

CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
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www.nyc.gov/mcb4

BURT LAZARIN
Chair

JESSE R. BODINE
District Manager

July 2, 2018

Marisa Lago, Chair
New York City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

Re: N 180349 ZRY - Proposed M1 Hotel Text Amendment

Dear Chair Lago:

On the recommendations of its Chelsea and Clinton/Hell's Kitchen Land Use Committees, Manhattan Community Board 4 (CB4), at its regularly scheduled meeting on June 6, 2018, voted, by a vote of 36 in favor, 0 opposed, 0 abstaining and 0 present but not eligible to vote, to recommend approval, with suggested modifications, of an application for an amendment to the Zoning Resolution establishing a Special Permit requirement for hotel development in M1 districts.

Background

New York City's tourism industry is thriving, with the number of visitors increasing by 50% to 63 million annually over the last dozen years. The hotel industry has responded by building new hotels. Currently, there are 600 hotels in the City with 116,000 rooms, with another 24,000 rooms under construction. This wave of hotel construction is putting pressure on the City's M1 districts: whereas 13% of existing hotel rooms are in M1 districts, 30% of the hotel rooms under construction are in M1 Districts.

The proposed text amendment would establish a Special Permit requirement, allowing communities in which the hotels are proposed, along with the City, to have a role in determining whether a proposed hotel development is appropriate to the area. The proposed Special Permit would apply to the development of a new transient hotel, the change of use or conversion to a transient hotel, and the enlargement or extension of an existing transient hotel by 20 percent or more of its existing floor area. The Special Permit would not be required for transient hotels operated by or for the City or State for a public purpose. Additionally, the Special Permit requirement will not apply in certain geographical areas, certain mixed-use districts, or in certain special purpose districts.

The proposed findings for siting a transient hotel in an M1 district focus on incorporating elements in the site plan to address potential conflicts with adjacent uses; vehicular and pedestrian congestion; and preserving the essential character and future use or development of the surrounding area. The City Planning Commission (CPC) may prescribe additional conditions and safeguards.

Analysis and Recommendations

CB4 applauds the efforts of the Department of City Planning (DCP) and believes that the proposed special permit is far better than the current situation where hotels in M1 districts are permitted as-of-right unless there are special restrictions in place. The Board is acutely aware that M1 districts permit use is not allowed elsewhere. The Board actively sought to protect its West Chelsea M1 districts during the 2005 West Chelsea rezoning in order to give existing businesses the chance to remain in place and to give future businesses a place to locate.

The concentration of transient hotels in a small area is an additional, significant concern. The approximately five blocks comprising Subarea P2 of the Special Garment Center District and Subareas D5 and E of the adjacent Special Hudson Yards District provide a cautionary example. In 2009 there were no hotel rooms in these areas. There now are 4,296 hotel rooms with an additional 2,306 rooms under construction or permitted by the Department of Buildings. The rapid development of hotels in this area has led to the loss of historic neighborhood character.

The proposed text amendment and the Special Permit requirement would complement and extend these efforts, but we believe they can be further clarified to ensure complete review. The Board is particularly concerned about the following issues:

- Hotel function with trash and linen service
- Adequate adjacent parking
- Adjacency to residential districts

The following requested amendments to the proposed Special Permit findings are intended to determine whether a project incorporates elements addressing potential conflicts with adjacent or nearby uses¹:

a) Impact on Surrounding Uses

DCP Proposed Finding: the site plan incorporates elements that are necessary to address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building#, the #building's# orientation and landscaping;

CB4 Requested Amendment: the site plan incorporates elements that are necessary to address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building#, the #building's# orientation and landscaping, and storage space for trash and for linens;

¹ See Appendix A: M1 Hotel Land Use Application, dated April 25, 2018.

b) Impact on Vehicular and Pedestrian Congestion

DCP Proposed Finding: such #use# will not cause undue vehicular or pedestrian congestion on local #streets; and

CB4 Requested Amendment: such #use# will not cause undue vehicular or pedestrian congestion on local #streets; ~~and~~ or reduction in the availability of nearby parking; and

c) Impact on Neighborhood Character

DCP Proposed Finding: such #use# will not impair the essential character or future use or development of the surrounding area.

CB4 Requested Amendment: such #use# will not impair the essential character or future use or development of the surrounding area and in areas where M1 districts are adjacent to #residential# districts, such #use# shall be compatible with adjacent #residential# districts.

In addition to determining whether a proposed project successfully mitigates potential conflicts, the Board believes that it is important to address whether a proposed transient hotel is fundamentally compatible with existing neighboring uses and areas. The Board requests that the question of undesirable concentration of hotels be incorporated as an additional required finding:

d) Concentration of Hotels

such #use# shall not cause undue concentration of such #uses# within a 500 foot radius of the proposed location.

Public Purpose Hotels

CB4 strongly supports public purpose hotels. However, after continued internal discussion we do not believe they should be excluded from the Special Permit requirement because we are concerned that the proposed exclusion may be used as a vehicle for for-profit transient hotels to site in M1 zones. Although the conversion of a public service hotel to a transient hotel will require a Special Permit, the Board believes it is likely that the default conclusion will be that a building that operates as a public service hotel is fundamentally unsuited for any use but a hotel, thus minimizing the compatibility hurdle.

Conclusion

CB4 supports the proposed text amendment with further text amendments to the findings. We are grateful to DCP for their work on this issue.

