Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

81-745 - Floor area bonus for rehabilitation of existing listed theaters

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81-745 - Floor area bonus for rehabilitation of existing listed theaters

LAST AMENDED
11/12/2026

The City Planning Commission may allow, by special permit, bonus #floor area# for substantial rehabilitation or restoration of any theater listed as a "listed theater" in Section 81-742 (Listed theaters), in accordance with the provisions of this Section.

(a) Conditions for rehabilitation bonus

As a condition for the issuance of a special permit under the provisions of this Section, the following requirements shall be satisfied:

(1) Qualification of substantial rehabilitation

Substantial rehabilitation work qualifying for a #floor area# bonus shall consist of major structural changes for the purpose of improving a theater's design and its commercial viability for legitimate theater #use#, or historic restoration of the interior of a theater designated as an interior landmark.

Substantial rehabilitation may include, without limitations, such work as expanding stage wings, re-raking the orchestra, increasing rehearsal, dressing room or lobby and ancillary spaces, improving accessibility beyond applicable legal requirements, or historic restoration. It may also include reconversion to legitimate theater #use# of an original legitimate theater currently in other #use#. Substantial rehabilitation does not mean normal theater maintenance, painting or improvements to mechanical systems

alone.

(2) Timing and commitment

(i) for any bonus #floor area# approved by special permit pursuant to this Section, an appropriate legal document shall be executed and recorded against the #zoning lot#, providing that:

(a) no temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# identified as utilizing the bonus #floor area# granted pursuant to this Section until the Chairperson has certified that the substantial rehabilitation work qualifying for the #floor area# bonus is substantially complete; and

(b) no permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing such bonus #floor area# until the Chairperson has certified that the substantial rehabilitation work qualifying for the #floor area# bonus is finally complete;

(ii) the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) shall be satisfied; and

(iii) a rehabilitation bonus shall not be granted for a substantial rehabilitation completed before May 13, 1982.

(b) Amount of rehabilitation bonus

The amount of bonus #floor area# granted for a qualifying theater rehabilitation shall be at the

discretion of the Commission after consideration of the following findings:

(1) how and to what extent the proposed rehabilitation will improve the theater's suitability for #use# as a legitimate theater; and

(2) how the proposed rehabilitation will contribute toward satisfying the needs of the Theater Subdistrict.

Such bonus #floor area# shall not exceed 20 percent of the basic maximum #floor area# permitted on the #zoning lot# containing the "listed theater" by the regulations of the underlying district, except that in the case of an underlying C6-4, or C6-5 District, the bonus #floor area# shall not exceed 44 percent of the basic maximum #floor area# permitted in such underlying district, and except that in the case of a #zoning lot# located partially in a C6-5.5 District and partially in a C6-7T District, the Commission may allow bonus #floor area# to be utilized anywhere on the #zoning lot#.

For purposes of applying the provisions of Section 11-42 (Lapse of Authorization or Special Permit by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to a special permit granted pursuant to this Section, "substantial construction" shall mean substantial rehabilitation, as described in paragraph (b) of this Section, of the subject theater for which a #floor area# bonus has been granted to a related #development# or #enlargement#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding areas.