THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: May 18, 1978

TO: Borough Superintendents

FROM: Acting Commissioner Irving E. Minkin, P.E.

SUBJECT: Zoning Lot Certification Pursuant to Section 12-10 of the Zoning Resolution.

On August 18, 1977, the Board of Estimate, per Cal. No. 52, amended the Zoning Resolution as to what constitutes a "Zoning Lot."

Under this amendment an applicant for new developments or enlargements who desires to permit the use of a tract of land within a single block as a single zoning lot, which may consist of one or more tax lots or parts of tax lots, as shown on the official tax map whether in common ownership or not, and without the future ability of utilizing the previous "75 year lease" provision, is required to furnish certain information which is to be certified by a title company licensed to do business in the State of New York before he can obtain a building permit or certificate of occupancy.

Enclosed herewith for the guidance of your personnel are acceptable copies of documentation which may be provided for these certification purposes, then executed and recorded.

The acceptable forms are:

1. Exhibit "I": Certification Pursuant to Zoning Lot Subdivision C for a tract of land in single ownership and which lists all the parties in interest. This is to be provided by the title insurance company.

2. Exhibit "II": Certification Pursuant to Zoning Lot Subdivision D for a tract of land with more than one owner to be treated as one zoning lot with a Declaration of Restrictions which may be individually or collectively written with regard to each party in interest. The boundaries of such zoning lot may or may not coincide with its comprising tax lots. This form is to be used in conjunction with Exhibit "IV" and/or Exhibit "V", and is to be provided by the title insurance company.
3. **Exhibit "III": Zoning Lot Description and Ownership Statement** by Building Department permit applicant in which he states and describes the tax lots applicable to the zoning lot. This is recorded in The City Register's office (or, if applicable, in the County Clerk's office) prior to issuance of any permit for a development or enlargement.

4. **Exhibit "IV": Declaration of Zoning Lot Restrictions** by the parties in interest declaring that certain tract of land is to be treated as a zoning lot. (See Exhibit II)

5. **Exhibit "V": Waiver of Declaration of Zoning Restriction** by the parties in interest who waive their rights to execute a declaration, such as Exhibit "IV". (See Exhibit II)

The following procedures shall be followed:

1a. A New Building application or an Alteration application is to be filed for each of the premises declared to be part of the tract of land declared to be treated as one zoning lot. The ownership, metes and bounds and plot plan on the Statement "A" should reflect this. The specification sheets of the applications are to contain the following statement:

"These premises have been declared to be subject to the provisions of Section 12-10 Zoning Resolution as to zoning lot ownership." They are also to contain the libre and page of the Declaration as recorded in the County Clerk's or Register's office.

2a. No certificate of occupancy shall be required for existing buildings on a premises in the tract of land now existing without one and for which there is no change of occupancy or use, and for which the sole purpose an application was filed was to make such Declaration a matter of record in Building Department files.

b. Similarly, the inspectional requirements for an amended certificate of occupancy for an existing building with an existing certificate of occupancy are to be waived when the sole purpose of the application is to make such Declaration a matter of record in Building Department files.

c. However, this shall not be construed to preclude ongoing enforcement of any existing violations in existing buildings.
3. Index cards and other appropriate department records shall also be noted as to such Declaration.

4. A building permit may be issued after:
   a. The appropriate "Certification" is filed with the department.
   b. The "Zoning Lot Description and Ownership Statement" is recorded in the Conveyances Section of the County Clerk's or Register's office, and evidence of this is received by the department.

5. No "Declaration" or "Certification" is required in connection with any application where the tract of land consisting of two or more contiguous lots of record located within a single block, was in single ownership on August 18, 1977, the effective date of the prior definition of "Zoning Lot" in the resolution and where there is no other Party in Interest, or in the case of applications for other than developments or enlargements, as defined in section 12-10 of the Zoning Resolution.

6. While the enclosed "Exhibit" forms meet the approval of the Counsel of the Department of City Planning and of this department, others may be accepted provided they contain a similar completeness of information.

Referral of the enclosed exhibits to our General Counsel should henceforth not be necessary.