Sincerely,



Burt Lazarin
Chair
Manhattan Community Board 4



Jean-Daniel Noland
Chair
Clinton/Hell's Kitchen Land Use Committee



John Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee

Enclosure

cc: Hon. Gale A. Brewer
Hon. Corey Johnson, City Council

APPENDIX A



ZONING DIVISION

Marisa Lago, *Director*
Department of City Planning

April 25, 2018

Re: N 180349 ZRY - Proposed M1 Hotel Text Amendment

Dear New Yorker:

On April 23, 2018, the Department of City Planning referred out the M1 Hotel text amendment (N 180349 ZRY), beginning the public review process. The proposed zoning text amendment would introduce a Special Permit under the jurisdiction of the City Planning Commission for new hotels, motels, tourist cabins, and boatels in Light Manufacturing (M1) districts citywide, in order to ensure balanced mix of uses in neighborhoods as well as sufficient opportunities for the future siting of permitted uses on the site.

Please refer to the attached application for a more detailed description of the proposed amendment. Additional information on the proposal, as well as digital copies of the proposed zoning text are available on the Department of City Planning's website.

The application for the zoning text amendment (N 180349 ZRY) is subject to your review. If you have any comments or recommendations on this application, please send them by July 2, 2018 to:

City Planning Commission
Calendar Information Office
120 Broadway, 31st floor
New York, N.Y. 10271

Sincerely,

Beth Lebowitz

Beth Lebowitz, *Director, Zoning Division*
Frank Ruchala Jr., *Deputy Director, Zoning Division*
Nicole Vargas, *Zoning Information Desk Administrator*
120 Broadway – 31st Floor, New York, N.Y. 10271-0001
Tel (212) 720-3325 - Fax (212) 720-3244

ENCLOSURE

C: Ryan Singer, DCP
James Merani, DCP
Borough Presidents of Manhattan, Bronx, Brooklyn, Queens, and Staten Island
Borough Boards of Manhattan, Bronx, Brooklyn, Queens, and Staten Island
All Manhattan Community Boards
All Bronx Community Boards
All Queens Community Boards
All Staten Island Community Boards
Department of Buildings
City Council, Land Use Division

Beth Lebowitz, *Director, Zoning Division*
Frank Ruchala Jr., *Deputy Director, Zoning Division*
Nicole Vargas, *Zoning Information Desk Administrator*
120 Broadway – 31st Floor, New York, N.Y. 10271-0001
Tel (212) 720-3325 - Fax (212) 720-3244



Land Use Review Application

Department of City Planning

120 Broadway, 31st Floor, New York, NY 10271

City Planning will assign and stamp reference numbers here

1. APPLICANT AND APPLICANT'S REPRESENTATIVES

APPLICATION NUMBER

APPLICATION NUMBER

APPLICATION NUMBER

APPLICATION NUMBER

NYC Department of City Planning

B e t h L e b o w i t z

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) *
120 Broadway, 31st Floor

APPLICANT'S PRIMARY REPRESENTATIVE

NYC Department of City Planning, Zoning Division

STREET ADDRESS

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

New York N Y 1 0 2 7 1

120 Broadway, 31st Floor

CITY STATE ZIP

STREET ADDRESS

New York N Y 10271

AREA CODE TELEPHONE # FAX#

212 - 720 - 3263

AREA CODE TELEPHONE # FAX#

* List additional applicants below:

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)
ADDITIONAL APPLICANT REPRESENTATIVE:

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.) TELEPHONE # FAX #

2. SITE DATA

(If the site contains more than one property complete the "LR Item 2. Site Data Attachment Sheet.")

See Attachment Sheet

STREET ADDRESS

PROJECT NAME (IF ANY)

Light Manufacturing (M1) Districts, Citywide

DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY) ZONING SECTIONAL MAP NO(S).

TAX BLOCK AND LOT NUMBER BOROUGH COMM. DIST.

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO YES IF YES, IDENTIFY

3. DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

4. ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

* No supplemental form required

- CHANGE IN CITY MAP.....MM \$ _____
- ZONING MAP AMENDMENT.....ZM \$ _____
- ZONING TEXT AMENDMENT..... ZR \$ _____
- ZONING SPECIAL PERMIT.....ZS \$ _____
- ZONING AUTHORIZATION.....ZA \$ _____
- ZONING CERTIFICATION.....ZC \$ _____
- PUBLIC FACILITY, SEL./ACQ.....PF \$ _____
- DISPOSITION OF REAL PROP.....PP \$ _____
- URBAN DEVELOP* T ACTION.....HA \$ _____
- URBAN RENEWAL PROJECT.....* \$ _____
- HOUSING PLAN & PROJECT.....* \$ _____
- FRANCHISE.....* \$ _____
- REVOCABLE CONSENT.....* \$ _____
- CONCESSION.....* \$ _____
- LANDFILL.....* \$ _____
- OTHER (Describe) \$ _____

- MODIFICATION \$ _____
- FOLLOW-UP \$ _____
APPLICATION NO. _____
- RENEWAL \$ _____
APPLICATION NO. _____
- OTHER \$ _____
SPECIFY _____
- TOTAL FEE (For all actions) \$ _____**

Make Check or Money Order payable to Department of City Planning.

If fee exemption is claimed check box below and explain

D C P is the Applicant

Has pre-application meeting been held? NO YES

If yes

DCP Office/Representative

Date of meeting

5. ENVIRONMENTAL REVIEW

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (Discuss with CEQR lead agency before completing)
LEAD AGENCY NYC Department of City Planning CEQR NUMBER 18DCP042Y

TYPE OF CEQR ACTION:

TYPE II Type II category: _____ Date determination was made: _____

TYPE I } Has EAS been filed? Yes No

UNLISTED } If yes, Date EAS filed: September 25, 2017

Has CEQR determination been made? Yes No

If yes, what was determination? Negative Declaration } Date determination made: September 25, 2017 (Attach Copy)
CND
Positive Declaration

If Positive Declaration, has PDEIS been filed? Yes

Has Notice of Completion (NOC) for DEIS been issued? Yes If yes, attach copy.

