



IN THE MATTER OF an application submitted by the NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12c, by establishing a Special Union Square District (US) bounded by a line midway between East 14th Street and East 15th Street, a line 100 feet westerly of Union Square West, a line 100 feet westerly of University Place, a line midway between East 13th Street and East 14th Street, a line 475 feet westerly of Third Avenue, East 13th Street, a line 325 feet westerly of Third Avenue, a line midway between East 13th Street and East 14th Street, a line 100 feet westerly of Third Avenue, East 13th Street, a line 100 feet easterly of Third Avenue, East 9th Street, Fourth Avenue, East 10th Street, a line 100 feet westerly of Broadway, a line midway between East 10th Street and East 11th Street, a line 100 feet easterly of University Place, a line midway between East 8th Street and East 9th Street, a line 100 feet westerly of University Place, a line midway between East 11th Street and East 12th Street, and a line 100 feet easterly of Fifth Avenue, Borough of Manhattan, Community Districts 2, 3, and 5, as shown on a diagram (for illustrative purposes only) dated October 28, 2019.

The applicant, the New York City Department of City Planning (DCP), filed an application (C 200102 ZMM) for a zoning map amendment on October 28, 2019. The zoning map amendment, along with the related action (N 200107 ZRM), would extend the Special Union Square District (SUSD) to the area south of Union Square and create a new subdistrict (Subdistrict B) with a special use regulation that would require a special permit for new hotel use in Manhattan, Community Districts 2, 3 and 5.

RELATED ACTIONS

In addition to the zoning map amendment that is subject of this report (C 200102 ZMM), the proposed project also requires action by the CPC on the following action, which is being considered concurrently with this application:

N 200107 ZRM Zoning text amendment to Article XI, Chapter 8 (Special Union Square District) of the Zoning Resolution (ZR) to require a special permit for new hotel development within the proposed Subdistrict B of the Special Union Square District.

BACKGROUND

This report reflects the conditions at the time of the vote of the CPC. Though the economic impacts of the coronavirus (COVID-19) pandemic remain uncertain at this time, efforts to mitigate such impact are being made citywide. The proposed land use changes are reflective of long-term planning and land use strategies and were considered by the CPC independent of any short-term impacts that may result from the pandemic.

DCP seeks approval of a zoning map amendment and zoning text amendment that would require a special permit for new hotel use in the proposed Subdistrict B of the SUSD. Subdistrict B (the project area) is an approximately 25-block area generally bound by East 14th Street to the north, Third Avenue to the east, East 9th Street to the south, and Fifth Avenue to the west in Manhattan Community Districts 2, 3, and 5.

The project area has been subject to several past land use approvals (C 841005 ZMM, C 950443 ZMM, N 970152 ZCM, C 020499(A) ZSM, C 080397(A) ZMM, C 100420 ZMM, C 180069 ZSM).

In 1961, the ZR divided New York City into residential, commercial, and manufacturing districts. At that time, the project area and the surrounding area, was mapped predominately with a C6-1 district, with a portion of University Place mapped with a C1-7 zoning district, much of which remains in place today. The C6-1 zoning district has an R7-2 residential equivalent. C6-1 is a medium-density commercial district that allows for a maximum commercial FAR of 6.0 and a maximum residential FAR of 3.44 FAR. These districts are typically found outside of central business districts. C1-7 zoning districts, like other C1 and C2 districts, are mapped within residential neighborhoods and allow for uses that serve local retail and service needs. C1-7 districts permit a maximum commercial FAR of 2.0 and between 0.94 and 7.2 FAR for residential use.

In November 1984, the CPC approved the creation of the SUSD (C 841005 ZMM). Prior to that approval, land use surrounding Union Square was predominantly commercial, consisting of

office buildings with ground floor retail. Residential uses were sparse, with only three residential buildings fronting on the park. While the area contained active retail frontage, especially along the East 14th Street corridor, there were also several underutilized and vacant lots that interrupted that context. At that time, the CPC found that the pattern of fragmented land uses resulted in the underutilization of Union Square, stagnation of new development, and ultimately the gradual deterioration of the area (C 841005 ZMM).

In response to these issues, DCP proposed a zoning map amendment to create the SUSD and change portions of the C6-1 zoning district to a C6-4 zoning district (C 841005 ZMM). This action was intended to encourage the development of mixed residential and commercial buildings on underutilized or vacant lots. Specifically, while the zoning map amendment from a C6-1 to a C6-4 district increased the overall allowable FAR to 10.0, a provision of the SUSD limited commercial FAR to 6.0 while maintaining residential FAR at 10.0. The SUSD regulations were intended to encourage more residential use and promote the creation of new dwelling units. The potential for more residents has contributed to shaping Union Square into an active park and reinforcing the surrounding retail character.

In October 1995, a DCP-led zoning map amendment on East 14th Street (C 950443 ZMM) further sought to balance residential uses with commercial and community facility uses. In an area spanning from Irving Place to Avenue B, the CPC enacted zoning changes that increased residential and community facility densities while maintaining the existing commercial densities. Specifically, from Third Avenue to Irving Place on the midblock north of East 13th Street, the CPC approved a zoning change from C6-1 to C6-2A. This rezoning increased the allowable residential FAR from 3.44 to 6.0 while maintaining a community facility FAR of 6.5 and a commercial FAR of 2.0. Like the goals of the SUSD, this rezoning sought to increase residential capacity, encouraging the conversion of underutilized lots into additional residential units.

