



Legislation Details (With Text)

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Type:	Resolution	Status:		In control:	Adopted Committee on Land Use
On agenda:	12/9/2021				
Enactment date:		Enactment #:			
Title:	Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210406 ZRY, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 911).				
Sponsors:	Rafael Salamanca, Jr., Francisco P. Moya				
Indexes:					
Attachments:	1. Res. No. 1864, 2. Hearing Testimony - Zoning 10-25-21, 3. November 10, 2021 - Stated Meeting Agenda with Links to Files, 4. Calendar of the Subcommittee Meetings - November 17 and 18, 2021, 5. Land Use Calendar - November 22, 2021, 6. Hearing Transcript - Stated Meeting 11-10-21, 7. December 9, 2021 - Stated Meeting Agenda, 8. LOCATING ENVIRONMENTAL REVIEW MATERIALS FOR CERTAIN LAND USE APPLICATIONS, 9. City Planning Commission Approval Letter, 10. Committee Report, 11. Hearing Transcript - Stated Meeting 12-9-21, 12. Minutes of the Stated Meeting - December 9, 2021				

Date	Ver.	Action By	Action	Result
11/22/2021	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
12/9/2021	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1864

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210406 ZRY, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 911).

By Council Members Salamanca and Moya

WHEREAS, the Department of City Planning, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, to modify Article III, Chapter 2 (Use Regulations), Article IV, Chapter 2 (Use Regulations) and related Sections, Citywide (Application No. N 210406 ZRY) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 22, 2021, its decision dated October 20, 2021 (the “Decision”), on the Application;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2021;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration, issued December 21st, 2020 (CEQR No. 21DCP111Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 8, 2021, which the proposed action as analyzed in the FEIS identified significant adverse impacts with respect to socioeconomic conditions (the “Positive Declaration”). The Council has also considered the Technical Memorandum dated _____, 2021.

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action that are set forth in this report; and
- (3) Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (4) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210406 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10 or other, as applicable;

* * * indicates where unchanged text appears in the Zoning Resolution.

Matter double struck out is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council.

* * *

ARTICLE III COMMERCIAL DISTRICT REGULATIONS

Chapter 2 Use Regulations

32-00

GENERAL PROVISIONS

* * *

32-02

Special Provisions for Hotels

#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 this Section. For the purposes of this Section, #transient hotels# shall include #motels#, #tourist cabins# and #boatels#.

In all Districts, #transient hotels# shall be permitted only as set forth in this Section.

(a) Applicability

A special permit for #transient hotels#, by the City Planning Commission, pursuant to Section 74-802 (Transient hotels within Commercial Districts) shall be applicable to:

- (1) the #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) an #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

Notwithstanding the above, the provisions of this Section shall not apply to the following:

- (1) 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;
- (2) where an application for a project containing a #transient hotel#, including an application for an extension of time to complete construction, has been filed at the Board of Standards and Appeals before [date of adoption] and such application has been approved after January 1, 2018, provided that:
 - (i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in an application or in environmental review documents; and
 - (ii) in the event that a temporary or final certificate of occupancy has not been issued by [six years after date of adoption], 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); or

- (3) where an application for a project containing a #transient hotel# has been certified by the City Planning Commission before [date of adoption] and has been approved by the Commission after January 1, 2018, provided that:
- (i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in a land use application or in environmental review documents; and
 - (ii) in the event that a temporary or final certificate of occupancy has not been issued by [six years after date of adoption], 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. For such applications where a special permit for a #transient hotel# has been certified by the Commission pursuant to a #Special Purpose District#, such application may continue pursuant to the regulations and term of years proposed or in effect at the time such special permit was certified by the Commission.

(c) Existing hotels

- (1) Any #transient hotel# existing on [date of adoption] 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, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use# other than a #transient hotel#, or may be utilized for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section 74-802 or other applicable section of this Resolution.
- (2) The provisions of paragraph (c)(1) of this Section shall be modified up to [six years after date of adoption] to allow a #transient hotel# existing on [date of adoption] to be restored to such #use# regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between [date of adoption] and [six years after date of adoption].
- (3) In the event a casualty damages or destroys a #transient hotel# 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).

