



The City of New York

Queens Community Board 11

Serving the Communities of Auburndale, Bayside, Douglaston, Hollis Hills
Little Neck and Oakland Gardens

Michael Budabin, **Chair** / Joseph Marziliano, **District Manager**

TO: All Board Members
FROM: Michael Budabin, Chair
DATE: June 2, 2021
RE: Various Zoning Text Amendments

On Thursday, May 27, 2021, an ad-hoc meeting of the CB11 Zoning Chairs was held via Zoom teleconference to hear presentations from the Dept. of City Planning regarding three proposed zoning text amendments.

Present

Michael Budabin, Chair
Christine Haider, 2nd Vice Chair
Henry Euler, 3rd Vice Chair

Zoning Chairs Christine Haider, Douglas Montgomery, Joan Garippa
Community Board Members Jessica Burke, Paul DiBenedetto, Allan Palzer, Stephan Popa, Christina Scherer, Jyothi Sriram

CB11 Staff

Joseph Marziliano, District Manager
Jane Bentivenga, Community Coordinator

Guests

Scott Solomon, NYC Dept. of City Planning
Lucille Songhai, Metropolitan Transit Authority

Mr. Marziliano called the meeting to order and introduced Mr. Solomon, who was representing the Dept. of City Planning. Mr. Solomon stated that Ms. Songhai, MTA, was also present.

Ms. Songhai gave an overview of the proposed Zoning for Accessibility Text Amendment. The Metropolitan Transit Authority (MTA), together with the Department of City Planning (DCP) is proposing a zoning text amendment in the NYC Zoning Resolution to establish framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites. This would specifically create a system-wide easement requirement that would require developments on lots over 5,000 sf within 50' of a mass transit station, in most zoning districts, to obtain a determination from the related transit agency on whether a transit easement is needed on the site for future station access. This requirement would be accompanied by targeted zoning relief to minimize potential construction and design challenges. This would benefit people with disabilities, seniors, parents with young children and people with temporary injuries. Currently, only 136 of 493 subway and Staten Island Rail stations are accessible; 25 out of 39 LIRR and Metro North stations with the City limits are accessible. Of the approximate

2.3 million Queens residents, 130,000 have a disability, 340,000 are over 65 and 150,000 are under 5. The senior population has grown 19.2% between 2005 and 2015. The MTA has dedicated more than \$5B to make 77 stations accessible. When this is done, more than 43% of stations will be accessible. However, their goal is to get as close to 100% as they can. This amendment will help MTA get to this goal sooner and no rider would be more than two stations away from an accessible one. Construction of these elevators is very challenging due to narrow platforms, limited entry and exit passages, utility infrastructure, narrow sidewalks and limited clearance from between buildings and stations. Most stations will require more than one elevator. Mr. Solomon continued the presentation regarding how this text amendment will provide easement provisions. The existing provision only applies to very limited areas of the City. This amendment would occur in R5, C7, C8 and manufacturing districts for the most part. The MTA will also determine if a site is appropriate for an easement. Easements would be excluded from floor area ratio. They would be considered permitted obstructions. There is limited applicability in CB11. The 60-day review period for CBs, BPs and City Council ends on June 14, 2021. Public hearing at the Dept. of City Planning is tentatively scheduled for June 21, 2021.

Mrs. Garippa asked if elevators will be installed at the Bayside LIRR station. Ms. Songhai said they are always looking for locations to install elevators. She will take that suggestion to the MTA. However, this amendment proposes elevator installation in conjunction with new construction. Mr. Budabin added that this suggestion could be discussed for inclusion in CB11's Capital and Expense requests. Mr. Montgomery expressed his concern with security in these elevators. Ms. Songhai said cameras are installed in the elevators and the elevators are located as close to the fare areas as possible so that staff can observe what is going on. There are also "help" buttons that go directly to NYPD and FDNY when pushed. Ms. Burke suggested mirrors be installed in the elevators. Ms. Burke also asked if the elevators would be operational when the system is not running. Ms. Songhai stated that elevators continue to operate. The MTA is back to 24/7 service. Mr. Budabin wanted to confirm that this amendment would create an automatic easement on the abutting properties so that if the MTA wanted to develop, they could do it as-of-right and if someone wanted to develop a property that has this easement, they would need to run it by the MTA and DCP for consent. Mr. Solomon and Ms. Songhai said yes, but it only applies to new construction. Mr. Montgomery made a motion to accept this proposal as presented. Mr. Budabin seconded the motion. A roll call vote was taken. All were in favor. The motion passed unanimously.

