

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#, #tourist cabins# and #boatels#.

**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 site ~~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

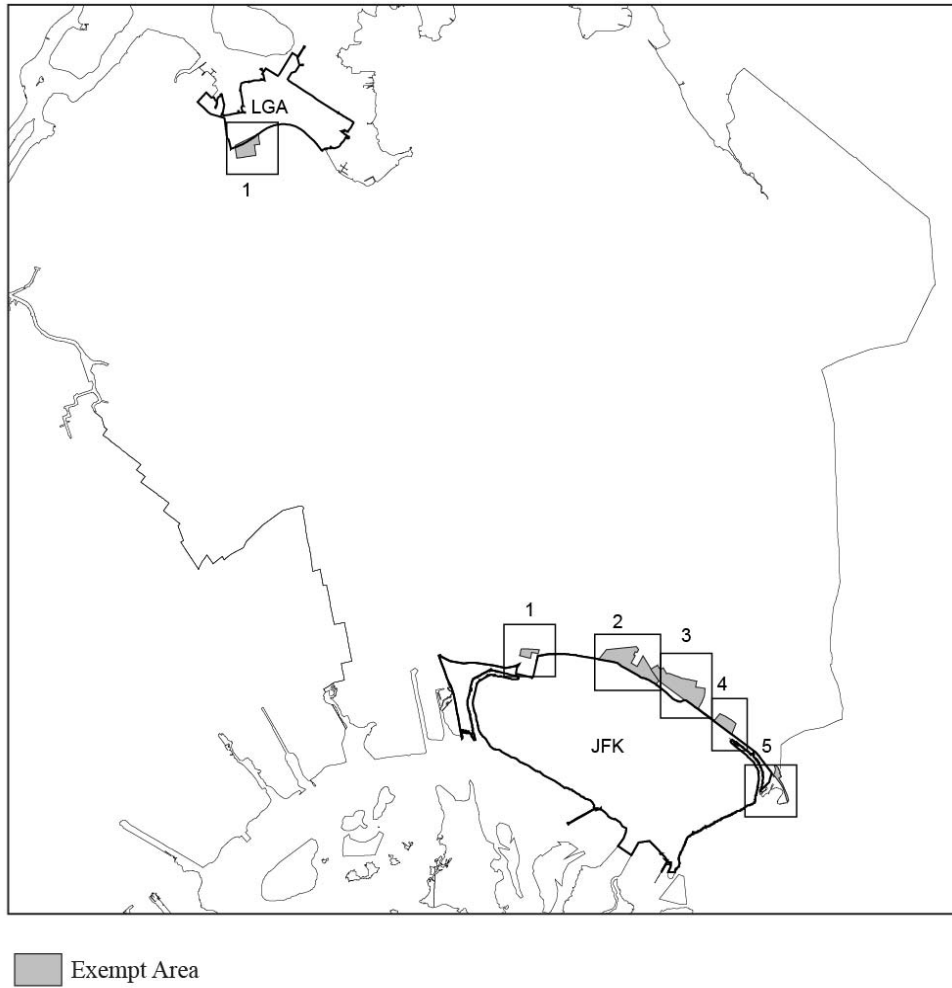
The boundaries of the excluded areas in M1 Districts are shown on the maps in this APPENDIX.