(d) Vesting regulations

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, the following provisions shall apply.

- (1) If, on or before [date of referral], an application for a #development#, #enlargement# or #conversion# to a #transient hotel# has been filed with the Department of Buildings, and if, on

or before [one year after the date of adoption], the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued.

- (2) However, in the case of an application for a #development#, #enlargement# or #conversion# to a #transient hotel# that has been filed with the Department of Buildings prior to January 1, 2018 and has not received a permit contingent on zoning approval on or before [one year after date of adoption], the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, the provisions of this paragraph shall apply. For such applications, if, on or before [one year after date of adoption] a permit contingent on zoning approval was lawfully issued by the Department of Buildings, such construction may be started or continued.
- (3) In the case of an application filed after [date of adoption] for a #development# containing a #transient hotel# on a #zoning lot# located in the Theater Subdistrict of the #Special Midtown District# that as of [date of adoption] has a #lot area# of 20,000 square feet or more; and for which at least 10,000 square feet of such #lot area# is clear of #buildings# or is occupied by #buildings# which are substantially vacant, or any combination thereof, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, if on or before [two years following the date of adoption], the Department of Buildings has approved an application for a foundation or a new #building#, based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued. For purposes of this provision, the term “substantially vacant” shall mean that at least ninety percent of the #floor area# of a #building# is unoccupied.

All such applications may be revised and retain vested status, provided that the #floor area# for the #transient hotel# is not increased by more than 20 percent of the final approved application, or for a proposed #enlargement#, by more than 20 percent of the proposed new #floor area# of the final approved application.

In the event that a temporary or final certificate of occupancy has not been issued by [six years after date of adoption], the building permit shall automatically lapse and the right to continue construction shall terminate, provided that in the case of a #development# containing a #transient hotel# on a #zoning lot# that has a #lot area# of 20,000 square feet or more and is located in the Theater Subdistrict of the #Special Midtown District#, having vested status under the provisions of paragraph (d)(1) or (d)(3) of this Section, such period for issuance of a temporary or final certificate of occupancy shall be until [10 years after date of adoption]. 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).

* * *

32-10

USES PERMITTED AS-OF-RIGHT

* * *

32-14

Use Group 5

C1* C2** C4 C5 C6 C8

Use Group 5 consists of hotels used primarily for transient occupancy.

A. Transient Accommodations

#Hotels, transient#*** [PRC-H]

B. #Accessory Uses#

* In a C1-1, C1-2, C1-3 or C1-4 District, a #transient hotel# shall not be permitted

** In a C2-1, C2-2, C2-3 or C2-4 District, each #transient hotel# shall be located on a #zoning lot# in whole or in part within a 1,000-foot radius of the entrance or exit of a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent #street#

*** Subject to the provisions of Section 32-02 (Special Provisions for Hotels)

* * *

32-16

Use Group 7

C2 C6* C8

Use Group 7 consists primarily of home maintenance or repair services which:

- (1) fulfill recurrent needs of residents in nearby areas;
- (2) have a relatively small service area and are, therefore, widely distributed throughout the City; and
- (3) are incompatible in primary retail districts since they break the continuity of retail frontage.

