Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

81-747 - Transfer of development rights from landmarks

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LAST AMENDED
12/5/2024

The City Planning Commission by special permit may authorize development rights to be transferred from a #granting lot# to a #receiving lot# proposed for #developments# or #enlargements# within the #surrounding area# in accordance with the provisions of Section 81-213 (Special provisions for transfer of development rights from landmark sites in certain areas).

The limitations on development rights transferred to #receiving lots# from #granting lots#, including sites of landmark theaters, are set forth in Section 81-213.

Where development rights are proposed to be transferred and exercised in accordance with the provisions of Section 81-213, as modified by this Section, the Commission shall find that:

(a) within the #surrounding area#, the series of intervening lots in common ownership leading to the #receiving lot# includes lots, identified by the Commission, which are occupied by "listed theaters" or by #uses# which directly support neighborhood theater business, such as, but not limited to, rehearsal space, recording facilities or theater costume rental facilities and that such #uses# will be continued or replaced by other legitimate theaters or theater supportive #uses# as evidenced by covenants binding the owners of such lots, their successors and assigns to provide for such continuation or replacement; or

(b) useful circulation improvements or other public facilities will be provided and maintained on one or more of the lots comprising the series of intervening lots to accommodate pedestrian or vehicular traffic generated by legitimate theaters.

The Commission shall require the owner of any intervening lot on which special #use# restrictions are applicable or on which circulation improvements or other public facilities are to be provided and

maintained to sign a written declaration of restrictions setting forth the obligations of the owner, his successors and assigns and providing a performance bond for the completion of any required improvements. The declaration of restrictions shall be recorded in the Office of the Register of the City of New York (County of New York) and the Commission shall be provided with a certified copy.

The provision of Section 81-213 empowering the Commission to grant variations in the front height and setback regulations is modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications).

Compliance with the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) shall be a condition for issuance of a special permit under the provisions of this Section.