In September 2010, DCP proposed another zoning map amendment (C 100420 ZMM) that encouraged the development of contextual residential uses, located to the southeast of Union Square Park. From East 9th Street to East 13th Street between Third and Fourth avenues, the CPC

approved a zoning map amendment from a C6-1 to a C6-2A, extending the zoning district that was mapped in October 1995. The C6-2A retained a commercial zoning designation but instituted certain bulk regulations, such as height caps, that would ensure that future developments remained in context with the existing neighborhood character. C6-2A zoning districts are medium-density contextual commercial districts that allow a maximum commercial FAR of 6.0, a maximum residential FAR of 7.2, and a maximum community facility FAR of 6.5. C6-2A zoning districts have an R8A residential equivalent, and limit base and maximum heights to 95 feet and 145 feet, respectively.

In conjunction with this rezoning, the CPC also approved a zoning text amendment to map the Inclusionary Housing program (N 100419 ZRM). The combination of these actions sought to increase residential capacity of the neighborhood by combining an increase in the allowable FAR from 3.44 to 6.0 and allow for an additional increase in residential FAR to 7.2 if the development provided affordable housing. In keeping the commercial designation of the area, the rezoning encouraged the continued development of the area as a mixed-use district by incentivizing the creation of residential uses.

The project area has also been subject to the following land use actions: 21 East 12th Street Parking Garage (C 180069 ZSM); 3rd Avenue Corridor Rezoning and Text Amendment (C 100420 ZMM); East Village/Lower East Side Rezoning (C 080397(A) ZMM), which is directly adjacent to the eastern boundary of the project area; Cooper Union General Large-Scale Development and Rezoning (C 020499(A) ZSM); 52-82 East 14th Street (N 970152 ZCM); East 14th Street Rezoning (C 950443 ZMM); and more recently, an application for a new technology-focused office and retail space (Tech Hub) adjacent to the project area (C 180203 ZSM).

The project area is well served by mass transit, including multiple subway and bus routes. The 14th Street-Union Square subway station is an ADA-accessible station located at the north of the project area and is served by the L, N, Q, R, W, 4, 5, and 6 subway lines. The Astor Place subway station is located to the south of the project area and is served by the 6 line. The 8th Street-NYU subway station is served by the R and W lines. The project area also contains stops

for the M1, M2, M3, M8, M101, M102, and M103 bus lines and is near to the M14A SBS, M14D SBS, and M55 bus lines, with service to the east and west sides of Manhattan and uptown.

Built form in the project area is highly mixed in height, density, and use. Directly west of the project area lie predominately residential and institutional uses in the Greenwich Village neighborhood. Midblock lots within the project area generally contain one and two-family walkups and multi-family elevator buildings ranging between three and 12 stories. The Fifth Avenue corridor generally contains taller buildings on larger footprints with commercial, multi-family residential, and educational uses. Educational uses, namely New York University and The New School, are generally dispersed from West 10th Street to West 16th Street. West 12th Street serves as the boundary between a high-density residential zoning district to the south and a high-density commercial district to the north. The R10 zoning district to the south contains predominately high-density residential uses, while the C6-4 zoning district to the north contains medium- to high-density commercial and office buildings with some mixed commercial and residential buildings.

To the north of the project area is Union Square Park, which is surrounded by mid- to high-rise commercial and office buildings, as well as mixed commercial and residential buildings. Buildings range in height between two and 27 stories, with taller buildings occupying larger lots. 14th Street is a wide, commercial corridor predominated by a mix of office, mixed residential and commercial, and institutional uses. The recently approved Tech Hub at East 14th Street and Irving Place (C 180203 ZSM), is a mixed-use startup incubator, office, and community facility space that is currently under construction.

To the east of the project area is the East Village neighborhood where tenement-style walkups containing ground floor retail and residential uses on the upper floors predominate. Generally, the main corridors of First, Second, and Third avenues contain higher density, taller buildings (between three and 17 stories), while buildings along the midblocks are lower in height and less dense (between one and 10 stories).

To the south of the project area is Astor Place, which is characterized by mixed commercial and residential uses as well as large commercial buildings that are built on large lots, some of which comprise full blocks. These buildings range in height from five to 31 stories. This commercial corridor has seen the recent development of technology-focused office space.

There are a wide range of uses and building typologies found in the surrounding neighborhoods, including educational uses on large lots, residential elevator buildings with ground floor retail, mid- to high-rise office buildings, and multifamily walk up buildings. The amount of unimproved land in the area is very limited: there is one, 546 square-foot vacant lot located west of University Place between West 13th and 14th Streets. This lot does not front on any streets.

DCP proposes a zoning map amendment and a zoning text amendment to the SUSD (ZR Section 118-00) that would extend the special district; create Subdistrict A, which would consist of the existing boundaries of the SUSD; and create a new Subdistrict B, which would comprise the entirety of the project area. The zoning text amendment would establish a new special permit to allow new hotel uses (referred to as “transient hotels” in the ZR) in Subdistrict B of the SUSD. Transient hotels, listed in Use Group 5 in the ZR, are currently permitted as-of-right in commercial zoning districts. To be granted the special permit, the Commission would be required to find that future hotel development would not impair the essential character, future development or use of the neighborhood. Use and bulk of future developments within Subdistrict B would continue to be governed by the underlying zoning districts, which would remain unchanged. The existing zoning regulations of the special district would continue to apply to Subdistrict A. There would be no changes to the existing zoning regulations in Subdistrict A.

ENVIRONMENTAL REVIEW

This application (C 200102 ZMM), in conjunction with the applications for the related action (N 200107 ZRM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review Rules

of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 20DCP058M.