A. Transient Accommodations

#Motels#, #tourist cabins# or #boatels#** [PRC-H]

In C2 Districts, each #motel# or #tourist cabin# shall be located on a #zoning lot# in whole or in part within a 1,000 foot radius of the entrance or exit of a limited-access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic

flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent
#street#

* * *

E. #Accessory Uses#

* In a C6-1A District, #uses# in Use Group 7 are not permitted

** Subject to the provisions of Section 32-02 (Special Provisions for Hotels)

* * *

32-30

USES PERMITTED BY SPECIAL PERMIT

32-31

By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

C4-1

Amusement arcades [PRC-E]

C2 C4 C6 C7

#Automotive service stations#, open or enclosed, with sites of not less than 7,500 square feet per establishment, and provided that facilities for lubrication, minor repairs, or washing are permitted only if located within a #completely enclosed building#

C3

#Boatels# [PRC-H]

C1 C2 C3

Camps, overnight or outdoor day [PRC-H]

* * *

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, 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) or, where applicable, Section 32-02 (Special Provisions for Hotels). 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) Applicability

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 December 20, 2018, did not contain such #use#; or
- (3) #enlargement# or #extension# of a #transient hotel# that existed prior to December 20, 2018, that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

The provisions of this Section shall not apply to the following:

- (1) ~~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:~~
 - (i)(2) ~~a #transient hotel# located within 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;~~
 - (ii)(3) ~~a #transient hotel# in an M1-6D District, a #Special Mixed Use District# or any other #Special Purpose District# where any M1 District is paired with a #Residence District#, all of which shall instead be subject to the provisions of Section 32-02 (Special Provisions for Hotels); or~~
 - (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.~~
- (4)(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 December 20, 2018.~~

(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#.

(d) Existing hotels

- (1) Any #transient hotel# existing prior to December 20, 2018, 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 utilized ~~#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.

- (2) The provisions of paragraph (d)(1) of this Section shall be modified up to [six years after date of adoption] to allow a #transient hotel# existing on [date of adoption] to be restored to such #use# regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between [date of adoption] and [six years after date of adoption].
- (3) In addition, in the event a casualty damages or destroys a #transient hotel# within an M1 District that was in such #use# as of December 20, 2018, 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).

(e) Vesting

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 December 20, 2021, 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 December 20, 2018, 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

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 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#~~

* * *

42-40

SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

* * *

42-48

Supplemental Use Regulations in M1-6 Districts

* * *

42-483

Commercial uses

The ~~#commercial use#~~ regulations applicable in M1 Districts shall apply in M1-6D Districts, except that:

- (a) ~~#Transient hotels# shall be allowed, except that #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 paragraph (a) of Section 42-481 (Residential use), shall only be allowed upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal has been met for the area in which such #transient hotel# is located, as set forth in this paragraph, (a), or where such residential development goal has not been met, by special permit pursuant to Section 74-802 (In M1-6D Districts).~~

~~The residential development goal shall be met when at least 865 #dwelling units#, permitted pursuant to the provisions of Section 42-481, on #zoning lots# located within an area bounded by West 28th Street, West 30th Street, a line 100 feet west of Seventh Avenue, and a line 100 feet east of Eighth Avenue, have received temporary or final certificates of occupancy subsequent to September 21, 2011.~~

- (b)(a) Food stores, including supermarkets, grocery stores and delicatessen stores, shall not be limited as to size of establishment.
- (e)(b) On ~~#narrow streets#~~, ground floor ~~#commercial uses#~~ shall be subject to special streetscape provisions, as set forth in Section 42-485.
- (d)(c) All ~~#uses#~~ listed in Use Group 10 shall be permitted without limitation, except as provided for in

paragraph (e)(b) of this Section.

* * *

ARTICLE VII ADMINISTRATION

Chapter 3 Special Permits by the Board of Standards and Appeals

* * *

~~73-25~~ ~~Boatels~~

In C3 Districts, the Board of Standards and Appeals may permit ~~#boatels#~~ provided that the following findings are made:

- (a) ~~that such #use# is so located as not to impair the essential character or the future use or development of the nearby residential neighborhood; and~~
- (b) ~~that any restaurant permitted in connection with such #use# satisfies the conditions for issuance of special permits to eating or drinking places, as set forth in Section 73-24.~~

~~The Board may modify the regulations relating to #signs# in C3 Districts to permit a maximum total #surface area# of 50 square feet of non-#illuminated# or #illuminated# non-#flashing signs# on each of not more than three #street# or water frontages.~~

