



June 9, 2026

Lisa Kersavage, Chair
New York City Landmarks Preservation Commission
253 Broadway, 11th Floor
New York, NY 10007
Via email: lkersavage@lpc.nyc.gov
Cc: Mark Silberman, Counsel (msilberman@lpc.nyc.gov)

Re: Transfer of Development Rights Applications and Continuing Maintenance Programs

Dear Chair Kersavage:

The above listed groups are writing today regarding the increasing use of Transfer of Development Rights (TDR) applications pursuant to Section 75-42 of the Zoning Resolution and the Commission's ongoing role in reviewing associated Continuing Maintenance Programs (CMPs).

At the outset, we wish to make clear that as a group we do not oppose the use of TDRs. The ability to monetize unused development rights provides an important financial incentive to property owners in order to support the long-term stewardship of individually-designated properties. We recognize that the recently adopted zoning provisions were intentionally designed to make such transfers more accessible, particularly for smaller landmark properties that have historically had limited opportunities to benefit from TDR programs.

We also appreciate LPC staff's efforts to explain the Commission's role in this process and the preservation benefits associated with CMPs, including required restoration work, periodic inspections, annual reporting, dedicated maintenance funding, and ongoing maintenance obligations. We understand the Commission's position that these requirements provide preservation benefits beyond the baseline obligations imposed by the Landmarks Law and offer a mechanism for more proactive oversight of landmark properties.

However, as applications of this type become more common, we believe it is increasingly important that the Commission establish a transparent and publicly articulated framework governing these approvals.

Recent applications have highlighted a number of policy questions that extend beyond the particulars of any individual maintenance plan. These include questions about the standards used to evaluate CMPs, the adequacy of only 10% required maintenance funding, the long-term enforcement of maintenance obligations, and the

cumulative impacts of repeated transfers associated with particular receiving sites. While LPC's jurisdiction may be limited under the zoning framework, these applications nevertheless represent a significant evolution in the relationship between landmark designation, development rights, and preservation policy.

We are particularly concerned by recent indications that the Commission may consider future procedural changes that would streamline or accelerate approvals for TDR-related applications. As noted in the Mayor's recently released housing plan, Block by Block, LPC is considering future rules to make the approvals process faster for TDR transfers. While our organizations support efforts to improve administrative efficiency, we believe applications of this type should continue to receive commissioner and public review rather than being delegated solely to staff-level approval.

Unlike many routine permit applications, TDR-related CMPs raise broader questions about preservation policy, enforcement, and long-term stewardship. Public review provides an important opportunity for commissioners, preservation organizations, community stakeholders, and property owners to discuss these issues openly and helps build public confidence in a relatively new and evolving program.

We also encourage the Commission to provide greater transparency regarding how CMPs will be monitored and enforced over time. While LPC staff has explained that the Commission retains enforcement authority and that maintenance obligations run with the property, a publicly available framework describing reporting requirements, compliance monitoring, any cross-collaborations with other departments, enforcement mechanisms, and corrective actions would help clarify expectations for owners and reassure the public that these agreements will remain meaningful decades into the future.

Finally, as the number of TDR applications increases, we encourage the Commission to publish additional guidance describing how CMPs are evaluated and what standards applicants are expected to meet. Moreover, it is important to have concrete end-dates to the CMPs or reapplication processes for revised plans over the years. Greater clarity would benefit applicants, commissioners, preservation advocates, and the public alike, while helping ensure consistency across future applications.

TDRs have the potential to become a valuable preservation tool. However, for the program to maintain public confidence, it must be accompanied by transparency, accountability, and public oversight. We look forward to continuing to work with the LPC as these policies evolve and appreciate your consideration of these comments.

Sincerely,



Frampton Tolbert
Executive Director
Historic Districts Council



Peg Breen
President
New York Landmarks Conservancy



Nuha Ansari
Executive Director
Friends of the Upper East Side



Sean Khorsandi
Executive Director
Landmark West!