Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

75-422 - Certification to transfer development rights from landmarks

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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.