After a study of the potential environmental impacts of the proposed actions, a Negative Declaration was issued on October 28, 2019. Following certification, a Revised Environmental Assessment Statement (EAS) dated January 15, 2020 was issued that included edits to the Historic and Cultural Resources narrative, figures and tables, for clarification purposes. The Revised Negative Declaration, issued on January 21, 2020, supersedes the Negative Declaration issued on October 28, 2019. The conclusions of the original Negative Declaration, which found that the proposed actions would not result in significant adverse impacts to the environment, remain unchanged.

UNIFORM LAND USE REVIEW

This application (C 200102 ZMM) was certified as complete by the Department of City Planning on October 28, 2019 and was duly referred to Manhattan Community Boards 2, 3, and 5 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 200107 ZRM), which was referred in accordance with the procedures for non-ULURP actions.

Community Board Public Hearing

Community Board 2 held a public hearing on this application (C 200102 ZMM) on November 13, 2019. On November 21, 2019, by a vote of 39 in favor, none opposed and none abstaining, the Community Board adopted a resolution recommending disapproval of the application with conditions:

“CB2 recommends denial of the application until the city has implemented zoning changes for this area that would protect its low- to mid-rise scale and predominantly residential character, and historic district protections that would protect its historic buildings.”

Community Board 3 held a public hearing on this application (C 200102 ZMM) on November 20, 2019. On November 26, 2019, by a vote of 37 in favor, one against and none abstaining, the Community Board adopted a resolution recommending disapproval of the application with conditions:

“Revise the EAS to recognize 88 East 10th Street as a historic resource and to account for all State and National Register of Historic Places buildings;

Introduce a contextual downzoning from C6-2A to C1-7A on 3rd and 4th Avenue between 14th Street and 9th Street as described in a December 2017 CB 3 resolution;

Develop a more stringent set of City Planning Commission findings as a requirement of the proposed hotel Special Permit.

Landmark Preservation Commission should be urged to work with CB 3 to develop another historic district in the East Village and to identify potential individual Landmarks in order to preserve historic properties in the area.”

Community Board 5 held a public hearing on this application (C 200102 ZMM) on December 4, 2019. On December 11, 2019, the Community Board submitted a letter to DCP in lieu of a formal recommendation, supporting the recommendations of Community Boards 2 and 3.

Community Board 5’s letter, and the full recommendations of Community Boards 2 and 3, are included with this report.

Borough President Recommendation

This application (C 200102 ZMM) was considered by the Manhattan Borough President, who, on January 21, 2020, issued a recommendation to disapprove the application with the following conditions:

“More stringent findings are required of the proposed special permit;

Additional zoning measures are taken to address the community’s concerns about increasing commercial development pressures; and

Landmarks Preservation Commission works with the community to identify potential individual landmarks and properties of historic significance in order to preserve them.”

The full recommendation is included with this report.

City Planning Commission Public Hearing

On January 8, 2020 (Calendar No. 5), the City Planning Commission scheduled January 22, 2020 for a public hearing on this application (C 200102 ZMM). The hearing was duly held on January 22, 2020 (Calendar No. 26), in conjunction with the public hearing on the related actions.

There were no speakers in favor of the proposal and 12 in opposition. Speakers in opposition included representatives from local non-profits, including the Greenwich Village Society for Historic Preservation (GVSHIP) and the Lower East Side Preservation Initiative, as well as Manhattan Community Board 2, and residents of the community.

The prevailing themes of speakers in opposition were: concerns regarding out-of-scale development, requests for zoning changes, that would lower density and limit overall building heights, concerns about the conclusions of the EAS, and requests for additional landmark and historic district designations.

Speaking in opposition, a representative from GVSHIP stated that the proposed actions would offer the neighborhood little to no protection from out-of-scale development. He stated that Greenwich Village and the East Village, neighborhoods south of Union Square, are experiencing a high volume of demolitions and new construction, largely related to office space for firms in the technology sector which he said had been exacerbated by the recent approval of the Tech

Hub on 14th Street. He stated that these neighborhoods are predominately residential, with low- to mid-rise buildings, and that DCP, in concert with the New York City Landmarks Preservation Commission, should landmark individual buildings and enact zoning changes that would reduce allowable density and height of new developments. He also stated that, in conjunction with these zoning map amendments, DCP should implement affordable housing requirements for new developments.

Speaking in opposition, another representative from GVSHP stated that the EAS identified buildings at 88 East 10th Street and 11 East 12th Street as likely development sites and that these should be considered historic resources. He further stated that the EAS did not identify other historic resources in the area and disagreed with the conclusion of the EAS that stated that there would not be a significant adverse impact to neighborhood character.

A representative from Manhattan Community Board 2 spoke in opposition to the proposed actions. She agreed that hotel developments should be compatible with the surrounding neighborhood context, however, she stated that the proposed actions would not address overdevelopment. She further stated that extending the SUSD to the area south of Union Square Park would facilitate the development of more commercial land uses that are akin to the areas immediately surrounding the park. She reiterated previous sentiments supporting additional landmarking in the area, zoning map amendments to decrease density and limit building heights, and incentives for inclusionary housing. She also stated that the proposed actions would reduce the likelihood that affordable housing would develop in the project area.

A representative from Lower East Side Preservation Initiative, and several residents living in and adjacent to the project area, spoke in opposition to the proposed actions. Some stated that the residential character of the area attracted tourists from around the world, while another resident stated that the area was not meant for tourists, but rather contained land uses supporting local residents. Many agreed with the sentiments expressed by Community Board 2 and GVSHP, including their belief that the area is currently undergoing out-of-scale commercial development from both office and hotel uses, that the City should designate more individual landmarks and a

historic district, and that DCP should contextually rezone the area for lower density and lower building heights, while also requiring inclusionary housing.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 200102 ZMM), in conjunction with the application for the related action (N 200107 ZRM), is appropriate. Together, these actions will require a special permit for new hotel development within the project area.