~~The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements with respect to the location of #illuminated signs#, the shielding of floodlights or adequate screening.~~

~~73-26~~ ~~73-25~~ Children's Amusement Parks <<https://zr.planning.nyc.gov/article-vii/chapter-3/73-26>>

* * *

~~73-27~~ ~~73-26~~ Funeral Establishments <<https://zr.planning.nyc.gov/article-vii/chapter-3/73-26>>

* * *

~~73-28~~ ~~73-27~~

Newspaper Publishing <<https://zr.planning.nyc.gov/article-vii/chapter-3/73-26>>

* * *

~~73-29~~

73-28

Utilization of Explosives in Manufacturing Processes <<https://zr.planning.nyc.gov/article-vii/chapter-3/73-26>>

* * *

Chapter 4

Special Permits by the City Planning Commission

* * *

74-80

TRANSIENT HOTELS

* * *

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 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.~~

Transient hotels within Commercial Districts

In C1 Districts, except C1-1, C1-2, C1-3 and C1-4 Districts, in C2 Districts, except C2-1, C2-2, C2-3 and C2-4 Districts where #transient hotels# are not permitted pursuant to Section 32-14 (Use Group 5), in C4, C5, C6 and C8 Districts, in M1 Districts paired with a #Residence District#, and in M1-6D 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) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and
- (c) such #use# will not impair the 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.

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 VIII SPECIAL PURPOSE DISTRICTS

Chapter 1 Special Midtown District

* * *

81-60

SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

* * *

81-62

Special Use Provisions

~~81-621~~

~~Special provisions for transient hotels~~

Within the East Midtown Subdistrict, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the ~~#development#~~ of a ~~#building#~~ containing a ~~#transient hotel#~~, as listed in Use Group 5, or the ~~#conversion#~~ or change of ~~#use#~~ within an existing ~~#building#~~ to a ~~#transient hotel#~~, shall only be allowed by special permit of the City Planning Commission pursuant to the provisions of this Section. In addition, in Subareas other than the Vanderbilt Corridor, as shown on Map 2 (Special East Midtown District and Subareas), the ~~#enlargement#~~ of a ~~#building#~~ containing a ~~#transient hotel#~~ shall only be allowed by special permit of the City Planning Commission pursuant to the provisions of this Section.

However, in the event a casualty damages or destroys a ~~#building#~~ within the East Midtown Subdistrict that was used as a ~~#transient hotel#~~ as of May 27, 2015, in the Vanderbilt Corridor Subarea or on August 9, 2017, in other Subareas, such ~~#building#~~ may be reconstructed and used as a ~~#transient hotel#~~ without obtaining a special permit, provided the ~~#floor area#~~ of such reconstructed ~~#building#~~, less the ~~#floor area#~~ of any other ~~#buildings#~~ on the ~~#zoning lot#~~ does not exceed the applicable basic maximum ~~#floor area ratio#~~ for the ~~#zoning lot#~~ set forth in Section 81-60, inclusive. ~~#Transient hotels#~~ existing on May 27, 2015 within the Vanderbilt Corridor Subarea or on August 9, 2017, in other Subareas, shall be considered conforming ~~#uses#~~.

To permit such a ~~#transient hotel#~~, the Commission shall find that such ~~#transient hotel#~~ will:

- (a) be appropriate to the needs of businesses in the vicinity of the East Midtown area; and
- (b) provide on-site amenities and services that will support the area's role as an office district. Such business-oriented amenities and services shall be proportionate to the scale of the ~~#transient hotel#~~ being proposed, and shall include, but shall not be limited to, conference and meeting facilities, and telecommunication services.

