

CITY COUNCIL
LAND USE DIVISION

2018 DEC 19 P 12: 00



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NYC COUNCIL
SPEAKER'S OFFICE
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2018 DEC 19 A 11: 37

December 19, 2018

City Council
City Hall
New York, NY 10007

Re: M1 Hotel Text Amendment
ULURP No. N 180349 ZRY
Citywide

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated December 18, 2018, from the City Council regarding the proposed modification to the above-referenced application submitted by the Department of City Planning ("DCP") to amend the text of the Zoning Resolution, Article IV, Chapter 2 (Use Regulations) and related Sections, to create a City Planning Commission special permit for new hotels, motels, tourist cabins, and boatels in M1 districts.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on December 19, 2018, has determined that the City Council's proposed modification raises no land use or environmental issues requiring further review.

Very truly yours,

A handwritten signature in blue ink that reads "Marisa Lago".

Marisa Lago

c:	J. Gravel	D. DeCerbo	J. Sunwoo	A. Fabre
	A. Laremont	R. Singer	A. McCabe	H. Marcus

Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Fl. - New York, N.Y. 10271
(212) 720-3200
www.nyc.gov/planning



THE COUNCIL
THE CITY OF NEW YORK
LAND USE DIVISION
250 BROADWAY - ROOM 1602
NEW YORK NEW YORK 10007

RAJU MANN
DIRECTOR

TEL.: 212-788-7335
RMANN@COUNCIL.NYC.GOV

December 18, 2018

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

Re: Application No.: N 180349 ZRY (L.U. No. 259)

M1 Hotel Text Amendment

Dear Chair Lago:

On December 18, 2018 the Land Use Committee of the City Council, by a vote 17-0-0 for Application N 180349 ZRY, recommended modifications of the City Planning Commission's decision in the above-referenced matter.

Pursuant to Section 197-d(d) of the City Charter and Section 11.70 of the Rules of the Council, I hereby file the proposed modifications with the Commission:

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.

Matter ~~double struck~~ out is to be deleted by the City Council
Matter double underlined is added by the City Council

**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 be permitted only as set forth in this Section. The City Planning Commission may permit #transient hotels# in an M1 District pursuant to a special permit set forth in another Section of this Resolution, or pursuant to Section 74-803 (Transient hotels within M1 Districts), as applicable.

- (a) Such special permit for #transient hotels# pursuant to Section 74-803 shall be applicable to:
- (1) #development# of a #transient hotel#;
 - (2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement# containing a #transient hotel# 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 exclusively for the public purpose of temporary housing assistance 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 such public purpose.

(1) 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)(i)~~ areas designated on the maps in APPENDIX K (Excluded Areas in M1 Districts) of this Resolution; John F. Kennedy International Airport and LaGuardia Airport, which shall include property under the jurisdiction of the Port Authority of New York and New Jersey for airport use;

~~(2)(ii)~~ a #Special Mixed Use District# or where any M1 District is paired with a #Residence District#; or

~~(3)(iii)~~ an M1 District where another special permit in this Resolution permitting such #use# is applicable, subject to approval by the City Planning Commission, including, but not limited to, a special permit for a #transient hotel# applicable within a Special Purpose District or in a Historic District designated by the Landmarks Preservation Commission.

(2) A special permit pursuant to the provisions of Section 74-803 shall also not be required in an M1-2 District for a change of #use# to a #transient hotel# that occupies no more than 30 percent of the #floor area# on the #zoning lot# and where such #zoning lot# contains a minimum #lot area# of 100,000 square feet, comprises an entire #block#, and contains #buildings# with a minimum total of 500,000 square feet of #floor area# on [date of adoption].

(c) Within M1-5A and M1-5B Districts

Within an M1-5A or M1-5B District, a special permit pursuant to Section 74-803 shall be required in conjunction with a special permit pursuant to Section 74-781 (Modifications by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts) except that a permit pursuant to Section 74-781 shall not be required for a #transient hotel# located above the ground floor level, where the #floor area# used for such #use# on the ground floor does not exceed an amount minimally necessary to access and service such #transient hotel#.

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 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 for such #use# in accordance with the provisions of Section 74-803 or other applicable section of this Resolution. 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).