If PDEIS has not been filed, has final scope been issued? Yes If yes, date issued: April 23, 2018

6. COASTAL ZONE MANAGEMENT

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No Yes

7. RELATED ACTIONS BY CITY PLANNING

LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:

APPLICATION NO. DESCRIPTION/ DISPOSITION/STATUS CAL. NO. DATE

8. RELATED ACTIONS BY OTHER AGENCIES

LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:

REFERENCE NO. DESCRIPTION/ DISPOSITION/STATUS CAL. NO. DATE

9. FUTURE ACTIONS REQUIRED

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

10. APPLICANT
(Attach authorizing resolution(s), if applicable)

Beth Lebowitz _____
NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF APPLICANT DATE
NYC Department of City Planning _____
APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

11. CO-APPLICANTS

(Attach authorizing resolution(s), if applicable)

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

ADMINISTRATIVE CODE

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE

THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.

City Map Change MM

Proposed City Map Change

(Check appropriate boxes)

APPLICATION NO

- 1. ESTABLISH NEW..... STREET PARK PUBLIC PLACE GRADE
- 2. ELIMINATE EXISTING..... STREET PARK PUBLIC PLACE GRADE
- 3. CHANGE EXISTING STREET..... WIDTH ALIGNMENT GRADE
- 4. EASEMENT
 Delineate New..... Remove Existing..... Modify Existing.....
- 5. RELATED ACQUISITION OR DISPOSITION OF PROPERTY

Zoning Map Change ZM

Proposed Zoning Map Change(s)

APPLICATION NO

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes")

CHANGE #1	FROM:	_____	TO:	_____
		EXISTING		PROPOSED
CHANGE #2	FROM:	_____	TO:	_____
		EXISTING		PROPOSED
CHANGE #3	FROM:	_____	TO:	_____
		EXISTING		PROPOSED
CHANGE #4	FROM:	_____	TO:	_____
		EXISTING		PROPOSED
CHANGE #5	FROM:	_____	TO:	_____
		EXISTING		PROPOSED

Zoning Text Amendment ZR

Affected Zoning Resolution (ZR) Sections

APPLICATION NO.

If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

ZR SECTION NUMBER	ZONING RESOLUTION SECTION TITLE
42-11	Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B
42-111	Special provisions for hotels in M1 Districts
42-32	By the City Planning Commission
74-803	Transient hotels within M1 Districts
Appendix K	Excluded Areas in M1 Districts

PROPOSED M1 HOTEL TEXT AMENDMENT

Area and Project Description

The New York City Department of City Planning (DCP) proposes a zoning text amendment to establish restrictions on new hotel developments within M1 (light manufacturing) districts citywide to ensure that sufficient opportunities to support industrial, commercial, and institutional growth remain and that hotels are built on appropriate sites. The proposed text amendment would apply to all M1 districts, excluding MX or paired M1/R districts, as well as M1 districts that include or are adjacent to airport property. In addition, M1 districts with existing hotel Special Permit provisions would be excluded.



Over the last several decades, New York City has grown as one of the most popular travel destinations. In 2017, New York City welcomed an estimated 62.8 million visitors, topping other cities such as Los Angeles, Las Vegas, or Orlando. Consequently, this increase in visitors has led to a substantial growth in the City’s hotel supply. Since 2010, the hotel room inventory increased by 42 percent, with over 33,900 new hotel rooms delivered through 220 new hotel properties.

While growth in tourism has been mostly positive for the City, with new jobs and support for large number of industries such as restaurants, theaters, and cultural

institutions, it has also resulted in a number of land use conflicts, particularly in M1 districts. For instance, in M1 districts that continue to retain strong industrial characteristics, hotels are in conflict with existing businesses that generate noise, truck traffic, loading, pollution and other nuisance. This not only results in unsafe conditions, but may harm the effectiveness of these surrounding businesses due to complaints from hotel guests. On the other hand, hotels usually do not present the same direct land use conflicts in M1 districts that are more mixed-use in character, but they can potentially detract from other uses that could better serve the neighborhood and orient more towards tourists’ needs than the ones of the community.

By introducing a new CPC Special Permit, DCP proposes a case-by-case, site-specific review process to ensure that hotel development occurs only on appropriate sites, based on reasonable considerations regarding the achievement of a balanced mix of uses and jobs in the area as well as opportunities for the future siting of a permitted use on the site. Furthermore, a CPC Special Permit would still allow for hotels to serve the needs of the tourism industry when appropriate.

Background

As New York City's population and employment numbers hit record highs, competition for scarce buildable land is growing. Light Manufacturing zoning districts (M1 zones) have emerged as areas of opportunity, presenting some of the City's last reservoirs of buildable land. But rules regulating land use and development in M1 districts have changed little since the City was comprehensively rezoned in 1961.

The City's *10-Point Industrial Action Plan*, announced by Mayor de Blasio in November 2015, aims to support industrial job growth in Industrial Business Zones (IBZs), the City's most active Manufacturing zones (NYC Office of the Mayor, 2015). Given that IBZs are the City's target areas for the realization of economic development goals, supporting a range of industrial and employment-generating business activities, the Plan's proposal included the creation of a new Special Permit for hotels, in order to preserve opportunities for industrial and manufacturing businesses in these areas. However, comprehensive planning efforts are equally necessary to determine whether other M zones outside of IBZs, particularly many M1 zones, may be better suited for expansion of commercial and institutional uses to meet the needs of a growing city. The Department of City Planning needs to ensure that sufficient opportunities to support industrial, commercial, and institutional growth remain and believes it would be beneficial to revisit the zoning framework for M1 districts.

