



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

February 16, 2021

City Council
City Hall
New York, NY 10007

Re: Shubert-Cort Theatre Rehab Special Permit
Application No.: N 200124 ZRM
Related Application No.: C 200123 ZSM
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated February 12, 2021 from the City Council regarding the proposed modifications to the above-referenced applications submitted by Cort Theatre LLC and Clarity 47 LLC for a Zoning Text Amendment and Zoning Special Permit pursuant to ZR 81-745.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on February 16, 2021, has determined that the City Council's proposed modifications do not require further review.

Very truly yours,

A handwritten signature in cursive script that reads "Marisa Lago".

Marisa Lago

c:	E. Hsu Chen	D. DeCerbo	E. Moser	H. Marcus
	S. Amron	R. Singer	A. McCabe	S. Johnson

Marisa Lago, Chair
City Planning Commission
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February 12, 2021

Honorable Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Application No.: N 200124 ZRM (L.U. No. 713)
Related Application No.: C 200123 ZSM (L.U. No. 712)

Cort Theatre

Dear Chair Lago:

On February 11, 2021 the Land Use Committee of the City Council, by a vote of 17-0-0 for Application **N 200124 ZRM**, recommended modifications of the City Planning Commission's decision in the above-referenced matter.

Pursuant to Section 197-d(d) of the City Charter I hereby file the proposed modifications with the Commission:

Matter underlined is new, to be added;
Matter ~~struck-out~~ is to be deleted;
Matter ~~double-struck-out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

ARTICLE VIII

SPECIAL PURPOSE DISTRICTS

* * *

Chapter 1

Special Midtown District

* * *

81-70

SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

* * *

81-74

Special Incentives and Controls in the Theater Subdistrict

* * *

81-745

Floor area bonus for rehabilitation of existing listed theaters

The City Planning Commission by special permit may authorize 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) Location of #development#

The #development# or #enlargement# for which a theater rehabilitation bonus is granted is located on the same #zoning lot# as the “listed theater.”

(2) Qualification of substantial rehabilitation

Substantial rehabilitation work qualifying for a #floor area# bonus shall consist of major ~~interior~~-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.

(3) Timing and commitment

- (i) there shall be a contractual commitment or commitments for the construction work involved in the substantial rehabilitation;
- (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;
- (2) how the proposed rehabilitation will contribute toward satisfying the needs of the Theater Subdistrict;
- (3) whether the bonus #floor area# will unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of #use# on any #block# to the detriment of occupants of #buildings# on the #block# or the surrounding area; and
- (4) whether the distribution and location of such #floor area# bonus will adversely affect the surrounding area by restricting light and air or otherwise impair the essential character or future development of the surrounding area.

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Such bonus #floor area# shall not exceed 20 percent of the basic maximum #floor area# permitted on the #zoning lot# containing the #development# or #enlargement# by the regulations of the underlying district, except that in the case of an underlying C6-4, C6-5 or M1-6 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 ~~wholly or~~ 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.

* * *

Please feel free to contact me at (917) 999-8054 if you or your staff have any questions in this regard.

Sincerely,



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Julie Lubin,
General Counsel

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JL:mcs

C: Members, City Planning Commission
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