THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 299

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 220219 ZRM, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 73).

By Council Members Salamanca and Louis

WHEREAS, the New York City Department of Housing Preservation and Development (HPD), filed an application pursuant to Section 201 of the New York City Charter for an amendment of the text of the Zoning Resolution of the City of New York, modifying a special permit provision of Article IX, Chapter 6 (Special Clinton District), which in conjunction with the related actions would facilitate the construction of a nine-story, mixed-use development containing 112 permanently affordable dwelling units, approximately 67 of which would be supportive housing, along with commercial and community facility space, at 806 Ninth Avenue in the Clinton/Hell's Kitchen neighborhood, Borough of Manhattan, Community District 4 (ULURP No. N 220219 ZRM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on June 13, 2022, its decision dated June 8, 2022 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 220220 ZMM (Pre. L.U. No. 74), a zoning map amendment eliminating an R8 and R8/C1-5 zoning districts and establishing a C6-2 zoning district; C 220221 (A) ZSM (L.U. No. 75), a special permit pursuant to Zoning Resolution Section 96-112 to allow for modifications to Article IX, Chapter 6 (Special Clinton District) regulations; C 220222 PPM (L.U. No. 76), a disposition of city-owned property; and C 220223 PQM (L.U. No. 77), an acquisition of city-owned property;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 14, 2022;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued December 23rd, 2021 (CEQR No. 20HPD053M) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the

environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 220219 ZRM, incorporated by reference herein, and the record before the Council, the Council approves with modifications the Decision of the City Planning Commission.

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.~~

~~(a) The Commission may allow modifications to:~~

~~(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.~~

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on _____, 2022, on file in this office.

.....
City Clerk, Clerk of The Council