<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



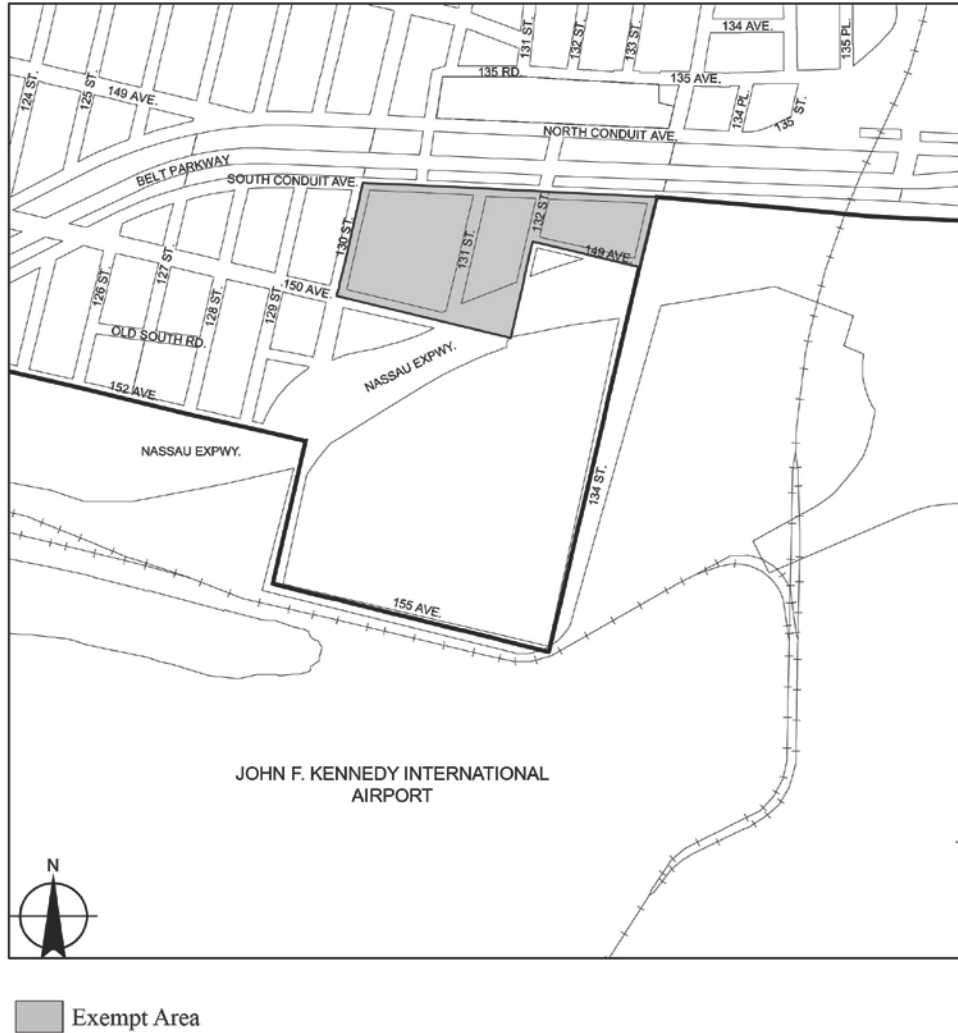
NEW YORK CITY MUNICIPAL AIRPORT  
(LA GUARDIA FIELD)

19 RD  
18 DR  
21 AVE  
79 ST  
80 ST  
78 ST  
GRAND CENTRAL PARKWAY  
ASTORIA BLVD NORTH  
ASTORIA BLVD SOUTH  
WHITE OAK COURT  
77 ST  
82 ST  
83 ST  
84 ST  
25 AVE  
86 ST  
87 ST  
88 ST  
89 ST  
90 ST  
91 ST  
92 ST  
24 RD  
RUNWAY DR  
DITMARS BLVD  
OVERLOOK PARK  
23 AVE  
87 ST  
24 AVE  
88 ST  
89 ST  
90 ST