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

However, after August 9, 2017, ~~#development#~~ of a ~~#building#~~ containing a ~~#transient hotel#~~ shall be permitted under the regulations which were in effect prior to August 9, 2017, if a new building application for such ~~#development#~~ was filed at the Department of Buildings after June 9, 2016, and a partial permit for such application was issued by the Department of Buildings on or prior to July 20, 2017, and a temporary certificate of occupancy for the entire ~~#building#~~ has been granted prior to January 31, 2020. In the event that such

~~temporary certificate of occupancy has not been granted prior to such date, and an application is filed prior to such date, pursuant to this Section, with the Board of Standards and Appeals, the Board may permit the new building permit to be renewed for a term of one year upon the following findings:~~

- ~~(1) that the applicant has been prevented from completing such construction by hardship or circumstances beyond the applicant's control;~~
- ~~(2) that the applicant has not recovered all or substantially all of the financial expenditures incurred in construction, nor is the applicant able to recover substantially all of the financial expenditures incurred through development that conforms and complies with any applicable amendment to this Resolution; and~~
- ~~(3) that there are no considerations of public safety, health and welfare that have become apparent since the issuance of the permit that indicate an overriding benefit to the public in enforcement of the special permit provisions of this Section. In the event that the Board permits the renewal, the temporary certificate of occupancy shall be obtained by no later than January 31, 2021.~~

~~81-622~~

81-621

Location of uses in mixed buildings

* * *

81-70

SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

* * *

81-72

Use Regulations Modified

* * *

81-722

Use Group T

The following #uses# are subject to the limitations on location and #floor area# of the underlying zoning district:

* * *

#Use#

Hotels, where permitted pursuant to Section 32-02 (Special Provisions for Hotels) - lobby space limited to 20 percent of total #zoning lot# frontage on #wide streets#

* * *

Chapter 3 Special Limited Commercial District

* * *

83-03 Use Group “LC”

Use Group “LC” comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are attracted to its activities.

* * *

H. Transient Accommodations

#Hotels, transient#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels)

* * *

Chapter 4 Special Battery Park District

* * *

84-10

ZONE A GENERAL DISTRICT REGULATIONS

* * *

84-12

Use Regulations

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit uses), 84-032 (Uses not permitted), 84-121 (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and #commercial uses#, #residential uses# are permitted on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial uses# are not located over any #residences#. However, such #commercial use# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from #commercial uses# exists within the #building#.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

- (a) in any #building# containing an #arcade# required in Section 84-134 (Mandatory arcades), any

permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling;
and

- (b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel uses# where permitted pursuant to Section 32-02 (Special Provisions for Hotels), or both #residential# and hotel #uses#.

In the case of hotel #uses# on this #zoning lot#:

- (1) a #physical culture or health establishment# may be permitted; and
- (2) an eating and drinking establishment, as permitted in Section 32-15 (Use Group 6), and a #physical culture and health establishment# or a non-#residential accessory use#, may be located above a #story# containing #residential uses#.

* * *

Chapter 8 Special Hudson Square District

* * *

88-10

SUPPLEMENTAL USE REGULATIONS

* * *

88-13

Commercial Use

The #commercial use# regulations applicable in M1 Districts shall apply in the #Special Hudson Square District#, except that:

- (a) food stores, including supermarkets, grocery stores or delicatessen stores, shall not be limited as to the size of the establishment;
- (b) #uses# listed in Use Group 6A, other than food stores, and Use Groups 6C, pursuant to Section 42-13, 6E, 10 and 12B, shall be limited to 10,000 square feet of #floor area# at the ground floor level, per establishment. Portions of such establishments located above or below ground floor level shall not be limited in size;
- (c) ground floor #commercial uses# shall be subject to special streetscape provisions set forth in Section 88-131;
- (d) #commercial uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive;
- (e) #transient hotels# shall be subject to the provisions of Section 32-02 (Special Provisions for Hotels);

~~and allowed, except that:~~

- ~~(1) #development# or #enlargement# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as of right, in accordance with paragraph (a) of Section 88-11, shall only be allowed upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal has been met for the #Special Hudson Square District# as set forth in this paragraph (e)(1), or, where such residential development goal has not been met, by special permit pursuant to Section 88-132 (Special permit for large transient hotels). The residential development goal shall be met when at least 2,255 #dwelling units#, permitted pursuant to the provisions of Section 88-11, within the #Special Hudson Square District#, have received temporary or final certificates of occupancy subsequent to March 20, 2013; and~~
- ~~(2) a change of #use# within a #qualifying building# to a #transient hotel# with greater than 100 sleeping units shall only be allowed by special permit, pursuant to Section 88-132; and~~
- (f) eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, are permitted only by special permit of the Board of Standards and Appeals, pursuant to Section 73-244.