In this context, the proliferation of hotels in M1 districts is seen as problematic. Hotels are currently permitted as-of-right in M1 districts and hotel development in these areas has accelerated significantly since 2010. Citywide, 13 percent of existing hotel rooms are in M1 districts, whereas 30 percent of hotel rooms in the pipeline are slated to be developed in M1 districts. Hotels may directly or indirectly detract from opportunities for other kinds of development – including industrial, institutional and other commercial uses – by occupying vacant or underdeveloped sites that may be inappropriate because they create land use conflicts, or by driving the expansion of other tourism-oriented uses. Given the disparate characteristics of the City's M1 districts, increasingly diminishing stock of buildable land in NYC and M1 districts' position as NYC's last land reservoirs, more careful consideration about the trajectory of hotel development is crucial.

Description of the Proposed Zoning Text Amendment

Currently, transient hotels are classified in Zoning as Use Group 5, and motels, tourist cabins, and boatels are listed in Use Group 7A, and they are permitted as-of-right in all M1 districts. The Zoning Resolution defines a motel or a tourist cabin as a building or a group of buildings which contains living or sleeping accommodations used primarily for transient occupancy, which have individual entrances from outside the building to each living unit. A boatel, on the other hand, is defined as a building for the same purpose, but which is immediately accessible by boat. For the purposes of this zoning text amendment, transient hotels shall include motels, tourist cabins, and boatels. With the adoption of this proposal, transient hotels will remain in Use Group 5 and Use Group 7A, but a CPC Special Permit would be required for the defined use in the proposed M1 districts.

By establishing a new CPC Special Permit, the Department of City Planning proposes a case-by-case, site-specific review process to ensure that hotel development does not occur on sites that should remain available to industrial, commercial, and institutional growth. Additionally, a case-by-case framework would allow hotel developments to locate only on appropriate sites.

The findings of the proposed Special Permit would require the City Planning Commission to evaluate whether a new hotel development would be appropriate based on a set of criteria. In making this determination, the Commission shall find the following:

- The proposed site plan includes elements that are necessary to address potential conflicts between the hotel and adjacent uses (ex. access, orientation or landscaping).
- The new hotel development will not cause undue vehicular or pedestrian congestion on local streets.
- The proposed new hotel development will not impair the essential character or future use of the surrounding area.

Any existing hotels within M1 districts on the date of adoption of the proposed zoning text amendment would be considered a conforming use and may be continued, structurally altered, changed, extended or enlarged within the limitations set forth in the zoning text amendment, which states that a transient hotel existing on the proposal's date of adoption is permitted to increase its floor area up to 20 percent, without a Special Permit.

Moreover, hotel developments with a building permit or partial permit lawfully issued by the Department of Buildings on or before the CPC referral date [April 23, 2018] of the proposed action would be permitted to start and/or continue construction as long as they complete their construction and obtain a certificate of occupancy (including a temporary certificate of occupancy) within three years of the date of adoption of the proposed action.

Furthermore, a transient hotel operated on or after the date of adoption for a public purposes by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying a public purpose, will not be subject to the Special Permit provisions.



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

September 25, 2017

POSITIVE DECLARATION

Project Identification

M1 Hotel Text Amendment
CEQR No. 18DCP042Y
ULURP No. Pending
SEQRA Classification: Type I

Lead Agency

City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271-3100
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

M1 Hotel Text Amendment

The New York City Department of City Planning (DCP) is proposing a zoning text amendment to Article V11, Chapter 4 of the City's Zoning Resolution to establish a new special permit under the jurisdiction of the City Planning Commission (CPC) for new hotels, motels, tourist cabins and boatels in light manufacturing (M1) districts citywide. These uses are currently permitted as-of-right. Under the proposed action, such uses in M1 districts would require a special permit with the exception of special mixed-used districts (MX), paired light manufacturing-residential (M1/R) districts, or M1 districts that include airport property and areas adjacent to airports.

Although the proposed zoning text amendment would apply only to M1 districts, it would potentially affect every community district within the City since all community districts contain zoning districts that permit as-of-right hotel development, either in the form of light manufacturing districts, commercial districts or mixed-use districts.

DCP has identified the need to reevaluate the existing zoning framework for M1 districts to ensure that sufficient opportunities remain to support industrial, commercial, residential and institutional growth in the City. However, such an effort is a significant and long-term undertaking. In the interim, DCP is proposing a zoning text amendment intended to address the proliferation of hotels in M1 districts. Since 2010, there has been rapid increase in hotels in M1 districts, particularly in areas near transit. Citywide, 13 percent of existing hotel rooms are in M1 districts, whereas 30 percent of hotel rooms in the pipeline are slated to be developed in M1

districts. This is due to a combination of rapid growth in tourism in New York City over the last decade and the current zoning framework, which in M1 districts offers hotels a competitive advantage over most other permitted uses. Hotels may directly or indirectly detract from opportunities for other kinds of development, by occupying vacant or underdeveloped sites that could have been available to other uses better equipped to fulfill neighborhood development objectives and needs, or by accelerating neighborhood change with the expansion of tourism-oriented uses.

