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Gale A. Brewer, Borough President

July 19, 2021

**Recommendation on Non-ULURP Application No. N210406ZRY
Citywide Hotels Text Amendment
By NYC Department of City Planning (DCP)**

PROPOSED ACTIONS

The New York City Department of City Planning (“DCP” or the “Applicant”) is seeking a text amendment to the Zoning Resolution to require that new and enlarged hotels obtain a special permit from the City Planning Commission (“CPC”). The proposed zoning text amendment would apply city-wide.

In evaluating a proposed zoning text amendment, this office must consider if the proposed language meets the underlying purpose of the Zoning Resolution to promote the general health, safety, and welfare of the city and whether the proposed development or developments it would facilitate would be appropriate to neighborhoods and the borough.

BACKGROUND

Several special zoning districts require proposed hotels to obtain a CPC special permit prior to commencing construction. In Manhattan, these districts include the Special Tribeca, Hudson Square, Garment Center, East Midtown, Clinton, East Harlem, 125th Street, and Inwood Districts. Each of these special districts have separate findings under which the Commission could approve a proposed hotel.

In 2018, the City Council approved a zoning text amendment requiring that new hotels and hotel enlargements obtain a CPC special permit. That provision is found in Section 74-803 of the Zoning Resolution and lists the following findings¹:

- (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

¹ [ZR 74-803. Last amended December 20, 2018.](#)

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.

In addition, the zoning text allows the CPC to make additional requirements “to minimize adverse effects on the character of the surrounding area”.

PROPOSED TEXT AMENDMENT

The proposed special permit would apply in C1 districts (with the exception of C1-1, C1-2, C1-3 or C1-4 districts) as well as C2-4, C4, C5, C6, C8, Mixed Use (MX), and paired M1/R districts. The proposed zoning text requires that the CPC find that the proposed hotel use “will not impair the future use or development of the surrounding area” and similarly to the M1 text, allows the Commission to make additional requirements “to minimize adverse effects on the character of the surrounding area”.

The proposed zoning text also includes vesting provisions, which would allow any hotel development that filed an application with the Department of Buildings by the date that this application was referred and obtained an approved zoning plan by the date that the proposed text would be adopted, would be vested. Additionally, any hotels that discontinue their use would be allowed up to six years from the date that the text would be adopted to resume operations without having to obtain a CPC special permit.

COMMUNITY BOARD RESOLUTIONS

Ten of the twelve community boards in Manhattan voted on the proposed zoning text amendment. Of those ten boards, seven voted in support, while three voted in opposition. Several boards set forth conditions, which are summarized below.

Manhattan Community Board 1 recommended to approve the application.

Manhattan Community Board 2 recommended to disapprove the application unless the following conditions were met:

- The zoning text include an additional finding to ensure consistency with its historic districts;
- The City Planning Commission have the authority to prescribe appropriate additional conditions based on their impact on residential uses in the area; and
- The proposed Special Permit not supersede the requirement for any other Special Permit that may otherwise be applicable.

Manhattan Community Board 3 recommended approval of the application on the condition that the City better enforce regulations on illegal short-term rentals.

Manhattan Community Board 4 recommended approval of the application with the following conditions:

- The proposed text include stronger findings for granting the permit (impact on surrounding uses and vehicular and pedestrian congestion, concentration of hotels); and
- The proposed text require permit for public purpose hotels.

Manhattan Community Board 5 recommended disapproval of the application unless the following conditions were met:

- The proposed text amendment preserve the hotel special permit provisions that are already written into the Zoning Resolution; and
- The proposed text include stronger findings (impact on surrounding uses and vehicular and pedestrian congestion, pollution, streetscape, urban design, economic displacement, and “all other environmental effects”).

Manhattan Community Board 6 recommended disapproval of the application, citing an “arbitrary focus on one specific use group, inopportune timing, and adverse potential impact for future revenue and job growth.”

Manhattan Community Board 7 is expected to vote on the application in September.

Manhattan Community Board 8 is expected to vote on the application on July 21, 2021.

Manhattan Community Board 9 recommended approval of the application.

Manhattan Community Board 10 recommended approval of the application.

Manhattan Community Board 11 recommended approval of the application.

Manhattan Community Board 12 recommended approval of the application with the following conditions:

- The proposed text amendment include measures to mitigate the adverse economic impacts identified in the Draft Environmental Impact Statement; and
- The proposed text include policies and procedures to consider the financial feasibility of hotel projects in connection with the Special Permit process, ensure a detailed and thorough analysis of socioeconomic impacts associated with hotel development, and require a review that includes community board input for any conversion of a hotel.

BOROUGH PRESIDENT’S COMMENTS

The city’s tourism industry saw significant decline as a result of the pandemic. However, we have already begun to see a slow but steady return in visitors to the city and a robust revival that may eventually exceed pre-pandemic levels. DCP had been studying and preparing the proposed

zoning text amendment prior to the pandemic. The agency had also adjusted the proposal to ensure that the resurgence of our tourism industry is not thwarted by the proposed special permit. The current proposal includes modifications, such as ample vesting and discontinuance provisions, to ensure that the hotel industry does not suffer undue adverse impacts. While I understand that the proposed text amendment could result a reduction in the number of new hotel rooms, I also believe that it will help guide hotel construction to the most appropriate areas of Manhattan.

BOROUGH PRESIDENT'S RECOMMENDATION

I therefore recommend **approval of the application with the following modification:**

- That proposed zoning text include additional findings for the City Planning Commission to consider in granting the special permit, including density of hotels in the area, and impacts on residential areas, vehicular congestion, and pedestrian flow.



Gale A. Brewer

Manhattan Borough President