~~In addition to~~ The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, if on or before April 23, 2018, a building permit for a #development#, #enlargement# or #conversion# to a #transient hotel#, or a partial permit for a #development# of a #transient hotel# 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 [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).

Any special permit approved by the City Council for a #transient hotel# prior to [date of adoption] shall be permitted and this Section shall not apply to such #transient hotel#, subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution).

* * *

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

* * *

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

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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), pursuant to the 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#

* * *

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 address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;
- (b) the site plan demonstrates that the proposed #street wall# location and the design and landscaping of any area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations will result in a site design that does not impair the character of the existing streetscape;
- (c) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and
- (d) such #use# will not impair the essential character, including but not limited to existing industrial businesses, 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.

* * *

ARTICLE X SPECIAL PURPOSE DISTRICTS

Chapter 8 Special Southern Hunts Point District

* * *

108-11 Use Modifications in the Special Hunts Point District

In the #Special Hunts Point District#, hotels or motels shall not be permitted within the areas designated on the #Special Hunts Point District# Map in Appendix A. Within such areas, Section 74-803 (Transient hotels within M1 Districts) shall not be applicable.

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* * *

APPENDIX K - Excluded Areas in M1 Districts

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

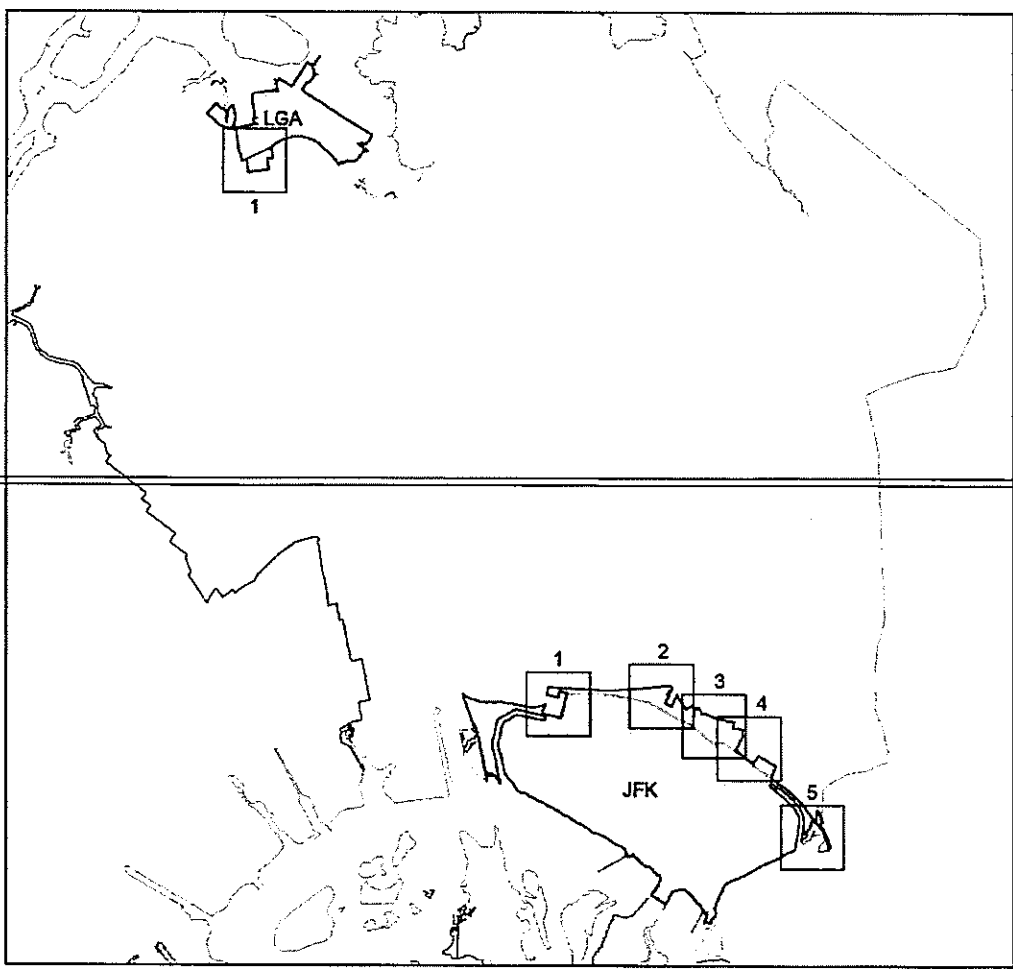
<u>Borough</u>	<u>Community District</u>	<u>Name of Excluded Area in M1 District</u>	<u>Map No.</u>
<u>Queens</u>	<u>3</u>	<u>East Elmhurst/LGA</u>	<u>1</u>
	<u>10</u>	<u>Ozone Park/JFK</u>	<u>1</u>
	<u>13</u>	<u>Springfield Gardens/JFK</u>	<u>2-5</u>