The next item presented was the Citywide Hotels Zoning Text Amendment which seeks to establish a new CPC special permit proposing a case-by-case, site-specific process to better regulate where and how hotels get built and ensure that new hotels do not create conflicts with surrounding uses. In the past five years, there has been a 40% increase in hotel inventory across the City. Mr. Solomon screen-shared a presentation and spoke about hotel issues in some parts of the City. The hotel industry was hit very hard by the pandemic. He also screen-shared where in CB11 this proposal would apply. Hotels would have to be within 1000' of an entrance to a limited-access highway. They cannot be built in a residential district but are allowed in commercial overlay districts. Mr. Montgomery asked what the current requirement for the siting of a hotel is. Mr. Solomon stated that areas zoned C2 and above allow hotels. Mrs. Haider questioned the three hotels along and south of the Long Island Expressway service road in Fresh

Meadows. Mr. Solomon stated that this amendment only pertains to future development. Mr. Montgomery asked if a hotel could be built on the southside of Northern Blvd. opposite the Alley Pond Driving Range where a proposal to up-zone the area is being considered by property owners. Mr. Solomon said it is too far from the Cross Island Parkway; therefore, it would not be allowed. This proposal is not intended to impede hotel development but to assist with finding the best location for one. Mr. DiBenedetto asked why hotels are permitted north of Northern Blvd. in the Bell Blvd. vicinity. Mr. Solomon said the current zoning allows it. However, if this amendment is implemented, any new hotel would be subject to this special permit. It would be subject to the full ULURP process as opposed to just going through the Department of Buildings for construction permits. Mr. Euler asked what the benefit of this amendment is to the community. Mr. Solomon said there will be some control in the development process. Mr. Budabin confirmed there would be no more as-of-right hotel development; all new proposals would need to go through the ULURP process. Mrs. Garippa asked, as she did not have a visual connection, what areas in CB11 this will affect. Mr. Solomon said this would affect any area where hotels are currently allowed. There are only a few areas in CB11 that are designated C2 within 1000' of a highway entrance or there is an underlying district that allows it.

Mr. Montgomery made a motion to approve this zoning text amendment as presented. Mr. Budabin seconded the motion. A roll call vote was taken. All were in favor. The motion passed unanimously.

The last item discussed was the proposed Health and Fitness Text Amendment. This proposed amendment will modify regulations relating to gyms, spas, licensed massage therapy and other health and fitness facilities defined as Physical Culture or Health Establishments (PCEs). The proposed text amendment will remove the requirement for these facilities to receive a special permit by the Board of Standards and Appeals. The proposed text amendment would impact every zoning district in New York City except R1 and R2 districts. PCEs would be limited to 1,500 sf in R3 and R4 districts. It would also categorize licensed massage therapy as ambulatory health care in Use Group 4A and Use Groups 6B (health care office). Illegal uses in any of these facilities would, of course, remain. Further noise and vibration regulations will be added. Mr. Marziliano noted that none of the complaints we have received about illegal "sex establishments" have been in gyms.

Mr. Budabin asked for clarification between small and large facilities and categorization of massage therapy facilities. Mr. Solomon said that gyms less than 10,000 sf would be allowed in C1 districts. Gyms larger than 10,000 sf would be allowed in C2 or higher districts. Massage therapy would fall into the ambulatory health care definition; no special permit would be required. Mr. Euler commented that he is opposed to removing this special permit requirement. He cited two instances where gyms have posed a problem for the community. He feels the community board should continue to monitor these PCEs. Mr. Solomon pointed out that the special permit requirement process can be lengthy and costly which can be prohibitive for some small businesses. Ms. Burke asked how much more money it takes to secure a special permit. Mr. Marziliano stated that there are many variables but, conservatively, it would be at least \$10,000. Mr. Solomon said that the loss of business revenue, while waiting to begin operating, also needs to be factored in. Ms. Burke said everyone needs to be cognizant that this also affects these types of businesses that are geared for children such as indoor sports; children need positive interactions, especially since the pandemic started. Mr. Montgomery spoke, as someone who used to own a gym, about the costs involved. A special permit requirement creates a logjam to opening for many small businesses. Mrs. Garippa does not think licensed massage therapy

being allowed in residential, commercial and manufacturing districts is a good idea. She doesn't feel that residential space should be lost to therapy studios. Mrs. Haider confirmed that this amendment will not require a special permit for any type of PCE. Mr. Solomon confirmed. Mr. Euler commented that the new owner of the gym on Francis Lewis Blvd. went through the process without an expensive attorney. It doesn't happen often, but it is possible.

Mr. Montgomery made a motion to approve this text amendment as presented. Mr. Euler seconded the motion. A roll call vote was taken resulting in one in favor and three opposed. The motion failed.

All these recommendations will be given to the full Board prior to the next Community Board 11 meeting on Monday, June 7, 2021.

Respectfully submitted 6/3/2021