The Commission notes that the project area contains a variety of land uses that are permitted under the existing zoning, including institutional, commercial, mixed commercial and residential, and residential uses. Recent construction in the project area reflects this mix of uses. New York University and The New School have expanded the area's institutional land uses, with new buildings on East 12th and Fifth Avenue, respectively, while several mixed commercial and residential buildings have been constructed throughout the area, ranging in height from six to 21 stories. The Commission further notes that many of the commercial zoning districts in the area have been in place since the original zoning resolution was adopted in 1961, demonstrating that these types of uses have been permitted and appropriate in the project area for nearly 60 years.

The Commission notes that previous actions in and surrounding the project area have sought to maintain this mixed-use character. The creation of the SUSD in the early 1980s sought to balance residential uses with the commercial uses that predominated the area by encouraging development on underutilized and vacant lots. These lots have since disappeared almost completely in both the original SUSD and the project area, and steady development within the project area has resulted in a neighborhood with varied built form and use. As such, the Commission believes that future growth, specifically flexible land uses, such as hotels, must remain compatible with this context.

Hotels can be built on lots of varying sizes and shapes as they contain flexible floor plates. This flexibility results in a range of hotel types: from small, boutique hotels to large full-service

hotels. The Commission believes that the neighborhood's mixed-use character merits consideration of the impacts that these different types of hotels have on adjacent land uses. Hotels which typically generate more pedestrian and vehicular traffic, such as full-service hotels, may be more appropriate for higher-density areas along major corridors or closer to the commercial areas around Astor Place and Union Square. Conversely, hotels which can be expected to generate less traffic, such as smaller, boutique hotels may be more appropriate in lower-density locations, including in the areas nearer to the East Village and Greenwich Village. In a neighborhood where land use and built form vary widely by block, ensuring hotel uses remain compatible with their surrounding context is important. The Commission believes that a special permit for hotels will ensure that future development responds to its immediate context while continuing to meet market demand for tourism in the project area and the City as a whole.

The Commission emphasizes that the proposed special permit will not preclude hotel development, nor will it deem all future hotels inappropriate. Rather, it will allow the Commission, community boards, and local elected officials to assess the appropriateness of hotel development based on the local neighborhood context. A special permit for new hotel uses will allow for the mediation and maintenance of the mixed-use character of the neighborhood, while connecting the more commercial uses in Union Square and Astor Place with the more residential uses in the East Village and the mixed residential, commercial, and institutional uses in Greenwich Village.

The Commission heard concerns regarding perceived out-of-scale development of commercial uses within the area. The Commission does not believe that recent developments, including commercial uses in the technology sector, are inappropriate. The Commission believes that the growth of these uses throughout the project area, specifically around Astor Place and the under-construction Tech Hub at East 14th Street, contribute to the mixed-use character that defines the neighborhood. The Commission further believes that this mix of uses provides essential housing, jobs, and educational opportunities for New York's growing population.

The Commission heard requests for zoning changes that would limit density and height throughout the project area, while also requiring affordable housing for new developments. The Commission notes that the Third and Fourth avenue corridors were rezoned to a lower density, contextual commercial district in 2010, and that this current zoning designation remains appropriate. The Commission believes that further restricting allowable density, particularly in such a transit-rich neighborhood, is inappropriate. As New York City faces an unprecedented housing shortage, limiting the ability to develop in a transit-rich area that provides access to jobs and amenities would further exacerbate this shortage.

Furthermore, the Commission supports testimony that advocated for more affordable housing within the project area but notes the incongruity of calling for enhanced voluntary affordable housing requirements while also calling for limiting density.

The Commission also heard requests for additional landmark and historic district designations. The Commission notes that such designation is the responsibility of the New York City Landmarks Preservation Commission (LPC), and that the LPC, in 2019, completed a thorough, building by building survey of the area and designated several new landmarks in this already heavily-landmarked area.

The Commission also heard concerns regarding the conclusions of the EAS, particularly as it relates to historic resources. The Commission notes that DCP makes its determination of environmental impacts as it relates to historic resources in concert with LPC. The Commission further notes that DCP issued a revised EAS and that the conclusions of the original EAS, that the project, which would not induce development, would not result in significant adverse impacts, remains unchanged.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and the consideration described in this report, 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 No. 12c, by establishing a Special Union Square District (US) bounded by a line midway between East 14th Street and East 15th Street, a line 100 feet westerly of Union Square West, a line 100 feet westerly of University Place, a line midway between East 13th Street and East 14th Street, a line 475 feet westerly of Third Avenue, East 13th Street, a line 325 feet westerly of Third Avenue, a line midway between East 13th Street and East 14th Street, a line 100 feet westerly of Third Avenue, East 13th Street, a line 100 feet easterly of Third Avenue, East 9th Street, Fourth Avenue, East 10th Street, a line 100 feet westerly of Broadway, a line midway between East 10th Street and East 11th Street, a line 100 feet easterly of University Place, a line midway between East 8th Street and East 9th Street, a line 100 feet westerly of University Place, a line midway between East 11th Street and East 12th Street, and a line 100 feet easterly of Fifth Avenue, Borough of Manhattan, Community Districts 2, 3, and 5, as shown on a diagram (for illustrative purposes only) dated October 28, 2019.