By establishing a new CPC special permit, DCP proposes a case-by-case, site-specific review process to ensure that hotel development occurs only on appropriate sites, based on reasonable considerations regarding the achievement of a balanced mix of uses and jobs in the area and other opportunities for the future siting of a permitted use on the site. A CPC special permit would allow for the consideration of appropriateness of hotel development in both the actively light industrial areas, where hotels and existing uses are potentially incompatible, and the more mixed-use areas within M1 districts, where the City may want to direct growth towards various other employment sectors or additional housing. A CPC special permit would also still allow for hotels to serve the needs of the tourism industry when appropriate.

The principal effect of the proposed action is to affect the location, but not the amount or type, of future hotel development. Because the proposed zoning text amendment introduces a discretionary approval process via a CPC special permit for new hotels within M1 districts, DCP expects fewer hotels in M1 districts in the foreseeable future. The proposed zoning text amendment would result in a reduction of 45 percent of the lot area, where as-of-right hotel development is permitted (from 493 million square feet to 273 million square feet), and a reduction of 25 percent in terms of the permitted floor area (from 1.43 billion square feet to 1.08 billion square feet). Generally, it is projected that the proposed action would restrain the development of some of the hotel rooms slated for M1 district that are currently in the pre-construction process, and would result in a shift of hotel development to areas where hotel development could still occur as-of-right, specifically commercial and mixed-use districts within the same geographic submarket.

It is expected that the full effects of the proposed action would occur within a ten year timeframe, resulting in an analysis year of 2028.

In the future without the proposed text amendment, 8,550 new hotel rooms are projected to exist in M1 districts by the analysis year of 2028, and 19,550 new hotel rooms are projected to be built in commercial and mixed-use districts. In the future with the proposed text amendment, 7,400 new hotel rooms are projected to be built in M1 districts in the same timeframe, and 20,700 new hotel rooms would be built in commercial and mixed-use districts. Accordingly, the shift from M1 to other zoning districts is projected to amount to approximately 1,150 hotel rooms citywide.

Statement of Significant Effect:

On behalf of the lead agency, CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The proposed action may result in significant adverse impacts related to: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; shadows; historic and cultural resources; urban design and visual resources; natural resources;

hazardous materials; water and sewer infrastructure; solid waste and sanitation; energy; transportation; air quality; greenhouse gas emissions; noise; public health; neighborhood character and construction-related impacts.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. Land Use, Zoning and Public Policy - The proposed action is anticipated to change the location of future hotel facilities and may affect land use, zoning, and public policy.
2. Socioeconomic Conditions – The proposed action would introduce a CPC special permit for the development of hotels in M1 districts which represents a disincentive to the development of such facilities. The proposal, therefore, has the potential to affect business conditions in the hotel industry.
3. Open Space – The proposed action may change the location of future hotel facilities, affecting the location of worker populations. This could affect open spaces as a result of changing demand for use of publicly accessible spaces
4. Historic and Cultural Resources – The proposed action could result in in-ground disturbance which could affect historic and cultural resources.
5. Hazardous Materials – The proposed action could result in new construction and in-ground disturbance, which may result in hazardous materials conditions.
6. Water and Sewer Infrastructure – The proposed action could result in a change in the location of future hotel facilities affecting water and sewer infrastructure
7. Transportation – The proposed action could alter vehicular traffic patterns, increase demand for parking, and alter pedestrian and transit patterns.
8. Air Quality – The proposed action could result in a change in the location of future hotel facilities, resulting in air quality impacts.
9. Noise – The proposed action may change the location of future hotel facilities, resulting in noise impacts.
10. Public Health - The proposed action could result in effects related to air quality, hazardous materials or noise, and consequently, public health may be affected.
11. Other Analysis Categories – The proposed action could generate effects associated with community facilities, shadows, urban design and visual resources, natural resources, solid waste and sanitation, energy, greenhouse gas emissions, neighborhood character, and construction
12. The Draft Environmental Impact Statement (DEIS) to be prepared for the proposed action will identify and describe any other potential effects on the environment.

Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Thursday, October 26th, 2017, at 2:00pm and will be held in Spector Hall, at the Department of City Planning located at 22 Reade Street, New

York, New York 10007. Written comments will be accepted by the lead agency until the close of business on Monday, November 6th, 2017.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Diane McCarthy, at (212) 720-3417.

Robert Dobruskin

Robert Dobruskin, AICP, Director
Environmental Assessment & Review Division
New York City Department of City Planning

9/25/17

Date

PROPOSED ZONING TEXT AMENDMENT FOR HOTELS IN M1 DISTRICTS
CPC Referral 04/23/2018 Final

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 IV
MANUFACTURING DISTRICT REGULATIONS

Chapter 2
Use Regulations

* * *

42-10
USES PERMITTED AS-OF-RIGHT

42-11
Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B

M1

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-13, 32-14, 32-15, 32-16, 32-18 and 32-21.

Use Group 4A shall be limited to all health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), and houses of worship. Such #uses# are not subject to the special permit provisions of Sections 42-32 and 74-921.

#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be subject to the special provisions of Section 42-111 (Special provisions for hotels in M1 Districts). For the purposes of this Section, inclusive, #transient hotels# shall include #motels# and #tourist cabins#.

42-111
Special provisions for hotels in M1 Districts

In M1 Districts, #transient hotels# shall only be permitted by special permit of the City Planning Commission pursuant to Section 74-803 (Transient hotels within M1 Districts).

- (a) Such special permit for #transient hotels# shall be applicable to:

- (1) #development# of a #transient hotel#;
- (2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement# of a #building# that, as of [date of adoption], did not contain such #use#; or
- (3) #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.

(b) Exclusions

A special permit shall not be required for a #transient hotel# operated for a public purpose by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying a public purpose.