INDEX MAP OF EXCLUDED AREAS

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

[PROPOSED MAP]

Queens

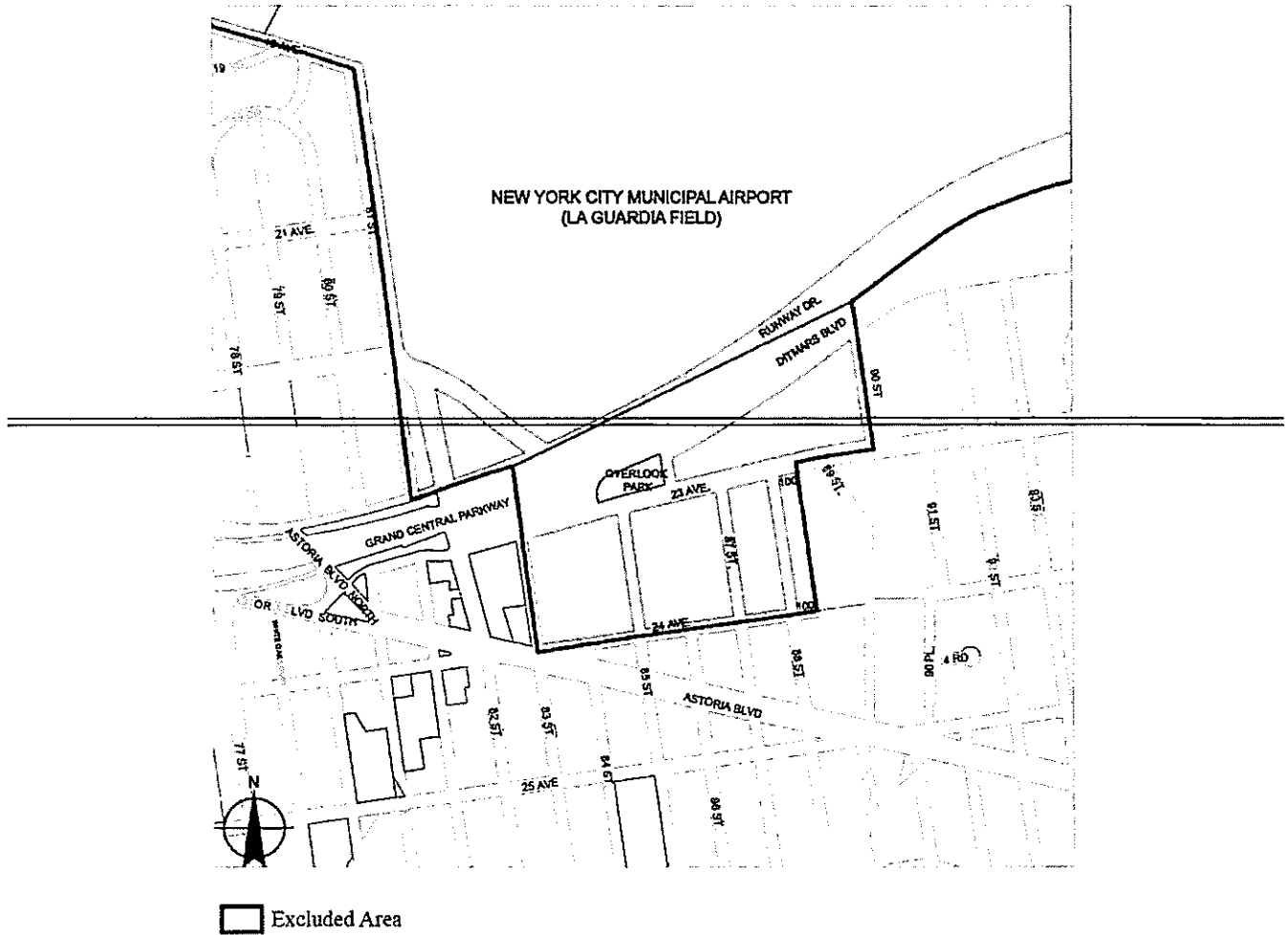


Excluded Area

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PROPOSED MAP

Map 1 East Elmhurst/LGA

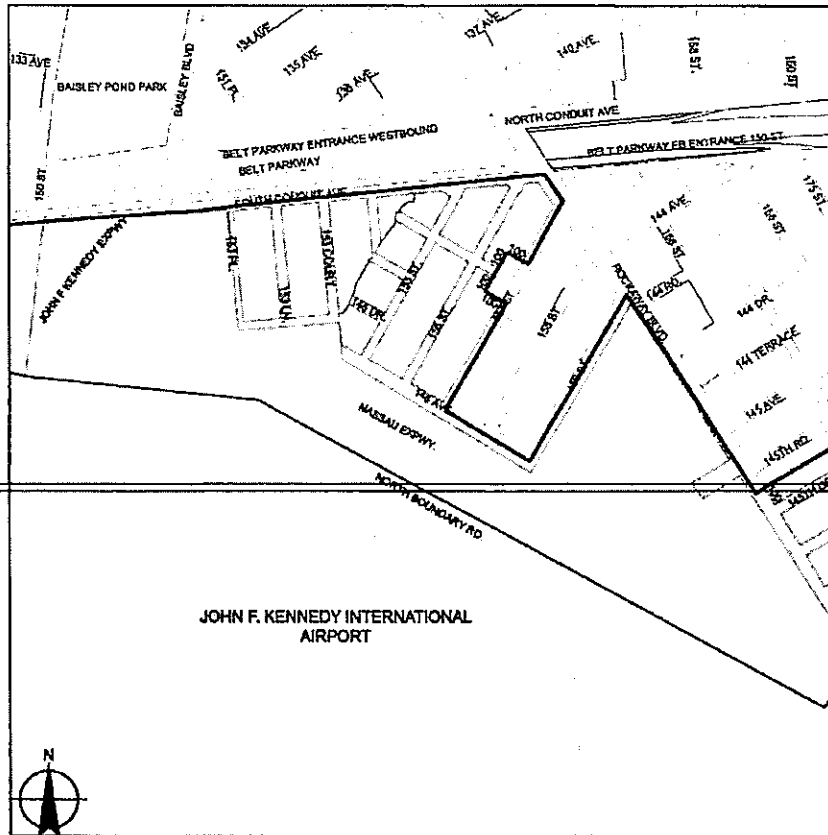


Portion of Community District 3, Borough of Queens

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PROPOSED MAP

Map 2 Springfield Gardens JFK



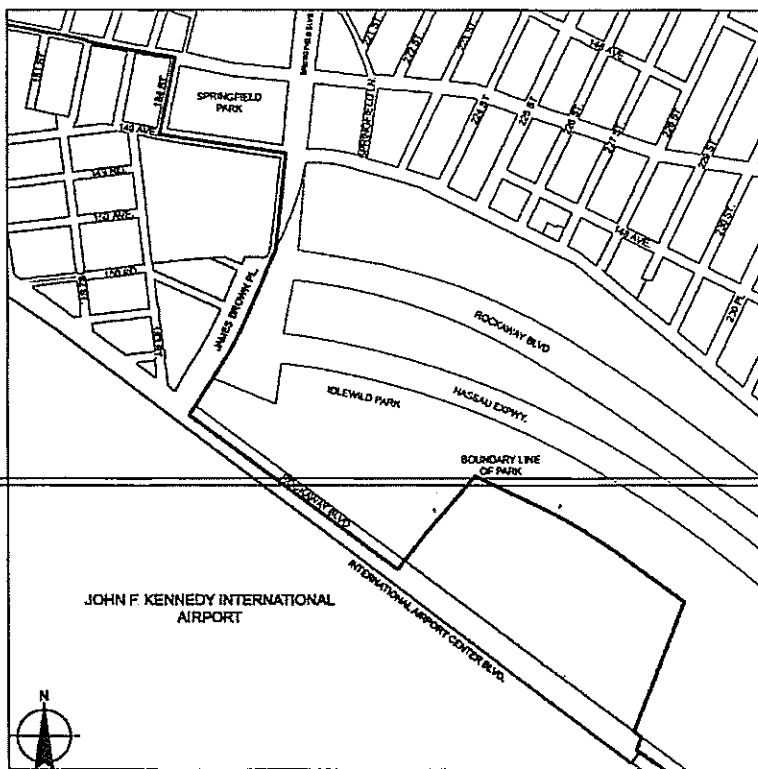
☐ Excluded Area