The above resolution (C 200102 ZMM), in conjunction with the related action (N 200107 ZRM), duly adopted by the City Planning Commission on March 16, 2020 (Supplemental Calendar No. 1), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, *Esq., Vice-Chairman*

ALLEN P. CAPPELLI, *Esq.*, **ALFRED C. CERULLO, III**, **MICHELLE DE LA UZ**,
JOSEPH I. DOUEK, **RICHARD W. EADDY**, **HOPE KNIGHT**, **ORLANDO MARIN**, **RAJ
RAMPERSHAD**, *Commissioners*

ANNA HAYES LEVIN, *Commissioner*, voting “No”

DAVID BURNEY, **LARISA ORTIZ**, *Commissioners*, abstained



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #:	Project Name:
CEQR Number:	Borough(s):
	Community District Number(s):

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C10000ZSQ" ~~XXXXXXXXXX~~
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

Applicant(s):		Applicant's Representative:	
Recommendation submitted by:			
Date of public hearing:		Location:	
Was a quorum present? YES <input type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote:		Location:	
RECOMMENDATION			
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting			
# In Favor:	# Against:	# Abstaining:	Total members appointed to the board:
Name of CB/BB officer completing this form		Title	Date

Carter Booth, Chair
Daniel Miller, First Vice Chair
Susan Kent, Second Vice Chair
Bob Gormley, District Manager



Antony Wong, Treasurer
Keen Berger, Secretary
Erik Coler, Assistant Secretary

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November 25, 2019

Marisa Lago, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Ms. Lago:

At its Full Board meeting on November 21, 2019, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

***Union Square South #20DCP058M** is an application by the Department of City Planning requesting a zoning map and zoning text amendment to expand the Special Union Square District and create a sub-district between Fourth and Fifth Avenues in Manhattan Community District 2.

Whereas:

1. This is an application for a proposed zoning change that would extend the Special Union Square District in include a new subdistrict to the south, which would be referred to as Subdistrict B.
2. Within the proposed Subdistrict B, hotel development and hotel conversions would require a special permit, to be approved by both the City Planning Commission and City Council.
3. The requested action is prompted by a wave of demolitions of original structures being replaced by new development that is out of scale and out of character for the area in terms of both design and use. Take, for example, the Moxy Hotel on East 11th St., which replaced five 19th century residential buildings on that block.
4. Much of the change stems from tech-related development, such as the new demolitions/developments at 799 and 809 Broadway. They are likely to increase with the approval of the upzoning for the new Tech Hub on 14th Street.
5. The City's own EAS for this zoning change shows that the area in question is characterized largely by residential buildings and residential buildings with commercial ground floors and that only 15-20% of the area is composed of purely commercial buildings. There is only one 546-square-foot vacant lot located within the middle of a block, the rest of the study area is improved.

6. Despite this residential character, the proposed zoning change, and city policy, continues to incentivize and project large-scale, purely commercial development for this area.
7. The City's refusal thus far to recognize the historic significance of the current, albeit humble historic building stock that could be demolished as result of this action is disturbing. For example, CB2 strongly disagrees with the DCP's analysis that there would be no adverse impact on neighborhood character if 11 and 13 East 12th St., 180-year-old structures with residences that once housed the renowned artists Reginald Marsh and J. Alden Weir, were demolished.
8. The EAS fails to correctly identify a broad range of historic resources in the area, including landmarked buildings, buildings that are listed on the State and National Registers of Historic Places, buildings, which the LPC itself previously identified as historic resources in past EASes, and buildings of clear architectural and historic significance that SEQR requires be included in the EAS.
9. CB2 agrees that it is important to ensure that future hotel developments are compatible with their surrounding context. However, CB2 has long been on record requesting both a change in zoning to better reflect the predominantly residential character of the University Place/Broadway corridor, which contains an incredibly rich array of architecturally and historically distinguished structures.
10. Thirty to 40 people opposed to this amendment attended this meeting; only two people spoke in favor.
11. The amendment does not address the overdevelopment issues that the area already faces and will undoubtedly result in high-rises replacing low- to mid-rise buildings, which will do nothing to enhance the character of the neighborhood just south of 14th St.
12. Concern was raised regarding the effect on increased traffic on the 12th St. corridor in the wake of the changes on 14th St.
13. Concern was raised about the protection of rent-stabilized and rent-controlled units. In its analysis for the proposed special permit requirement, DCP indicates that they anticipate residential buildings being demolished to make way for new office development, which we consider an undesirable change in use.
14. Extending the Union Square Special District, an area of a vastly and more commercial character, well into the south will open the door to further changes in land use policy that will treat this area not as part of Greenwich Village but as part of the City's commercial core and will further extend Midtown South and Silicon Alley.
15. An example of the aforementioned creep is the demolition of the St. Denis Hotel at 799 Broadway, which resulted in the loss of over 100 small businesses that were vital to the life of this community—and contrary to the City's purported commitment to preserve small businesses.
16. CB2 has long called for landmarking the area and we believe that that is an essential first step. We are also on record in support of contextual rezoning of the area (including a provision and incentive for inclusionary housing, with suggested building heights of 80-120 feet) and in opposition to both hotel and office tower development in the area and feels that this proposed amendment will do nothing to address those concerns. (Resolution to CPC, Jan 23, 2015 regarding contextual rezoning; letter to Landmark

Preservation Commission, Oct. 22, 2018 re landmarking; resolution re special permit for 21 E 12th St., Dec. 2017).

Therefore, be it resolved that CB2 recommends denial of the application until the city has implemented zoning changes for this area that would protect its low- to mid-rise scale and predominantly residential character, and historic district protections that would protect its historic buildings.

