



**IN THE MATTER OF** an application submitted by Fourteenth at Irving, LLC and New York City Economic Development Corporation, 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 VII, Chapter 4 (Special Permits by the City Planning Commission) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 3.

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This application for an amendment to the Zoning Resolution was filed by Fourteenth at Irving, LLC and the NYC Economic Development Corporation (EDC) on January 3, 2018. The applicant proposes to alter the eligibility restrictions for bulk modifications when the Commission grants a special permit pursuant to ZR Section 74-721 and to designate a Mandatory Inclusionary Housing (MIH) area. The application, along with related actions, would facilitate the redevelopment of City-owned property with a 21-story, 209,246-square-foot technology-focused office and retail commercial building in the Union Square neighborhood of Community District 3 in Manhattan.

### **RELATED ACTIONS**

In addition to the zoning text amendment (N 180202 ZRM) that is the subject of this report, implementation of the proposed development also requires actions by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- |                     |  |
|---------------------|--|
| <b>C 180203 ZSM</b> | Special permit to modify the rear yard and height and setback requirements.                  |
| <b>C 180201 ZMM</b> | Zoning map amendment to change existing C6-2A, C6-3X, and C6-1 districts to a C6-4 district. |

### **BACKGROUND**

A full background discussion and description of this application appears in the report for the related special permit (C 180203 ZSM).

### **ENVIRONMENTAL REVIEW**

This application (N 180202 ZRM), in conjunction with the application for the related actions (N C 180201 ZMM and C 180203 ZSM), 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 designated CEQR number is 17DME002M. The lead agency is Office of the Deputy Mayor for Housing and Economic Development.

A summary of the environmental review appears in the report for the related special permit (C 180203 ZSM).

### **PUBLIC REVIEW**

This application (N 180202 ZRM) was duly referred to Manhattan Community Board 3 and the Manhattan Borough President on January 29, 2018 in accordance with the procedures for non-ULURP matters, along with the applications for the related actions (C 180201 ZMM and C 180203 ZSM), which were certified as complete by the Department of City Planning on January 29, 2018, 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**

Manhattan Community Board 3 held a public hearing on this application (N 180202 ZRM) on February 7, 2018, and on February 27, 2018, by a vote of 36 in favor, none opposed, and no abstentions, adopted a resolution recommending approval of the application with conditions. A summary of the vote and recommendation of CB 3 appears in the report for the related special permit (C 180203 ZSM).

### **Borough President Recommendation**

This application (N 180202 ZRM) was considered by the Manhattan Borough President, who issued a recommendation on May 3, 2018 to approve the application with conditions. A summary of the recommendation of Manhattan Borough President appears in the report for the related special permit (C 180203 ZSM).

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

On April 23, 2018 (Calendar No. 10), the City Planning Commission scheduled May 9, 2018, for a public hearing on this application (N 180202 ZRM). The hearing was duly held on May 9, 2018 (Calendar No. 32) in conjunction with the public hearing on the applications for related actions. There were 16 speakers in favor of the application and 18 speakers in opposition, as described in the report for the related special permit (C 180203 ZSM), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the grant of a zoning text amendment (N 180202 ZRM), in conjunction with the related applications for a zoning map amendment (C 180201 ZMM) and special permit (C 180203 ZSM), is appropriate. A full consideration and analysis of issues and the reasons for approving this application appear in the related report for the special permit (C 180203 ZSM).

### **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 Section 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 VII – ADMINISTRATION

### Chapter 4 – Special Permits by the City Planning Commission

\* \* \*

#### 74-72

##### Bulk Modification

#### 74-721

##### Height and setback and yard regulations

- (a) In C4-7, C5-2, C5-3, C5-4, C6-1A, C6-4, C6-5, C6-6, C6-7 or M1-6 Districts, the City Planning Commission may permit modification of the height and setback regulations, including tower coverage controls, for #developments# or #enlargements# located on a #zoning lot# having a minimum #lot area# of 40,000 square feet or occupying an entire #block#.

In C5-3, C6-6 and C6-7 Districts on such #zoning lots#, and in C6-4 Districts as set forth in paragraph (e) of this Section, the Commission also may modify #yard# and court regulations, and regulations governing the minimum required distance between #buildings# and/or the minimum required distance between #legally required windows# and walls or #lot lines#, provided that the Commission finds that such modifications:

- (1) provide a better distribution of #bulk# on the #zoning lot#;
- (2) result in a better relationship of the #building# to open areas, adjacent #streets# and surrounding development; and
- (3) provide adequate light and air for #buildings# on the #zoning lot# and neither impair access to light and air to #legally required windows# in adjacent #buildings# nor adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties.

As a condition of this special permit, if any open area extending along a #side lot line# is provided at any level, such open area shall be at least eight feet in width.

\* \* \*

- (e) The City Planning Commission may also permit modification of all #bulk# regulations as set forth in paragraph (a) of this Section on #zoning lots# with a minimum #lot area# of 30,000 square feet, where such #zoning lot# is located in a C6-4 District in Manhattan Community District 3, has frontage on a #wide street# and existed on [date of amendment].

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**APPENDIX F**  
**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**MANHATTAN**

\* \* \*


**Manhattan Community District 3**

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Map 2 – (date of adoption)



 Inclusionary Housing Designated Area

 Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))

Area 1 - mm/dd/yy, MIH Program Option 1 and Option 2

Portion of Community District 3, Borough of Manhattan

\* \* \*

The above resolution (N 180202 ZRM), duly adopted by the City Planning Commission on June 27, 2018 (Calendar No. 13), 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 Chair*

**ALLEN CAPPELLI, ALFRED CERULLO, III,**

**MICHELLE DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY,**

**CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,**

**ORLANDO MARIN**, *Commissioners*