



March 16, 2020/ Supplemental Calendar No. 2

N 200107 ZRM

IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XI, Chapter 8 (Special Union Square District).

The applicant, the New York City Department of City Planning (DCP), filed an application (N 200107 ZRM) for a zoning text amendment on October 28, 2019. The zoning text amendment, along with the related action (C 200102 ZMM), 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 text amendment that is the subject of this report (N 200107 ZRM), the following action is also being sought concurrently with this application:

C 200102 ZMM Zoning map amendment to extend the SUSD to 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.

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

A full background discussion and description of this application appear in the report for the related zoning map amendment (C 200102 ZMM).

ENVIRONMENTAL REVIEW

This application (N 200107 ZRM), in conjunction with the application for the related action (C 200102 ZMM), 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.

A summary of the environmental review appears in the report for the related zoning map amendment action (C 200102 ZMM).

PUBLIC REVIEW

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

Community Board Public Hearing

Community Board 2 held a public hearing on this application (N 200107 ZRM) 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.

Community Board 3 held a public hearing on this application (N 200107 ZRM) 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.

Community Board 5 held a public hearing on this application (N 200107 ZRM) 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, appear in the report for the related zoning map amendment (C 200102 ZMM).

Borough President Recommendation

The Manhattan Borough President considered this application (N 200107 ZRM), and on January 21, 2020, issued a recommendation disapproving the application with conditions.

The full recommendation appears in the report for the related zoning map amendment (C 200102 ZMM).

City Planning Commission Public Hearing

On January 8, 2020 (Calendar No. 6), the City Planning Commission scheduled January 22, 2020 for a public hearing on this application (N 200107 ZRM). The hearing was duly held on January 22, 2020 (Calendar No. 27), in conjunction with the public hearing on the related action.

There were numerous speakers, as described in the report for the related zoning map amendment action (C 200102 ZMM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 200107 ZRM), in conjunction with the related action, is appropriate.

A full consideration and analysis of the issues and reasons for approving this application appears in the report for the related special permit action (C 200102 ZMM).

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 as follows:

Matter underlined is new, to be added;

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

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

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

ARTICLE XI – SPECIAL PURPOSE DISTRICTS

Chapter 8 – Special Union Square District

* * *

118-02 Incorporation of Appendix A

The ~~District Plan of the #Special Union Square District#~~ and Subdistricts ~~is~~ are set forth in Appendix A of this Chapter and ~~is~~ are incorporated as an integral part of the provisions of this Chapter.

118-03 **Subdistricts**

In order to carry out the purposes and provisions of this Chapter, Subdistrict A and Subdistrict B are established within the #Special Union Square District#.

In each of these Subdistricts certain special regulations apply which do not apply in the remainder of the #Special Union Square District#. The Subdistricts are specified on Map 1 (Special Union Square District and Subdistricts) in Appendix A of this Chapter.

118-10 **USE REGULATIONS**

In Subdistricts A and B, as shown on Map 1 in Appendix A of this Chapter, the underlying #use# regulations are modified by the provisions of this Section, inclusive.

118-11 **Ground Floor Uses**

In Subdistrict A, as shown on Map 1 in Appendix A of this Chapter, #uses# #Uses# within #stories# that have a floor level within five feet of #curb level# along 14th Street shall be limited to the #uses# listed in this Section, except that entrances to above-grade or below-grade #uses# are permitted, subject to the regulations set forth in Section 118-41 (Entrances on 14th Street).

* * *

118-12 **Sign Regulations Transient Hotels**

[Note: sign regulations moved to Section 118-13]

In Subdistrict B, as shown on Map 1 in Appendix A of this Chapter, the #development# of a #transient hotel#; a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of [date of adoption], did not contain such #use#; or an #enlargement# or #extension# of a #transient hotel# that existed prior to [date of adoption], that increases the #floor area# of such #use# by 20 percent or more, shall be permitted only by special permit of the City Planning Commission pursuant to the provisions of this Section.

In order to permit such a #transient hotel#, the Commission shall find that such #transient hotel# is so located as not to impair the essential character of, or the future use or development of, the surrounding area.

Any #transient hotel# existing prior to [date of adoption], within Subdistrict B shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section, and subject to the applicable district #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, or the active operation of substantially all the #uses# in the #building or other structure# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use#, or may be #used# for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of this Section. In addition, in the event a casualty damages or destroys a #transient hotel# within Subdistrict B that was in such #use# as of [date of adoption], such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying building# may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

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

118-13 **Sign Regulations**

[Note: sign regulations moved from Section 118-12]

In Subdistrict A, as shown on Map 1 in Appendix A of this Chapter, the following shall apply:

- (a) ~~On~~ on #street walls# fronting on 14th Street, no #sign# may be located more than 25 feet above #curb level#;
- (b) #Signs# #signs# on #street walls# fronting on all other #streets# within the ~~Special District~~ Subdistrict shall be subject to the provisions of paragraph (e) of Section 32-435 (Ground floor use in high density Commercial Districts); and
- (c) #Flashing #flashing signs# are not permitted within the ~~Special District~~ Subdistrict.