IEM/IP/df
Enclosures

Irving E. Minkin, P.E.
Acting Commissioner

CC: Exec. Staff
    Prof. Societies
    BCAC; Industry
    Norman Marcus, Counsel, Dept City Planning
    Bernard M. Rifkin, Vice Pres.
    Title Guarantee-N.Y., 120 Broadway, N.Y.C.
Partially Superseded by Buildings Bulletin 2020-003

EXHIBIT "I"

CERTIFICATION PURSUANT TO ZONING LOT SUBDIVISION C OF SECTION 12-10 OF THE ZONING RESOLUTION OF DECEMBER 15, 1961 OF THE CITY OF NEW YORK - AS AMENDED EFFECTIVE AUGUST 18, 1977

THE TITLE GUARANTEE COMPANY, a title insurance company licensed to do business in the State of New York and having its principal office at 120 Broadway, New York, New York hereby certifies that as to the land hereafter described being a tract of land, either unalloyed or consisting of two or more lots of record, contiguous for a minimum of ten linear feet, located within a single block in the single ownership of that all the parties in interest consisting of a "party in interest" as defined in Section 12-10, subdivision (c) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are the following:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>NATURE OF INTEREST</th>
</tr>
</thead>
</table>

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid, is known as Tax Lot Number(s) _______ in Block _______ on the Tax Map of the City of New York, _______ County and more particularly described as follows: (Full Metes and Bounds Description)

BEGINNING at a point on the side of distant _______ feet from the corner formed by the intersection of

and

running thence _______ feet; thence _______ feet; (direction) (direction)

thence _______ feet; thence _______ feet; (direction) (direction)
to the point or place of beginning.
That the said premises are known as and by street address(es) and

_______________________, as shown on the following

DIAGRAM:

a) Show Distance from corner.

b) Show Block & Lot numbers and dimensions of each lot.

Delete if not applicable

That the Zoning Lot Description and Ownership Statement containing the above description was recorded on the

_______________________ day of _______________19 ___ in

Record Book at Page ____________________________

CERTIFIED this _____________ day of ____________ to

___________________________, the applicant for this certification.

NOTE: A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York, or on any recorded subdivision plot or deed. A Zoning Lot may be subdivided into two or more zoning lots provided all the resulting zoning lots and all the buildings thereon shall comply with the applicable provisions of the zoning lot resolution.

THIS CERTIFICATE IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND ($1,000.00) DOLLARS.

THE TITLE GUARANTEE CO

BY:____________________
EXHIBIT II

CERTIFICATION PURSUANT TO ZONING LOT
SUBDIVISION D OF SECTION 12-10
OF THE ZONING RESOLUTION OF DECEMBER 15, 1961
CITY OF NEW YORK - AS AMENDED
EFFECTIVE AUGUST 18, 1977

THE TITLE GUARANTEE COMPANY, a title insurance company licensed
to do business in the State of New York and having its principal
office at 120 Broadway, New York, New York, hereby certifies
that as to the land hereinafter described, being a tract of land
either unsubdivided or consisting of two or more lots or record
contiguous for a minimum of ten linear feet, located within a
single block, that all the parties in interest constituting a
party as defined in Section 12-10, subdivision (d) of the Zoning
Resolution of the City of New York, effective December 15, 1961,
as amended are the following:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>LOT OR LOTS AFFECTED</th>
<th>DECLARATION OF WAIVER</th>
<th>RECORDING DATE</th>
<th>RECORD BOOK PAGE</th>
</tr>
</thead>
</table>

The subject tract of land with respect to which the foregoing
parties are the parties in interest as aforesaid is known as
Tax Lot Number(s) ______________ in Block No. ____________
as shown on the Tax Map of the City of New York ____________
County and more particularly described as follows: (Full Metes
and Bounds Description).

BEGINNING at a point on the side of
distant feet from the corner
formed by the intersection of
and
running thence feet: thence
feet; thence
feet; to a point or place of beginning.
That the said premises are known as and by the street
address(es) __________________________________________

_________________________ and ___________ 1471
That the said premises are known as and by street address(es)
_________________________________________ and ______________________
_________________________________________, as shown on the following

DIAGRAM:

a) Show Distance BLOCK NO. from corner.

b) Show Block & Lot numbers and dimensions of each lot.

The north point of the diagram must agree with the arrow.

Delete if not applicable

That the Zoning Lot Description and Ownership Statement containing the above description was recorded on the ______________ day of ______________ 19 _____ in Record Book at Page ____________________

CERTIFIED this __________ day of ______________ to _____________________________, the applicant for this certification.

NOTE: A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York, or on any recorded subdivision plot or deed. A Zoning Lot may be subdivided into two or more zoning lots provided all the resulting zoning lots and all the buildings thereon shall comply with the applicable provisions of the zoning lot resolution.

THIS CERTIFICATE IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND ($1,000.00) DOLLARS.