Vote: Passed unanimously with 39 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Carter Booth Chair
Community Board #2, Manhattan



Anita Brandt, Co-Chair
Land Use & Business Development Committee
Community Board #2, Manhattan



Frederica Sigel, Co-Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

CB/jt

- c: Hon. Carolyn Maloney, Congresswoman
Hon. Liz Krueger, State Senator
Hon. Brad Holyman, State Senator
Hon. Deborah Glick, Assembly Member
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Carlina Rivera, Council Member
Andrew Cantu, Dept. of City Planning



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Union Square South			
Applicant:	DCP - DEPARTMENT OF CITY PLANNING	Applicant's Primary Contact:	DCP - DEPARTMENT OF CITY PLANNING
Application #	200102ZMM	Borough:	
CEQR Number:	20DCP058M	Community Districts:	MN03;MN02;MN05

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Disapproved with Modifications/Conditions			
# In Favor: 37	# Against: 1	# Abstaining: 0	Total members appointed to the board: 48
Date of Vote: 11/26/2019 12:00 AM		Vote Location: PS 20 - 166 Essex Street	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 11/20/2019 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	331 East 12th Street, NY, NY 10003

CONSIDERATION:

Recommendation submitted by	MN CB3	Date: 12/20/2019 9:30 AM
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THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003
Phone (212) 533-5300
www.cb3manhattan.org – mn03@cb.nyc.gov

Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

At its November 2019 monthly meeting, Community Board 3 passed the following resolution:

TITLE: ULURP #200102 ZMM: "Union Square South Hotel Special Permit"

WHEREAS, the Department of City Planning is proposing a zoning map amendment and a text amendment to the New York City Zoning Resolution (ZR) Article XI, Chapter 8: The Special Union Square South District; and

WHEREAS, the stated goal of these actions is to achieve balanced growth in any area with complex and varied built forms, by providing additional discretion over land uses such as hotels, which are currently allowed as-of-right, and to ensure these uses are compatible with their surrounding context; and

WHEREAS, the land use actions in question would extend the special district south to include a new subdistrict—Subdistrict B—which, in Community District 3, would be bounded approximately by East 9th Street to the south, 13th Street to the north, 4th Avenue to the west, and 3rd Avenue to the east; and

WHEREAS, within Subdistrict B, new hotel development, conversions, or enlargements would require a City Planning Commission special permit, subject to ULURP and Community Board review, and would require the City Planning Commission to establish findings that such a hotel is so located as not to impair the essential character of, or future use or development of, the surrounding area; and

WHEREAS, the City's refusal thus far to recognize the historic significance of the current, albeit humble historic building stock that could be demolished as result of this action is disturbing. For example, CB3 strongly disagrees with the DCP's analysis that there would be no adverse impact on neighborhood character if 88 East 10th Street built in 1845 by Peter Stuyvesant were demolished; and

WHEREAS, the EAS fails to correctly identify a broad range of historic resources in the area, including landmarked buildings, buildings that are listed on the State and National Registers of Historic Places, buildings, which the LPC itself previously identified as historic resources in past EASes, and buildings of clear architectural and historical significance that CEQR requires be included in the EAS; and

WHEREAS, CB 3 agrees that it is important to ensure that future hotel developments are compatible with their surrounding context; and

WHEREAS, in December 2017, CB 3 passed a resolution requesting a change in zoning on 3rd and 4th avenues from 14th Street to 9th Street for a commercial downzoning to protect its primarily residential character; and

WHEREAS, CB 3 is not opposed to additional restrictions or special permit requirements for any new hotel development or expansion in this area, as long as the findings are more restrictive and clearly defined;

THEREFORE BE IT RESOLVED, Community Board 3 recommends disapproval of ULURP #200102 ZMM (Union Square South Hotel Special Permit), with the following conditions:

- 1) Revise the EAS to recognize 88 East 10th Street as a historic resource and to account for all State and National Register of Historic Places buildings;
- 2) Introduce a contextual downzoning from C6-2A to C1-7A on 3rd and 4th Avenue between 14th Street and 9th Street as described in a December 2017 CB 3 resolution;
- 3) Develop a more stringent set of City Planning Commission findings as a requirement of the proposed hotel Special Permit.
- 4) Landmark Preservation Commission should be urged to work with CB 3 to develop another historic district in the East Village and to identify potential individual Landmarks in order to preserve historic properties in the area.

Please contact the Community Board office with any questions.

Sincerely,



Alysha Lewis-Coleman, Chair
Manhattan Community Board 3



Jacky Wong, Chair
Land Use Zoning, Public & Private Housing

MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109
New York, NY 10123-2199
212.465.0907 f-212.465.1628

Wally Rubin, District Manager

December 11, 2019

Marisa Lago
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Edith Hsu-Chen
Director of the Manhattan Office
Department of City Planning
120 Broadway
New York, NY 10007

Re: Union Square South Hotel Special Permit

Chair Lago and Director Hsu-Chen:

Manhattan Community Board Five (“CB5”) has reviewed the Land Use Review Application dated October 24, 2019 for a proposed zoning map amendment and a proposed zoning text amendment for the Union Square South Hotel Special Permit project (the “Project”).

The Project area includes property predominantly within Manhattan Community Boards Two and Three. The Project area contains only three lots in CB5. Community Boards Two and Three have already expressed opposition to the Project. While CB5 has its own reservations and concerns about the Project, rather than expressing our independent opinion, CB5 shall instead take a position supporting the conclusions of Community Boards Two and Three.