118-20 **BULK REGULATIONS**

In Subdistrict A, as shown on Map 1 in Appendix A of this Chapter, the underlying #floor area# and density regulations are modified by the provisions of this Section, inclusive. In Subdistrict B, as shown on Map 1, the underlying #floor area# and density regulations shall apply.

* * *

118-30

STREET WALL, HEIGHT AND SETBACK REGULATIONS

In Subdistrict A, as shown on Map 1 in Appendix A of this Chapter, the provisions of this Section, inclusive, shall apply. In Subdistrict B, as shown on Map 1, the underlying height and setback provisions shall apply.

The location and height above #curb level# of the #street wall# of any #development# or #enlargement# shall be as shown ~~in the District Plan (on Map 2 in Appendix A of this Chapter).~~ However, if a #development# or #enlargement# is adjacent to one or more existing #buildings# fronting on the same #street line#, the #street wall# of such #development# or #enlargement# shall be located neither closer to nor further from the #street line# than the front wall of the adjacent #building# which is closest to the same #street line#.

* * *

118-40

ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS

In Subdistrict A, as shown on Map 1 in Appendix A of this Chapter, all ~~All~~ #buildings developed# or portions of #buildings enlarged# after January 10, 1985, that front on 14th Street, Union Square East, Union Square West or 17th Street shall be subject to the requirements set forth ~~below~~ in this Section, inclusive.

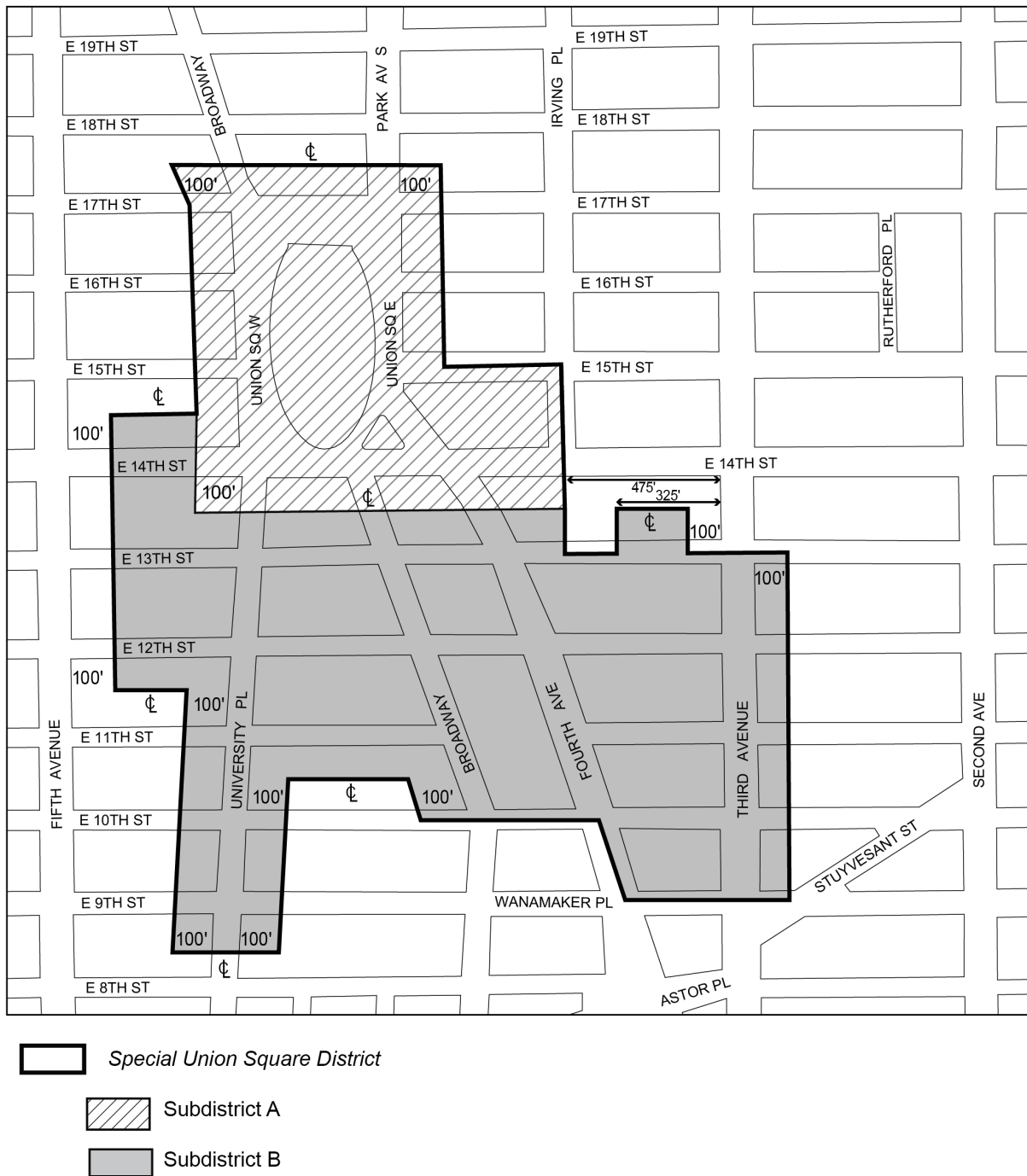
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Appendix A

