Transferable Development Rights in New York City

Business owners and real estate developers in New York City seeking to expand their buildings often face the difficult challenge of zoning limitations. With space on the ground at a premium, many entrepreneurs in certain parts of the city now look to their neighbors’ airspace for the square footage needed to increase their building or operating area. Real estate air rights provide the ideal solution to the expansion in many cases, while also providing other potential important benefits for the buyer.

Transferable development rights (TDRs), or air rights, were originally created by the New York City Zoning Resolution, a law intended to control the development of high-rise buildings. Today, they permit a property owner to increase the development potential of its lot by purchasing buildable square footage from adjacent lots, lots with landmarked buildings and lots within certain designated areas, such as New York’s theater district and High Line district.

Air Rights Opportunities for Buyers and Sellers

The New York City air rights law enables an owner of a building who has not fully used its vertical zoning potential to sell the available space for adjacent opportunities to developers or other interested parties. Owners of these adjacent properties are able to acquire air rights to provide needed space for development on their sites.

OUR REAL ESTATE ATTORNEYS HANDLE ALL ASPECTS OF AIR RIGHTS LAW

Transactions pertaining to air rights law in New York are complicated. Whether buying or selling air rights, it is best to seek the services of an attorney with the experience and skills to navigate the nuances of real estate air rights law.

We have broad experience in the conveyance of air rights, including the negotiation of contracts of sale, zoning lot mergers and zoning lot development agreements. It takes an experienced team to facilitate these complex transactions, and we assist both buyers and sellers of air rights in assembling the team, including experienced surveyors to measure the building envelopes and code consultants to ensure that developers may use the newly acquired rights as planned.

REPRESENTATIVE MATTERS

Represented sellers and developers in the transfer of air rights in connection with the following properties:

- 1731-1735 York Avenue
- 45 Broad Street
- 240 Central Park South
- 27-14 Queens Plaza South, Long Island City
- Vesta 24 Condominium (24th Street and 10th Avenue)
- The Urban Glass House Condominium (330 Spring Street)
- Park Avenue Place Condominium (55th Street and Park Avenue)
- 425 Fifth Avenue Condominium (38th Street and 5th Avenue)
- Crossing 23rd Condominium (Gramercy-Flatiron District)
- Jade Condominium (Chelsea)
- Impala Condominium (76th Street and First Avenue)
- The Porter House Condominium (Meatpacking District)

Counseled Iconplans in proposal for a centralized vehicle for the sale of unused air rights allocated to landmarked, not-for-profit buildings in New York City to developers building larger buildings in New York City.