Portion of Community District 3, Borough of Queens

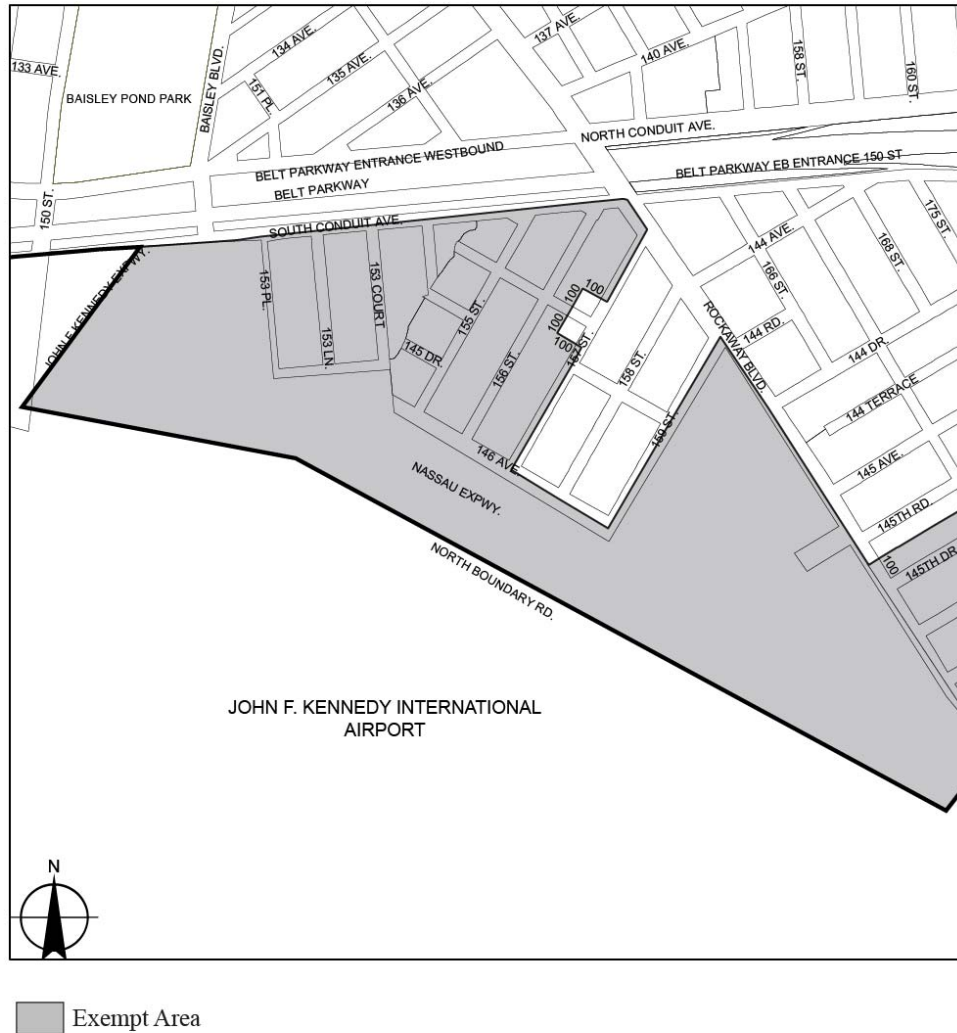


Map 1 Ozone Park/JFK



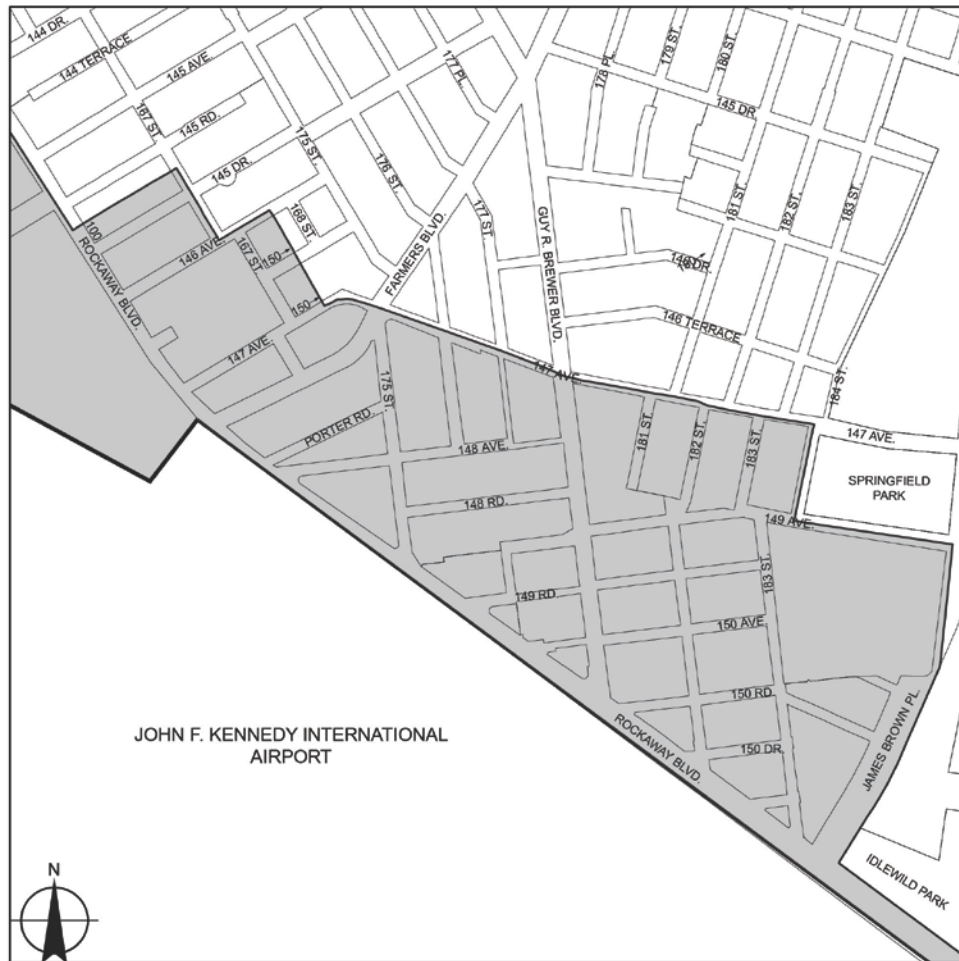
Portion of Community District 10, Borough of Queens