~~UNION SQUARE DISTRICT PLAN~~

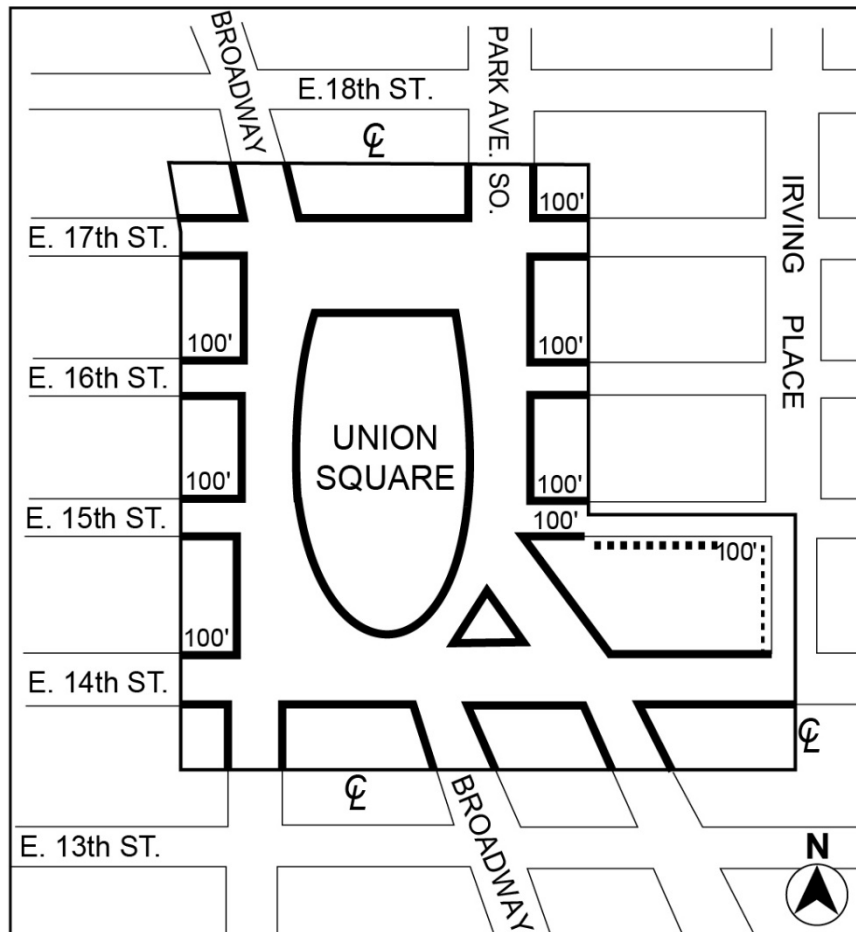
Map 1 – Special Union Square District and Subdistricts [date of adoption]

[PROPOSED MAP]



Map 2 - Location and Height Above Curb Level of Street Walls for any Development or Enlargement Within Subdistrict A [date of adoption]

~~#Street walls# shall be coincident with #street lines#.~~



——— *Special Union Square District, Subdistrict A*

————— *Mandatory Street Walls 85'-125' above curb level*

- - - - - *Permitted Street Walls 125' above curb level*

..... *Permitted Street Walls 85' above curb level*

Street Walls shall be coincident with street lines

* * *

The above resolution (N 200107 ZRM), in conjunction with the related action (C 200102 ZMM), duly adopted by the City Planning Commission on March 16, 2020 (Supplemental Calendar No. 2), 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