Sincerely,



Vikki Barbero
Chair
Committee



Layla Law-Gisiko
Acting Chair, Land Use, Housing and Zoning

Cc: Council Member Rivera
Borough President Brewer
Kenneth J. Knuckles, Esq., Vice Chair
David J. Burney
Allen P. Cappelli
Alfred C. Cerullo, III
Michelle de la Uz
Joseph Douek
Richard W. Eaddy
Hope Knight
Anna Hayes Levin
Orlando Marín
Larisa Ortiz
Raj Rampershad

Borough President Recommendation

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Fax # (212) 720-3488

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Applications: C 200102 ZMM and N 200107 ZRM– Union Square South Hotel Special Permit

Docket Description:

IN THE MATTER OF an application submitted by the New York City Department of City Planning (DCP) pursuant Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12c by:

Establishing a Special Union Square District bounded by a line midway between East 14th Street and East 15th Street, a line 100 feet westerly of Union Square West, a line 100 feet westerly of University Place, a line midway between East 13th Street and East 14th Street, a line 475 feet westerly of Third Avenue, East 13th Street, a line 325 feet westerly of Third Avenue, a line midway between East 13th Street and East 14th Street, a line 100 feet westerly of Third Avenue, East 9th Street Fourth Avenue, East 10th Street, a line 100 feet westerly of Broadway, a line midway between East 10th Street and East 11th Street a line 100 feet easterly of University Place, a line midway between East 8th Street and East 9th Street, a line 100 feet westerly of University Place, a line midway between East 11th Street and East 12th Street, and a line 100 feet easterly of Fifth Avenue

Borough of Manhattan, Community Districts 2, 3, and 5

COMMUNITY BOARD NO: 2, 3, 5

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached.


BOROUGH PRESIDENT

1/21/20
DATE



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

January 21, 2020

**Recommendation on ULURP Application
C 200102 ZMM and N 200107 ZRM– Union Square South Hotel Special Permit
By New York City Department of City Planning**

PROPOSED ACTION

New York City Department of City Planning (DCP) seeks multiple land use actions to facilitate the extension of the existing Special Union Square District (SUSD) to include a new sub-district to the south of Union Square (Sub-district B, also referred to herein as the Project Area). The existing Union Square Special District would become Sub-district A. Within the proposed Sub-district B, new hotel development, conversions, or enlargements would require a City Planning Commission special permit. The purpose of this application is to ensure that future hotel development supports the varying contexts of the mixed-use neighborhood south of Union Square.

BACKGROUND

According to DCP, in 1961, the Project Area was mapped predominately as a C6-1 district, with a portion of University Place mapped as a C1-7 district.

In November 1984, the City Planning Commission approved the creation of the Special Union Square District (C 841005 ZMM). Prior to approval, land use surrounding Union Square was predominantly commercial, consisting of office buildings with ground floor retail. Residential uses were sparse, with only three residential buildings fronting on the Square. In response to these issues, DCP proposed creating the special district and increasing density to encourage the development of mixed residential and commercial buildings on underutilized or vacant lots. Specifically, while the zoning map amendment from a C6-1 to a C6-4 district increased the overall allowable Floor Area Ratio (FAR) to 10, a provision of the special district limited commercial FAR to 6 while maintaining residential FAR at 10. One of the goals of the creation of this special district was to encourage more residential use and promote the creation of new dwelling units.

In October 1995, a DCP-led zoning map amendment further sought to promote the area's residential character by approving a contextual rezoning along the East 14th Street corridor (C 950443 ZMM). From roughly Irving Place to Avenue B, the City enacted zoning changes that increased residential and community facility densities while maintaining the existing commercial densities. This rezoning increased the allowable residential FAR from 3.44 to 6 while

maintaining the community facility FAR at 6.5 and commercial FAR at 2. According to DCP, this rezoning sought to increase the area's residential capacity, thereby encouraging the transformation of underutilized lots into additional dwelling units that would balance housing affordability and further reinforce the area's retail context.

In September 2010, DCP proposed another zoning map amendment that encouraged the development of residential uses, located to the southeast of the park. From East 9th Street to East 13th Street between Third and Fourth Avenues, the CPC approved a zoning map amendment from a CG-1 to a C6-2A, extending the zoning district that was mapped in October 1995 (C 100420 ZMM). Along with this rezoning, the CPC approved a text amendment to include the Inclusionary Housing program in the rezoning (N 100419 ZRM). These actions were meant to increase residential capacity of the neighborhood by combining an increase in the allowable residential FAR from 3.44 to 6, and maintenance of the allowable density for other uses with an incentive that allowed for an additional increase in residential FAR to 7.2 if the development provided affordable housing. In keeping the commercial designation of the area, the rezoning allowed for the continued development of the area as a mixed-use district but placed more emphasis on promoting residential uses.

According to DCP, the area has also been subject to the following land use actions: 21 East 12th Street Parking Garage (C 180069 ZSM); 3rd Avenue Corridor Rezoning and Text Amendment (C 100420 ZMM); East Village/Lower East Side Rezoning (C 080397(A) ZMM); Cooper Union General Large-Scale Development and Rezoning (020499(A) ZSM); 52-82 East 14th Street (N 970152 ZCM); East 14th Street Rezoning (C 950443 ZMM); and more recently, in 2018, an application for a new technology-focused office and retail space which would also provide free and low-cost technology training to New Yorkers (Tech Hub) was approved adjacent to the Project Area (C 180203 ZSM).

Site Description

The Project Area is approximately 25 square blocks generally bound by East 14th Street on the north, Third Avenue to the east, East 9th Street to the south, and Fifth Avenue to the west. The Project Area is located within Manhattan Community Districts 2, 3, and 5. The existing SUSD is characterized as high-rise residential and commercial buildings ranging between 17 and 26 stories. The Project Area is more varied in its building stock, with buildings ranging between 1 and 26 stories, with mostly one and two-family walkups and mid-rise multifamily elevator buildings on the mid-blocks.