In addition, a special permit pursuant to the provisions of Section 74-803 shall not be required for #developments#, #enlargements#, #extensions# or changes of #use# of #transient hotels# in:

- (1) the areas designated on the maps in APPENDIX K (Excluded Areas in M1 Districts) of this Resolution;
- (2) a #Special Mixed Use District# or where any M1 District is paired with a #Residence District#; or
- (3) an M1 District that is subject to another special permit in this Resolution for such #use#, including, but not limited to, a special permit for a #transient hotel# applicable within a Special Purpose District.

Any #transient hotel# existing prior to [date of adoption] within an M1 District shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in paragraph (a) of this Section and subject to the applicable #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 in accordance with the provisions of Section 74-803. In addition, in the event a casualty damages or destroys a #transient hotel# within an M1 District 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).

However, if on or before April 23, 2018, a building permit or a partial permit for a #development# was lawfully issued by the Department of Buildings, such construction, may be started or continued. In the event that construction has not been completed and a certificate of occupancy including a temporary certificate of occupancy, has not been issued by [date - three years after

the effective date], the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction).

* * *

**42-30
USES PERMITTED BY SPECIAL PERMIT**

* * *

**42-32
By the City Planning Commission**

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

* * *

M1 M2 M3
Trade expositions, with rated capacity of more than 2,500 persons [PRC-D]

M1
#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be subject to the special provisions of Section 42-111 (Special provisions for hotels in M1 Districts).

M1 M2 M3
#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

M1
#Uses# listed in Use Group 4A Community Facilities, except ambulatory diagnostic or treatment health care facilities and houses of worship

Variety stores, with no limitation on #floor area# per establishment [PRC-B]

* In M1-1, M1-5A, M1-5B Districts and M1 Districts with a suffix “D,” indoor interactive entertainment facilities with eating and drinking are not permitted

** In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

* * *

ARTICLE VII ADMINISTRATION

Chapter 4 Special Permits by the City Planning Commission

* * *

74-80 TRANSIENT HOTELS

74-801 In R10H Districts

In R10H Districts, the City Planning Commission may permit #transient hotels#. Where a #building# in existence on December 15, 1961, is located on a #zoning lot#, a substantial portion of which is located in an R10H District and the remainder in a #Commercial District#, the Commission may also permit the #conversion# of specified #floor area# within such #building# from #residential use# to #transient hotel use# without regard to the #floor area#, supplementary #use# or density regulations otherwise applicable in the #Commercial District#. The Commission may also allow any subsequent #conversion# of such specified #floor area# to and from #residential# or #transient hotel use# to occur without further Commission approval, subject to the conditions of the special permit.

As a condition precedent to the granting of such #use# or #bulk# modifications, the Commission shall find that such modifications will not impair the essential character of the #Residence District#.

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

74-802 In M1-6D Districts

In M1-6D Districts, in areas that have not met the residential development goal set forth in paragraph (a) of Section 42-483 (Commercial uses), the City Planning Commission may permit #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with Section 42-481 (Residential use), provided the Commission finds that:

- (a) a sufficient development sites ~~are~~ is available in the area to meet the residential development goal; or

- (b) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# resulting from a #development# or #enlargement# is consistent with such character of the surrounding area.

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

74-803

Transient hotels within M1 Districts

In M1 Districts, pursuant to Section 42-111 (Special provisions for hotels in M1 Districts), #transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be permitted only by special permit of the City Planning Commission. In order to grant such special permit, the Commission shall find that:

- (a) the site plan incorporates elements that are necessary to address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building#, the #building's# orientation and landscaping;
- (b) such #use# will not cause undue vehicular or pedestrian congestion on local #streets; and
- (c) such #use# will not impair the essential character or future use or development of the surrounding area.

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

* * *

APPENDIX K - Excluded Areas in M1 Districts

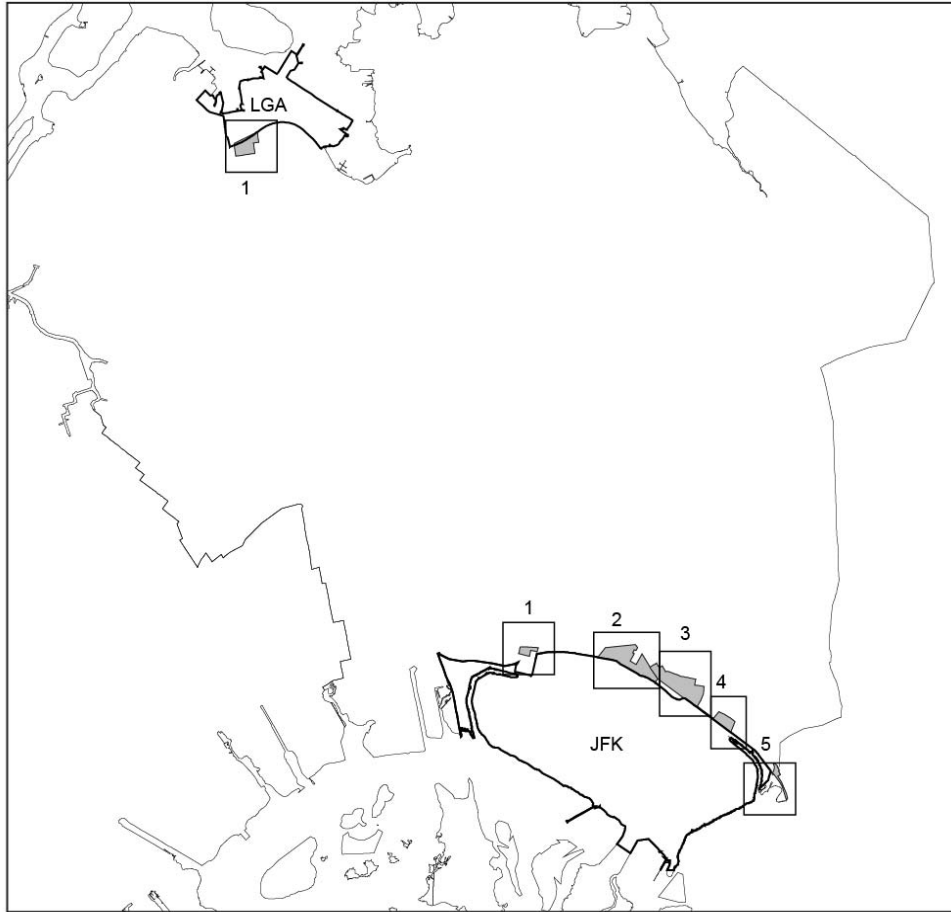
The boundaries of the excluded areas in M1 Districts are shown on the maps in this APPENDIX.