Map 2 Springfield Gardens/JFK



Portion of Community District 13, Borough of Queens

Map 3 Springfield Gardens/JFK



Exempt Area

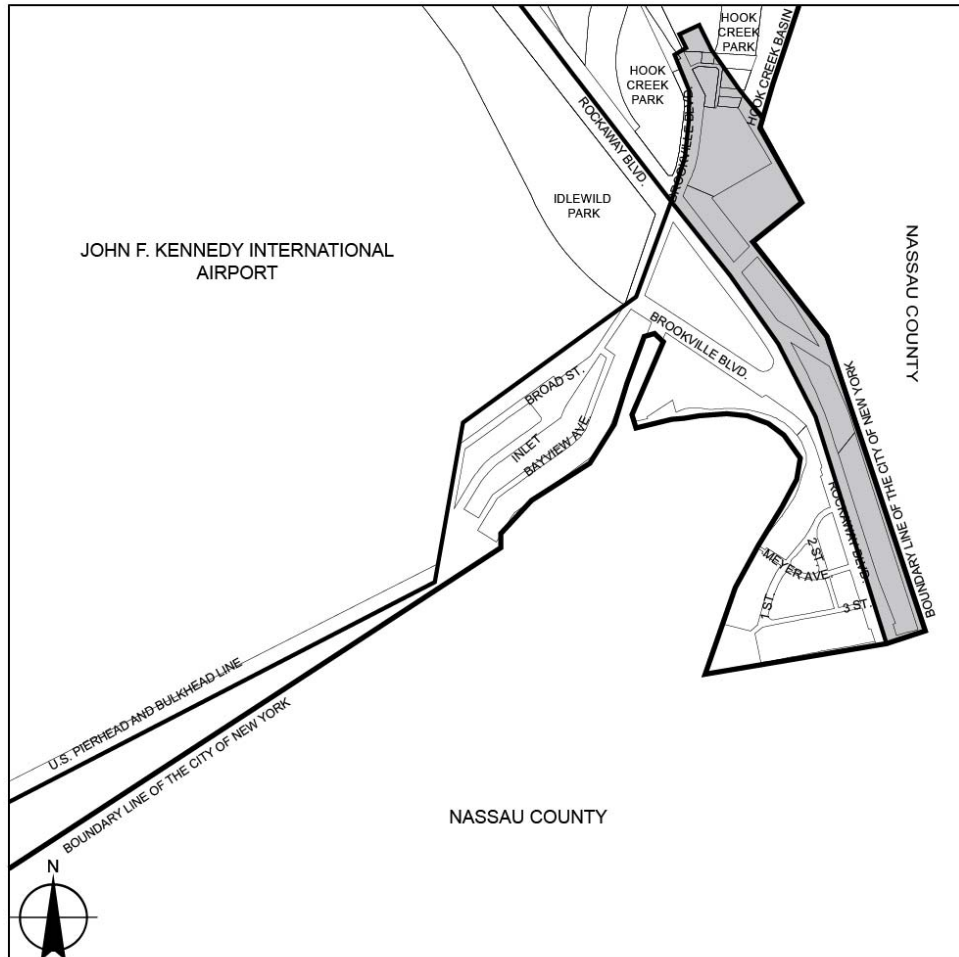
Portion of Community District 13, Borough of Queens


This map shows the area around John F. Kennedy International Airport. Key features include:

