other form of bonus whether as of right or by discretionary action;

(2) For each #receiving lot#, the increased #floor area# allowed by the transfer of development rights pursuant to this Section shall in no event exceed the maximum #floor area# allowable on such #zoning lot# by more than 20 percent. Such #floor area# increase may be applied to any individual #use#, provided that the total of all #floor area ratios# does not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#. However, in #Commercial Districts# or #Manufacturing Districts# where the maximum #floor area ratio# for non-#residential uses# is 15.0 or greater, such 20 percent limit shall be increased to 30 percent. Transfers over 30 percent in such districts shall only be permitted pursuant to Section 74-79 (Transfer of Development Rights from Landmark Sites);

(3) Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the #granting lot# by the amount of #floor area# transferred. If the landmark designation is removed from the #landmark building or other structure#, the #landmark building or other structure# is destroyed or #enlarged#,

or the #zoning lot# with the #landmark building or other structure# is redeveloped, the #granting lot# may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer; and

(4) Prior to the issuance of a building permit, as set forth in paragraph (c) of this Section, the owners of the #granting lot# and the #receiving lot# shall submit to the Chairperson 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# of the #granting lot# and the #receiving lot# shall be filed by the owners of the respective lots in the Office of the Register of the City of New York. Proof of recordation shall be submitted to the Chairperson.

Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by lot and block numbers, the #granting lot# and the #receiving lot# that are a party to such transfer.

(b) An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the #granting lot# and the #receiving lot#. The following items shall be submitted to the Chairperson as part of an application for certification:

(1) site plans and zoning calculations for the #granting lot# and #receiving lot# showing the additional #floor area# associated with the transfer, and any such other information as may be required by the Chairperson;

(2) materials to demonstrate the establishment of a program for the continuing maintenance of the #landmark building or other structure#; and

(3) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the #landmark building or other structure#.

(c) The Chairperson shall certify to the Department of Buildings that a #development# or #enlargement# is in compliance with the provisions of this Section only once the instrument of transfer and notice of restrictions required by paragraph (a) of this Section have been executed and recorded with proof of recordation provided to the Chairperson.

A separate application shall be filed for each transfer of development rights to an independent #receiving lot# pursuant to the provisions of this Section. #Bulk# modifications may be permitted in conjunction with a transfer of development rights pursuant to this Section through either Section 75-24 (Bulk Modifications Associated With a Transfer of Development Rights From Landmark Sites) or Section 74-79 (Transfer of Development Rights From Landmark Sites), as applicable.