



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **81-212 - Special provisions for transfer of development rights from landmark sites**

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## 81-212 - Special provisions for transfer of development rights from landmark sites

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LAST AMENDED

8/9/2017

The provisions of Section [74-79](#) (Transfer of Development Rights From Landmark Sites) shall apply in the #Special Midtown District#, subject to the modification set forth in this Section and Sections [81-254](#), [81-266](#) and [81-277](#) pertaining to special permits for height and setback modifications, Sections [81-63](#) (Special Floor Area Provisions for the Vanderbilt Corridor Subarea), [81-653](#) (Special permit for transfer of development rights from landmarks to non-qualifying sites), [81-747](#) (Transfer of development rights from landmark theaters) and [81-85](#) (Transfer of Development Rights From Landmark Sites).

The provisions of Section [74-79](#) pertaining to the meaning of the term "adjacent lot" in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts are modified to apply in the #Special Midtown District# where the "adjacent lot" is in a C5-3, C6-6, C6-7, C6-5.5, C6-6.5 or C6-7T District.

The provisions of paragraph (c) of Section [74-792](#) as applied in the #Special Midtown District# shall be subject to the restrictions set forth in the table in Section [81-211](#) on the development rights (FAR) of a landmark "granting lot" for transfer purposes.

Wherever there is an inconsistency between any provision in Section [74-79](#) and the table in Section [81-211](#), the table in Section [81-211](#) shall apply.

For #developments# or #enlargements# in C5-3, C6-6, C6-7 and C6-7T Districts, the City Planning Commission may also modify or waive the requirements of Section [23-86](#) (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and requirements governing the minimum dimensions of a #court#, where:

- (a) the required minimum distance as set forth in Section [23-86](#) is provided between the #legally required windows# in the #development# or #enlargement# and a wall or #lot line# on an adjacent #zoning lot# occupied by the landmark; and
- (b) such required minimum distance is provided by a light and air easement on the #zoning lot# occupied by the landmark #building or other structure#, and such easement is acceptable to the Department of City Planning and recorded in the County Clerk's office of the county in which such tracts of land are located.

For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts and with frontage on #streets# on which curb cuts are restricted, pursuant to Section [81-44](#), the Commission may also modify or waive the number of loading berths required pursuant to Section [36-62](#). In granting such special permit, the Commission shall find that:

- (1) a loading berth permitted by Commission authorization, pursuant to Section [81-44](#), would have an adverse impact on the landmark #building or other structure# that is the subject of the special permit;
- (2) because of existing #buildings# on the #zoning lot#, there is no other feasible location for the required loading berths; and
- (3) the modification or waiver will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement. For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify the dimensions and minimum clear height required for pedestrian circulation space, pursuant to Sections [37-50](#) and [81-45](#). In granting such special permit, the Commission shall find that the modification will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with the landmark #building or other structure# that is the subject of the special permit.