



**IN THE MATTER OF** an application submitted by LM East 94 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

This application for a zoning text amendment was filed by LM East 94 LLC on February 16, 2023. This application, in conjunction with the related zoning map amendment (C 230241 ZMM), would facilitate the development of a mixed-use development with a Mandatory Inclusionary Housing (MIH) requirement, located at 205-239 East 94<sup>th</sup> Street (Block 1540, Lots 13, 14, and 18), in the Yorkville neighborhood of Manhattan Community District 8.

## RELATED ACTIONS

In addition to the application for a zoning text amendment that is the subject of this report ((N 230242 ZRM), the proposed project also requires action by the City Planning Commission (CPC) on the following action, which is being considered concurrently with this application:

<b>C 230241 ZMM</b>	Zoning map amendment to change an M1-4 zoning district to C4-6 and C2-8 zoning districts.
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## BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 230241 ZMM).

## ENVIRONMENTAL REVIEW

This application (N 230242 ZRM), in conjunction with the related zoning map amendment (C 230241 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 (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the City Planning Commission. The designated CEQR number is 22DCP186M.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on October 13, 2023. A full description of the environmental review is included in the report for the related zoning map amendment (C 230241 ZMM).

#### **WATERFRONT REVITALIZATION PROGRAM**

This application (N 230242 ZRM), in conjunction with the related application for a zoning map amendment (C 230241 ZMM), was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 et seq.). The designated WRP number is 22-082.

#### **UNIFORM LAND USE REVIEW**

This application (N 230242 ZRM), was referred to Manhattan Community Board 8 and the Manhattan Borough President on October 16, 2023, in accordance with the procedures for non-ULURP matters, in conjunction with the application for the related action (C 230241 ZMM), which was certified as complete by the Department of City Planning, and was duly referred in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

#### **Community Board Review**

Manhattan Community Board 8 held a public hearing on this application (N 230242 ZRM) along with the related application for a zoning map amendment (C 230241 ZMM) on November 8,

2023, and, on that date, by a vote of 32 in favor, four opposed, and three abstaining adopted a resolution recommending approval of the application with conditions. A summary of the recommendation appears in the report for the related action (C 230241 ZMM).

### **Borough President Recommendation**

The Manhattan Borough President held a public hearing on this application (N 230242 ZRM) along with the related application for a zoning map amendment (C 230241 ZMM) on November 20, 2023, and issued a recommendation to approve the application with conditions. A summary of the recommendation appears in the report for the related action (C 230241 ZMM).

### **City Planning Commission Public Hearing**

On December 13, 2023, (Calendar No. 6), the City Planning Commission scheduled January 3, 2024, for a public hearing on this application (N 230242 ZRM)) and the related action (C 230241 ZMM). The hearing was duly held on January 3, 2023 (Calendar No. 22).

There were a number of speakers, as described in the report for the related action (C 230241 ZMM), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a zoning text amendment (N 230242 ZRM), in conjunction with the application for the related zoning map amendment (C 230241 ZMM), is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related action (C 230241 ZMM).

### **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement, for which Negative Declaration was issued on October 13, 2023, with respect to this application (CEQR No. 22DCP186M), the City Planning Commission finds that the actions described herein will have no significant impact on the environment; and be it further

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 201 of the New York City Charter, that based on the environmental determination and consideration described in the related report C 230241 ZMM), 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.

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## **APPENDIX F**

### **Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

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#### **MANHATTAN**

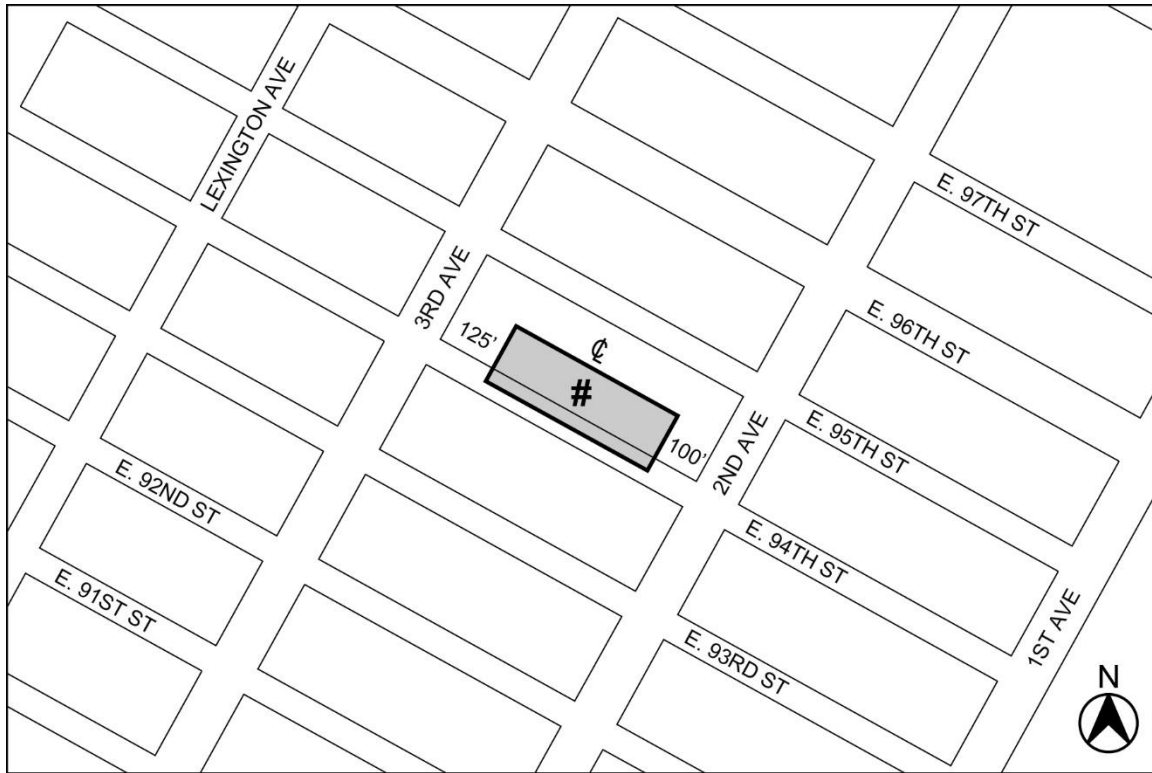
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#### **Manhattan Community District 8**

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Map 2 [date of adoption]

[PROPOSED MAP]



 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*  
Area # — [date of adoption] MIH Program Option 1

Portion of Community District 8, Manhattan

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The above resolution (N 230242 ZRM), duly adopted by the City Planning Commission on February 7, 2024 (Calendar No. 23), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**DANIEL R. GARODNICK, Esq.,** *Chair,*  
**KENNETH J. KNUCKLES, Esq.,** *Vice Chairman*  
**ALFRED C. CERULLO, III, ANTHONY CROWELL, Esq.,**  
**JOSEPH I. DOUEK, DAVID GOLD, Esq.,**  
**RASMIA KIRMANI-FRYE, RAJ RAMPERSHAD,** *Commissioners*

**GAIL BENJAMIN, ORLANDO MARÍN,**  
**JUAN CAMILO OSORIO,** *Commissioners, VOTING NO*