<u>Borough</u>	<u>Community Districts</u>	<u>Name of Excluded Area in M1 Districts</u>	<u>Map No.</u>
<u>Queens</u>	<u>3</u>	<u>East Elmhurst/LGA</u>	<u>1</u>
	<u>10</u>	<u>Ozone Park/ JFK</u>	<u>1</u>
	<u>13</u>	<u>Springfield Gardens/JFK</u>	<u>2-5</u>

INDEX MAPS OF EXCLUDED AREAS

The numbers on this Index Map correspond with the map numbers for this borough.

Queens



■ Exempt Area

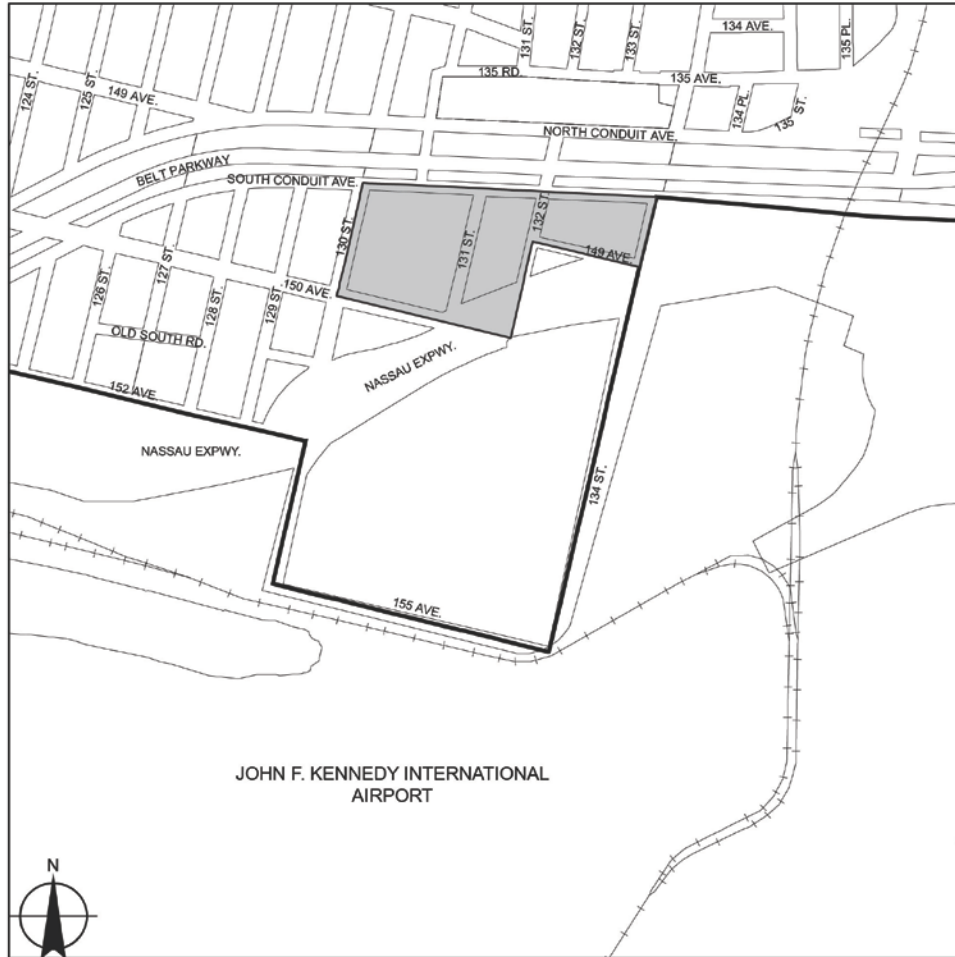
Map 1 East Elmhurst/LGA