Area Context

The area is well-served by mass transit, including subway and bus routes. The 14 Street-Union Square subway hub is an ADA-accessible station located at the north edge of the Project Area and is served by the L, N, Q, R, W, 4, 5, and 6 subway lines. The Astor Place subway station is located to the south of the Project Area and is served by the 6 line. The nearby 8th Street subway station is served by the R and W lines. The Project Area also is served by the M1, M2, M3, and M8 bus lines and is in close proximity to the M14A SBS, M14D SBS, and M55 bus lines.

Proposed Actions

DCP is proposing a zoning map amendment to extend the SUSD, creating Sub-district A, which would comprise the boundaries of the existing special district and Sub-district B, which would consist of the extended area south of Union Square. Within Sub-district B, DCP is also proposing a zoning text amendment to establish a special permit for new hotel development. Any future hotel development within the Project Area would be subject to a special permit requiring a Uniform Land Use Review Procedure (ULURP) in which the community, the City Planning Commission, and elected officials would assess the appropriateness of such development based on the criteria that they do not impair the essential character, future development or utilization of neighborhood.

The use and bulk of sites within Sub-district B would continue to be governed by the underlying zoning districts, which would remain unchanged. The existing zoning regulations of the special district would continue to apply to Sub-district A, following adoption of the zoning map and zoning text amendment. There would be no changes to the existing zoning regulations in Sub-district A.

COMMUNITY BOARD RECOMMENDATIONS

Community Board 2, in a resolution dated November 21, 2019, recommended denial of the ULURP application unless the City implements changes that would protect the low-to-mid-rise scale and residential character of the area and implement protections for buildings that have been identified as having architectural and historic significance. Their resolution passed unanimously with 39 members voting.

Community Board 3, in a resolution dated November 26, 2019, voted to disapprove the ULURP application unless: the EAS is revised to include 88 East 10th Street and accounts for all designated sites on the State and National Register of Historic Places within the proposed Special District area, downzone Third and Fourth Avenues between 9th Street and 14th Street; specify that the Landmark Preservation Commission work with CB3 to identify potential individual landmarks to preserve historic properties; and specify that DCP develop a more stringent set of City Planning Commission findings as a requirement of the proposed special permit for hotel development. Their resolution passed, with 37 members voting “yes” and 1 “no” vote.

Community Board 5, in a letter dated December 11, 2019, acknowledges that as the proposed zoning changes only impacts three lots within their district, they defer to Community Boards 2 and 3 and support their positions.

BOROUGH PRESIDENT’S COMMENTS

The Special Union Square District was designated in 1984 to promote a revitalized mixed-use area around Union Square Park by providing ground floor retail space and improved access, visibility and security at the park. DCP proposed creating the special district and increasing density to encourage the development of mixed residential and commercial buildings on underutilized or vacant lots. Development has occurred since the SUSD was created and there are very few underutilized or vacant lots left. A significant portion of the buildings within the existing special district are characterized as high-rise residential and commercial buildings ranging between 17 and 26 stories. Within the existing SUSD, there appear to be only two residential buildings that contain rent-stabilized units. While the goals of the Special District appear to have been achieved, it did not result in significant amounts of rent regulated housing stock.

The buildings that would be included in this extension, of which many are low- and mid-rise residential buildings, do not share characteristics with those in the existing district. Several of them have been identified by local historic preservation groups to have historic significance to the area. There appear to be over 30 buildings within the Project Area that contain rent-stabilized units¹.

There was strong community outcry when the Moxy Hotel, located on 11th Street between Third and Fourth Avenues, was developed, as several tenements with rent regulated units were lost as a result of this development. While this is an example of hotel development resulting in displacement, it is not the only way in which rent stabilized units have been lost in in this area or city-wide. Other pressures include large scale office development as well as luxury and market-rate housing development which provides limited benefit to the community and threatens existing rent regulated housing stock.

There are presently 1,467 hotel rooms within a ¼ mile radius of the existing SUSD and Project Area. This may or may not sufficiently serve the area as it does not seem that any market study was performed by DCP to indicate that there is an anticipated hotel development boom targeted for this area that would warrant this land use action. Restricting hotels is only a partial solution. We cannot determine that it would be a useful strategy, as the findings required for the special permit are vague. We do not understand how effective it would be to evaluate whether or not a hotel may impair the essential character, future development or utilization of the neighborhood, when there is very little effort being made to protect the essential character of that neighborhood.

We have received hundreds of emails from concerned residents who feel this extension of the Special Union Square District will encourage expansion of commercial development to an area of Greenwich Village and East Village that is still largely residential. Our feeling that it does not provide any protection to the existing residential stock, of which a significant amount is rent regulated. While hotel development would be restricted, other commercial development would not be subject to additional regulation. DCP’s own environmental analysis concludes that office

¹ <https://beta.nyc/products/tenants-map/>

buildings in lieu of hotels would likely result on sites they have identified as underbuilt if this land use action is approved.

We need a stronger approach to achieve the goals of preserving the essential character of these neighborhoods, protecting historic sites, and allowing for contextually appropriate commercial development. This requires a more holistic approach that does not only restrict potential hotel development. DCP should work with the community to develop a more comprehensive plan to address its needs.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, the Manhattan Borough President recommends disapproval of ULURP Application Nos. C 200107 ZMM and N 200107 ZRM unless:

1. More stringent findings are required of the proposed special permit;
2. Additional zoning measures are taken to address the community’s concerns about increasing commercial development pressures; and
3. Landmarks Preservation Commission works with the community to identify potential individual landmarks and properties of historic significance in order to preserve them

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style.

Gale A. Brewer
Manhattan Borough President