- John F. Kennedy International Airport**: Located at the bottom of the map.
- Springfield Park**: A large shaded area in the upper left, bounded by Springfield Blvd to the north and James Brown Pl. to the east.
- Idlewild Park**: A large unshaded area in the center, bounded by Rockaway Blvd to the north and the former Rockaway Blvd to the south.
- Former Rockaway Blvd**: A shaded area at the bottom, adjacent to the airport, with a curved boundary line labeled "BOUNDARY LINE OF PARK".
- Streets**: Labeled streets include Springfield Blvd, Springfield Ln, 146 Ave, 148 Ave, 149 Ave, 150 Ave, 150 Rd, 161 St, 163 St, 165 St, 167 St, 169 St, 171 St, 173 St, 175 St, 177 St, 179 St, 181 St, 183 St, 185 St, 187 St, 189 St, 191 St, 193 St, 195 St, 197 St, 199 St, 201 St, 203 St, 205 St, 207 St, 209 St, 211 St, 213 St, 215 St, 217 St, 219 St, 221 St, 223 St, 225 St, 227 St, 229 St, 231 St, 233 St, 235 St, 237 St, 239 St, 241 St, 243 St, 245 St, 247 St, 249 St, 251 St, 253 St, 255 St, 257 St, 259 St, 261 St, 263 St, 265 St, 267 St, 269 St, 271 St, 273 St, 275 St, 277 St, 279 St, 281 St, 283 St, 285 St, 287 St, 289 St, 291 St, 293 St, 295 St, 297 St, 299 St, 301 St, 303 St, 305 St, 307 St, 309 St, 311 St, 313 St, 315 St, 317 St, 319 St, 321 St, 323 St, 325 St, 327 St, 329 St, 331 St, 333 St, 335 St, 337 St, 339 St, 341 St, 343 St, 345 St, 347 St, 349 St, 351 St, 353 St, 355 St, 357 St, 359 St, 361 St, 363 St, 365 St, 367 St, 369 St, 371 St, 373 St, 375 St, 377 St, 379 St, 381 St, 383 St, 385 St, 387 St, 389 St, 391 St, 393 St, 395 St, 397 St, 399 St, 401 St, 403 St, 405 St, 407 St, 409 St, 411 St, 413 St, 415 St, 417 St, 419 St, 421 St, 423 St, 425 St, 427 St, 429 St, 431 St, 433 St, 435 St, 437 St, 439 St, 441 St, 443 St, 445 St, 447 St, 449 St, 451 St, 453 St, 455 St, 457 St, 459 St, 461 St, 463 St, 465 St, 467 St, 469 St, 471 St, 473 St, 475 St, 477 St, 479 St, 481 St, 483 St, 485 St, 487 St, 489 St, 491 St, 493 St, 495 St, 497 St, 499 St, 501 St, 503 St, 505 St, 507 St, 509 St, 511 St, 513 St, 515 St, 517 St, 519 St, 521 St, 523 St, 525 St, 527 St, 529 St, 531 St, 533 St, 535 St, 537 St, 539 St, 541 St, 543 St, 545 St, 547 St, 549 St, 551 St, 553 St, 555 St, 557 St, 559 St, 561 St, 563 St, 565 St, 567 St, 569 St, 571 St, 573 St, 575 St, 577 St, 579 St, 581 St, 583 St, 585 St, 587 St, 589 St, 591 St, 593 St, 595 St, 597 St, 599 St, 601 St, 603 St, 605 St, 607 St, 609 St, 611 St, 613 St, 615 St, 617 St, 619 St, 621 St, 623 St, 625 St, 627 St, 629 St, 631 St, 633 St, 635 St, 637 St, 639 St, 641 St, 643 St, 645 St, 647 St, 649 St, 651 St, 653 St, 655 St, 657 St, 659 St, 661 St, 663 St, 665 St, 667 St, 669 St, 671 St, 673 St, 675 St, 677 St, 679 St, 681 St, 683 St, 685 St, 687 St, 689 St, 691 St, 693 St, 695 St, 697 St, 699 St, 701 St, 703 St, 705 St, 707 St, 709 St, 711 St, 713 St, 715 St, 717 St, 719 St, 721 St, 723 St, 725 St, 727 St, 729 St, 731 St, 733 St, 735 St, 737 St, 739 St, 