



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

August 9, 2022

City Council
City Hall
New York, NY 10007

Re: The Lirio / MTA Site
ULURP No. C 220220 ZMM, N 220219 ZRM
Related Applications: C 220221(A) ZSM, C 220222 PPM, C 220223 PQM
Borough of Manhattan

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated July 28, 2022, from the City Council regarding the proposed modifications to the above-referenced applications submitted by the Department of Housing Preservation and Development for a zoning map amendment from an R8 and R8/C1-5 zoning district to a C6-2 zoning district and a zoning text amendment to establish a special permit to modify non-FAR bulk regulations in the Special Clinton District Preservation Area.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on August 8, 2022, has determined that the City Council's proposed modifications do not require additional review of environmental issues or pursuant to Section 197-c of the Charter.

Sincerely yours,

Daniel R. Garodnick

c: Erik Botsford
S. Amron

D. DeCerbo
R. Singer

Andy Cantu
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H. Marcus

Daniel R. Garodnick, Chair
City Planning Commission
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THE COUNCIL
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July 28, 2022

Honorable Dan Garodnick, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

**Re: Application Nos. N 220219 ZRM (Pre. L.U. No. 73) and C 220220 ZMM (Pre. L.U. No. 74)
Related Application Nos. C 220221(A) ZSM (L.U. No. 75), C 220222 PPM (L.U. No. 76),
and C 220223 PQM (L.U. No. 77)**

The Lirio-MTA Site-806 9th Avenue

Dear Chair Garodnick:

On July 28, 2022 the Land Use Committee of the City Council, by a vote of 10-0-0, for Applications N **220219 ZRM** and C **220220 ZMM**, recommended modifications of the City Planning Commission's decisions in the above-referenced matters.

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

N 220219 ZRM

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

Matter ~~double-struck-out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

* * * indicates where unchanged text appears in the Zoning Resolution.

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

Chapter 6
Special Clinton District

* * *

96-10
PRESERVATION AREA

* * *

96-104
Height and setback regulations

The underlying height and setback regulations shall not apply, except as set forth in Sections 23-62 or 33-42 (Permitted Obstructions), as applicable. In lieu thereof, the height and setback provisions of this Section shall apply. All height shall be measured from #curb level#.

* * *

(d) The City Planning Commission, by special permit, may modify the special height and setback regulations set forth in this Section. In order to grant such special permit, the Commission shall find that the distribution of #bulk# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height does not exceed 99 feet beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

In conjunction with such height and setback modifications, the Commission may allow modifications to other applicable #bulk# regulations of this Resolution, except #floor area ratio# regulations, for a #building# #developed# or #enlarged# using #public funding#, as defined in Section 23-911, to support #residences# with rents restricted pursuant to a regulatory agreement with a City, State, or Federal agency, provided that such #building# is located on a #zoning lot# that has an area of at least 40,000 square feet, occupies the frontage of a #wide street#, and contains a mass transit or water supply support facility. In order to grant such special permit, the Commission shall find that:

(1) there are physical conditions, including the presence of existing #buildings or other structures#, public infrastructure, or topographical features, that create practical difficulties in complying with the #bulk# regulations that would adversely affect the #building# configuration or site plan;

- (2) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#;
- (3) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and
- (4) the requested modification is reasonable in relation to the practical difficulties on the site or the public benefit derived from the #development# or #enlargement#.

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

However, the City Planning Commission, by special permit, may modify the special height and setback regulations set forth in this Section. In order to grant such special permit, the Commission shall find that the distribution of #bulk# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height does not exceed 99 feet beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

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

96-105 Dwelling Unit Regulations

* * *

96-112

Special permits

=

For #developments# or #enlargements# within the Preservation Area, or subject to the regulations of paragraph (a) of Section 96-31 (Special Regulations in R8 Districts), the City Planning Commission may allow, by special permit, the modifications set forth in paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

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(a) The Commission may allow modifications to:

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- (1) the special height and setback regulations set forth in Section 96-104 (Height and setback regulations), provided that the height of the #building# shall not exceed 115 feet within 100 feet of a #wide street#, and 99 feet beyond 100 feet of a #wide street#; and

~~(2) the other applicable #bulk# regulations of this Resolution, except #floor area ratio#, for #buildings# located on a #zoning lot# that has an area of at least 40,000 square feet, occupies the frontage of a #wide street#, and contains a mass transit or water supply support facility.~~

~~(b) In order to grant such special permit, the Commission shall find that:~~

~~(1) for height modifications to paragraph (a)(1) of this Section, the distribution of #bulk# permits adequate access to light and air to surrounding #streets# and properties;~~

~~(2) for other #bulk# modifications:~~

~~(i) there are physical conditions, including the presence of existing #buildings or other structures#, public infrastructure, or topographical features, that create practical difficulties in complying with the #bulk# regulations that would adversely affect the #building# configuration or site plan;~~

~~(ii) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#;~~

~~(iii) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and~~

~~(iv) the requested modification is reasonable in relation to the practical difficulties on the site or the public benefit derived from the #development# or #enlargement#.~~

~~The Commission may prescribe appropriate conditions and safeguards to protect and minimize any adverse effects on the character of the surrounding area.~~

C 220220 ZMM

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double underlined is new, added by the City Council

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 8c,

Honorable Dan Garodnick, Chair
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July 28, 2022
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1. eliminating from within an existing R8 District a C1-5 District bounded by West 54th Street, a line 150 feet easterly of Ninth Avenue, a line midway between West 54th Street and West 53rd Street, a line ~~150~~ 275 feet westerly of Eighth Avenue, West 53rd Street, a line 250 feet easterly of Ninth Avenue, a line 55 feet northerly of West 53rd Street, and Ninth Avenue; and
2. changing from an R8 District to a C6-2 District property bounded by West 54th Street, a line ~~150~~ 275 feet westerly of Eighth Avenue, West 53rd Street, a line 250 feet easterly of Ninth Avenue, a line 55 feet northerly of West 53rd Street, and Ninth Avenue;

as shown on a diagram (for illustrative purposes only) dated January 3, 2022, Borough of Manhattan, Community District 4.

Please feel free to contact me at AHuh@council.nyc.gov if you or your staff have any questions in this regard.

Sincerely,



.....
Arthur Huh
Assistant General Counsel

AH:sfn

C: Members, City Planning Commission
Perris Straughter, Director, Land Use Division
Brian Paul, Deputy Director
Chelsea Kelley, Deputy Director
Jeff Campagna, Deputy General Counsel
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File