THE TITLE GUARANTEE COMPANY

BY: ____________________
EXHIBIT III

ZONING LOT DESCRIPTION AND OWNERSHIP STATEMENT BY
BUILDING DEPARTMENT PERMIT APPLICANT
AND TO BE RECORDED IN THE
COUNTY CLERK'S OR REGISTER'S OFFICE

__________________________________________________________________, a New York
Corporation having its principal office at: ________________
__________________________________________________________________, an applicant for present
or future permits pursuant to the Zoning Resolution of the City
of New York, effective as of December 15, 1961, and as subse-
quently amended states that the zoning lot to which the afore-
mentioned permit or permits pertain are shown on the Tax Map of
the City of New York, County of New York, as Lots ____________
in Block __________________ as shown on the Tax Map of the
City of New York ____________ County, and is more partic-
ularly described as:

BEGINNING at a point on the side of
the corner formed by the intersection of
and
running thence feet; thence
feet; thence feet; thence
feet; to the point or place of beginning,
That the said premises are known as and by street
address(es) ____________________________
and ____________________________
as shown on the following DIAGRAM:

1) Show distance from corner

2) Show Block & Lot Numbers and dimensions of each lot.

The north point of the diagram must agree with the arrow.

The above described zoning lot is presently owned by

BLOCK TAX LOT NAME ADDRESS 147
IN WITNESS WHEREOF the applicant for permit has executed this instrument this __________ day of ______________, 19__.

BY

STATE OF NEW YORK )
COUNTY OF NEW YORK ) SS.:

On the __________ day of __________, 1978, before me personally came _________ to me known, who, being by me duly sworn, did depose and say that he resides at ________, that he is the ___________ of the Corporation described in and which executed the foregoing instrument; that said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK )
COUNTY OF NEW YORK ) SS.:

On the __________ day of __________, 1978, before me personally came _________ to be known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

NOTE: Section C26-110.2 Subdivision (a) Paragraph (1) of the Administrative Code requires submission of an accurate lot diagram in accordance with an attached boundary survey made by a licensed surveyor, which need not be recorded but which must be submitted with the application for the permit.
EXHIBIT IV

DECLARATION OF ZONING LOT RESTRICTIONS

__________________________________________, residing at
__________________________________________;
__________________________________________, residing at
__________________________________________;
__________________________________________, a
corporation having its principal office at

constituting the "parties in interest" (excepting those parties waiving their respective rights to join therein) as defined in Section 12-10(d) of the Zoning Resolution of the City of New York effective December 15, 1961, as amended with respect to the land known as Tax Lot(s) ______, in Block ________ on the Tax Map of the City of New York, County of ________, ________, do hereby declare that the tract of land known as and by street address(es) ____________________________
______________________________ and ____________________________
______________________________ is to be treated as one zoning lot for the purposes of and in accordance with the provisions of the aforementioned Zoning Resolution effective December 15, 1961, as amended August 18, 1977.

IN WITNESS WHEREOF, the declarants have executed this instrument this __________ day of ________________, 19____.

__________________________

1475
STATE OF NEW YORK )
    ) SS.:
COUNTY OF NEW YORK )

On the ______ day of ____________, 19__,
before me personally came ________,
who, being by me duly sworn, did depose and say
that he resides at ____________________________,
that he is the ____________________________ of ____________________________,
the Corporation described in and which executed the foregoing instru-
ment; that he knows the seal of said corporation; that the seal
affixed to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corporation;
and that he signed his name thereto by like order.

STATE OF NEW YORK )
    ) SS.:
COUNTY OF NEW YORK )

On the ______ day of ____________, 19__,
before me personally came ____________________________
who, being by me duly sworn, did depose and say
that he knows the individual described in and who executed
the foregoing instrument, and acknowledged that
executed the same.
EXHIBIT V

WAIVER OF DECLARATION OF ZONING RESTRICTIONS

________________________________________, residing at __________________________;  
________________________________________, residing at __________________________;  
________________________________________, a corporation having its principal office at __________________________, being a "party in interest" as defined in Section 12-10(d) of the Zoning Resolution of the City of New York effective December 15, 1961, as amended with respect to the land known as Tax Lot(s) _____, _____, _____ in Block _____ on the Tax Map of the City of New York, County of ________________ hereby waives (its) (his) (her) (their) respective right(s) to execute a declaration that the above described lands which are known by street address(es) ______________________ and ______________________; ______________________ and ______________________; ______________________ and ______________________; is to be treated as one zoning lot for the purpose of and in accordance with the provisions of the aforementioned zoning resolution and shall have the effect therein set forth.

IN WITNESS WHEREOF, the undersigned has executed this waiver this ___________ day of ________________, 19__.  

__________________________

1477
STATE OF NEW YORK )
COUNTY OF NEW YORK )

On the day of , 19 ,

before me personally came , duly sworn, did depose and say that he resides at ,

that he is the of the Corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation and that he signed his name thereto by like order.

STATE OF NEW YORK )
COUNTY OF NEW YORK )

On the day of , 19 ,

before me personally came , to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.