■ Exempt Area

Portion of Community District 3, Borough of Queens

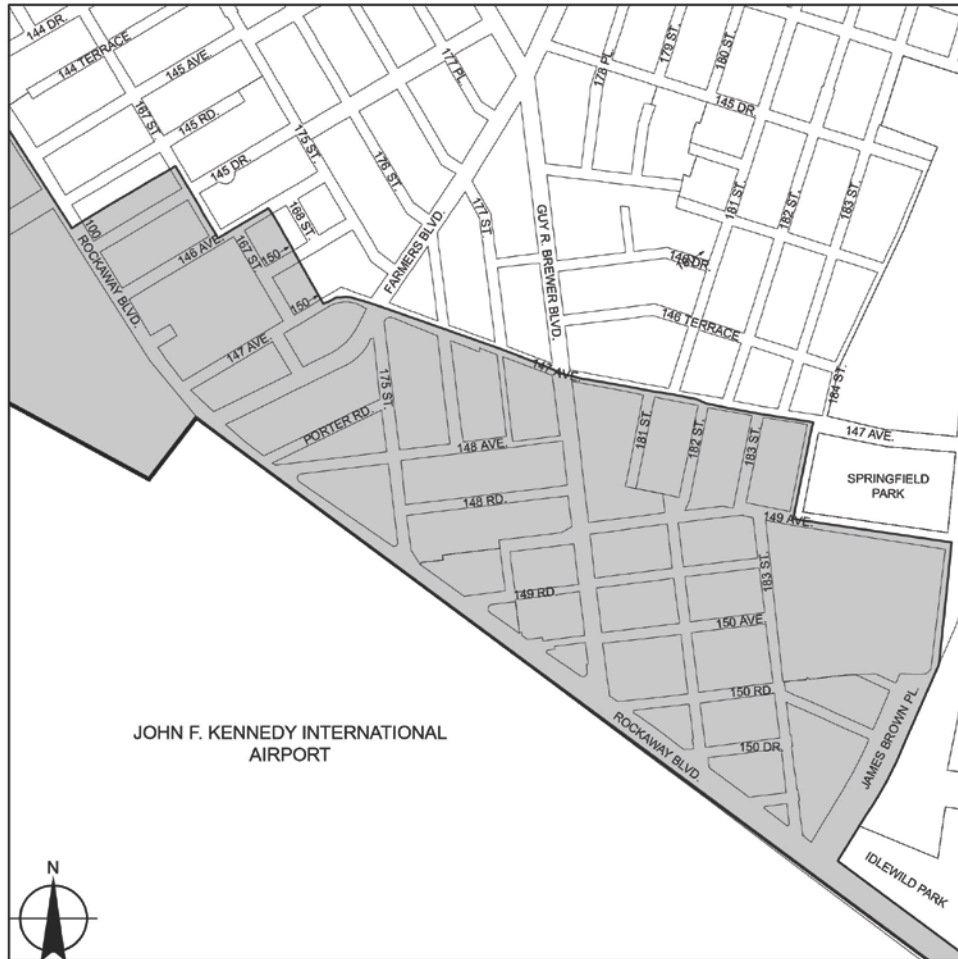
Map 1 Ozone Park/JFK



 Exempt Area

Portion of Community District 10, Borough of Queens

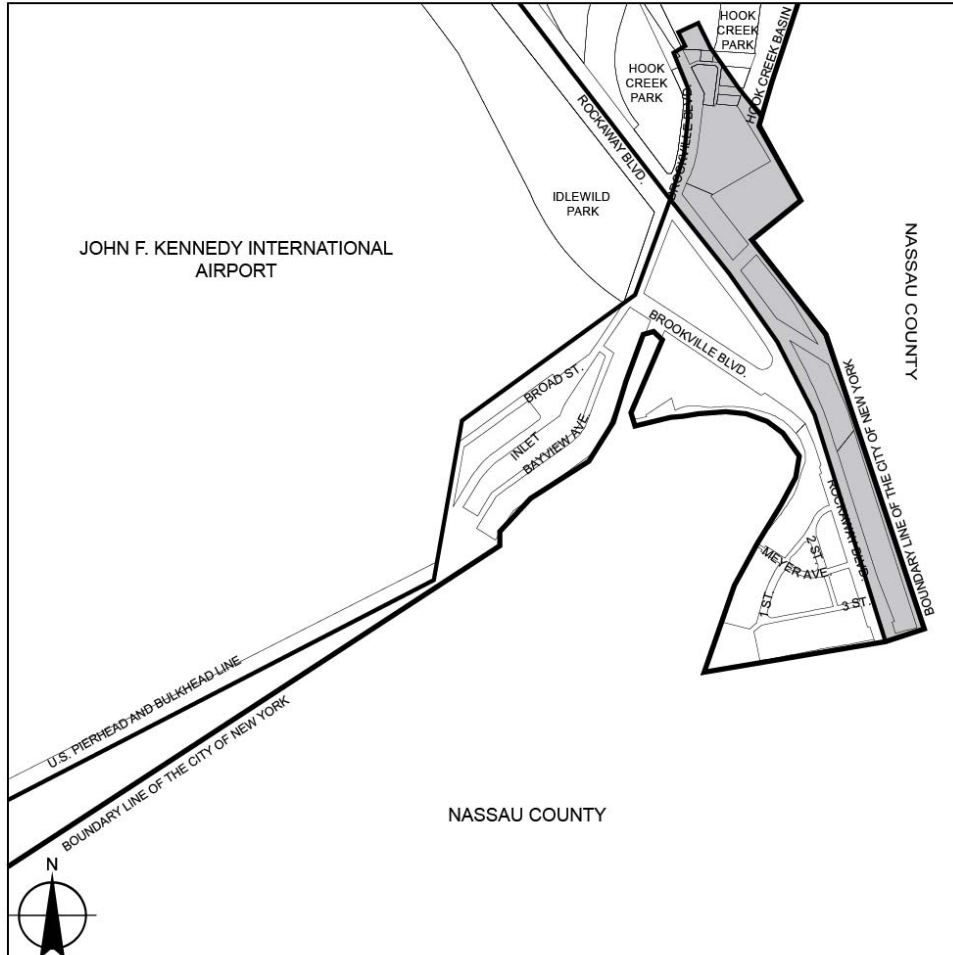
Map 3 Springfield Gardens/JFK



■ Exempt Area

Portion of Community District 13, Borough of Queens

Map 5 Meadowmere/JFK



 Exempt Area

Portion of Community District 13, Borough of Queens

* * *