741 St, 743 St, 745 St, 747 St, 749 St, 751 St, 753 St, 755 St, 757 St, 759 St, 761 St, 763 St, 765 St, 767 St, 769 St, 771 St, 773 St, 775 St, 777 St, 779 St, 781 St, 783 St, 785 St, 787 St, 789 St, 791 St, 793 St, 795 St, 797 St, 799 St, 801 St, 803 St, 805 St, 807 St, 809 St, 811 St, 813 St, 815 St, 817 St, 819 St, 821 St, 823 St, 825 St, 827 St, 829 St, 831 St, 833 St, 835 St, 837 St, 839 St, 841 St, 843 St, 845 St, 847 St, 849 St, 851 St, 853 St, 855 St, 857 St, 859 St, 861 St, 863 St, 865 St, 867 St, 869 St, 871 St, 873 St, 875 St, 877 St, 879 St, 881 St, 883 St, 885 St, 887 St, 889 St, 891 St, 893 St, 895 St, 897 St, 899 St, 901 St, 903 St, 905 St, 907 St, 909 St, 911 St, 913 St, 915 St, 917 St, 919 St, 921 St, 923 St, 925 St, 927 St, 929 St, 931 St, 933 St, 935 St, 937 St, 939 St, 941 St, 943 St, 945 St, 947 St, 949 St, 951 St, 953 St, 955 St, 957 St, 959 St, 961 St, 963 St, 965 St, 967 St, 969 St, 971 St, 973 St, 975 St, 977 St, 979 St, 981 St, 983 St, 985 St, 987 St, 989 St, 991 St, 993 St, 995 St, 997 St, 999 St, 1001 St, 1003 St, 1005 St, 1007 St, 1009 St, 1011 St, 1013 St, 1015 St, 1017 St, 1019 St, 1021 St, 1023 St, 1025 St, 1027 St, 1029 St, 1031 St, 1033 St, 1035 St, 1037 St, 1039 St, 1041 St, 1043 St, 1045 St, 1047 St, 1049 St, 1051 St, 1053 St, 1055 St, 1057 St, 1059 St, 1061 St, 1063 St, 1065 St, 1067 St, 1069 St, 1071 St, 1073 St, 1075 St, 1077 St, 1079 St, 1081 St, 1083 St, 1085 St, 1087 St, 1089 St, 1091 St, 1093 St, 1095 St, 1097 St, 1099 St, 1101 St, 1103 St, 1105 St, 1107 St, 1109 St, 1111 St, 1113 St, 1115 St, 1117 St, 1119 St, 1121 St, 1123 St, 1125 St, 1127 St, 1129 St, 1131 St, 1133 St, 1135 St, 1137 St, 1139 St, 1141 St, 1143 St, 1145 St, 1147 St, 1149 St, 1151 St, 1153 St, 1155 St, 1157 St, 1159 St, 1161 St, 1163 St, 1165 St, 1167 St, 1169 St, 1171 St, 1173 St, 1175 St, 1177 St, 1179 St, 1181 St, 1183 St, 1185 St, 1187 St, 1189 St, 1191 St, 1193 St, 1195 St, 1197 St, 1199 St, 1201 St, 1203 St, 1205 St, 1207 St, 1209 St, 1211 St, 1213 St, 1215 St, 1217 St, 1219 St, 1221 St, 1223 St, 1225 St, 1227 St, 1229 St, 1231 St, 1233 St, 1235 St, 1237 St, 1239 St, 1241 St, 1243 St, 1245 St, 1247 St, 1249 St, 1251 St, 1253 St, 1255 St, 1257 St, 1259 St, 1261 St, 1263 St, 1265 St, 1267 St, 1269 St, 1271 St, 1273 St, 1275 St, 1277 St, 1279 St, 1281 St, 1283 St, 1285 St, 1287 St, 1289 St, 1291 St, 1293 St, 1295 St, 1297 St, 1299 St, 1301 St, 1303 St, 1305 St, 1307 St, 1309 St, 1311 St, 1313 St, 1315 St, 1317 St, 1319 St, 1321 St, 1323 St, 1325 St, 1327 St, 1329 St, 1331 St, 1333 St, 1335 St, 1337 St, 1339 St, 1341 St, 1343 St, 1345 St, 1347 St, 1349 St, 1351 St, 1353 St, 1355 St, 1357 St, 1359 St, 1361 St, 1363 St, 1365 St, 1367 St, 1369 St, 1371 St, 1373 St, 1375

Portion of Community District 13, Borough of Queens

Map 5 Meadowmere/JFK



 Exempt Area

Portion of Community District 13, Borough of Queens

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