Portion of Community District 13, Borough of Queens

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PROPOSED MAP

Map 4 Springfield Gardens JFK

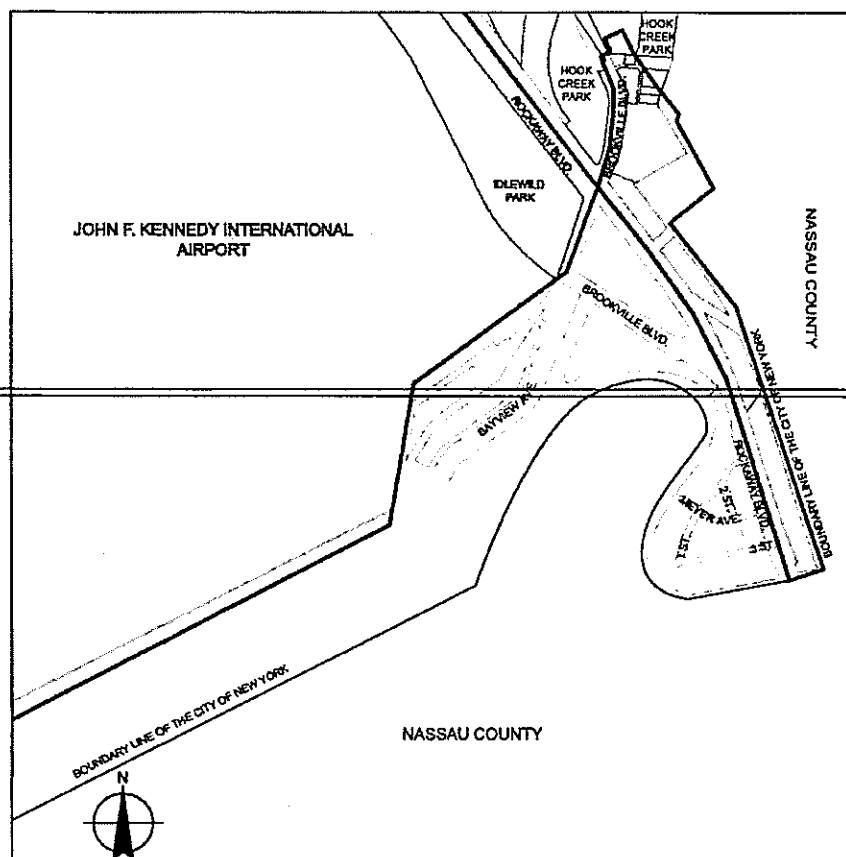


Excluded Area

Portion of Community District 13, Borough of Queens

PROPOSED MAP

Map 5 Meadowmere/JFK



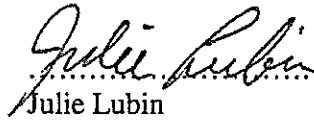
□ Excluded Area

Portion of Community District 13, Borough of Queens

Honorable Marisa Lago, Chair
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Please feel free to contact me at (212) 482-5185 if you or your staff have any questions in this regard.

Sincerely,



Julie Lubin
General Counsel

JL:mcs

RECEIVED BY: _____

DATE: _____

TIME: _____

- C: Members, City Planning Commission
- Raju Mann, Director, Land Use Division
- Amy Levitan, Deputy Director
- Jeff Campagna, Deputy General Counsel
- Angelina Martinez-Rubio, Deputy General Counsel
- Arthur Huh, Assistant General Counsel
- Brian Paul, Project Manager
- Anita Laremont, Esq., DCP
- Danielle J. DeCerbo, DCP
- File