THE LIRIO – 806 9th AVENUE

CD 4 **N 220219 ZRM**

IN THE MATTER OF an application submitted by the Department of Housing Preservation & Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying a special permit provision of Article IX, Chapter 6 (Special Clinton District).

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

Chapter 6
Special Clinton District

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96-10
PRESERVATION AREA

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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#.

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~~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.~~

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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# that are 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 existing public infrastructure.

(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.

96-20
PERIMETER AREA

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(On April 13, 2022, Cal. No. 2, the Commission scheduled April 27, 2022 for a public hearing. On April 27, 2022, Cal. No. 14, the hearing was closed.)

For consideration.