* * *

88-132

Special permit for large transient hotels

- ~~(a) #Developments# or #enlargements# In the #Special Hudson Square District#, prior to the residential development goal set forth in paragraph (e) of Section 88-13 (Commercial Use) having been achieved, 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 paragraph (a) of Section 88-11, provided the Commission finds that:~~
 - ~~(1) sufficient development sites are available in the area to meet the residential development goal; or~~
 - ~~(2) a harmonious mix of #residential# and non-#residential uses# has been established in the surrounding area, and such #transient hotel# resulting from a #development# or #enlargement# is consistent with the character of such surrounding area.~~
- (b) Changes of #use# In the #Special Hudson Square District#, the City Planning Commission may permit the change of #use# of #floor area# within #qualifying buildings# to a Use Group 5 #transient hotel# with greater than 100 sleeping units provided that, at minimum, the amount of #floor area# changed to such #transient hotel# is:
 - ~~(1) preserved for Use Group 6B office #use# within a #qualifying building# located within the #Special Hudson Square District#; or~~
 - (2) created for Use Group 6B office #use# within a #building developed# after March 20, 2013, or within the #enlarged# portion of a #building#, where such #enlargement# was constructed within one year of the date an application pursuant to this Section is filed with the Department of City Planning (DCP). Such #developed# or #enlarged buildings# may be located anywhere within the #Special Hudson Square District#, and shall have either temporary or final

~~certificates of occupancy for Use Group 6B office #use#.~~

~~In order to permit such change of #use#, the Commission shall find that the proposed #transient hotel# is so located as not to impair the essential character, or the future use or development, of the surrounding area.~~

~~A restrictive declaration acceptable to the DCP shall be executed and recorded, binding the owners, successors and assigns to preserve an amount of Use Group 6B office #use# within a #qualifying building#, or created within a #development# or #enlargement#, as applicable. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for~~

~~any building permit related to a change in #use# from Use Group 6B office #use# to any other #use#.~~

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

* * *

ARTICLE IX SPECIAL PURPOSE DISTRICTS

* * *

Chapter 4 Special Sheepshead Bay District

* * *

94-06 Special Use Regulations

* * *

94-061 Permitted residential, community facility and commercial uses

A. #Residential# and #community facility uses#

#Uses# listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. #Commercial uses#

In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those #commercial uses# listed in Section 94-062 (Use Group SB), those #uses# listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 9 and 14, and those #uses# permitted pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also be allowed on a #zoning lot# existing on May 27,

2015, for a period of 10 years from such date. Such food store shall be limited to one such establishment per #zoning lot# and shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space. There shall be no limitation on the amount of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only #commercial uses# listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area G, only #commercial uses# listed in Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area H, except for #uses# permitted pursuant to Section 94-063, #commercial uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:

* * *

#Hotels, transient#, #motels# or #boatels#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels)

Jewelry or art metal craft shops

#Motels# or #boatels#

* * *

Chapter 6 Special Clinton District

* * *

96-30

OTHER AREAS

* * *

96-34

Special Regulations in Northern Subarea C1

Within Northern Subarea C1, Special Use Regulations Areas C1-1 and C1-2, as shown on the map in Appendix A of this Chapter, are subject to the special #use# regulations of this Section. In addition, the special Inclusionary Housing regulations set forth in this Section shall apply in Area C1-1.

(a) Inclusionary Housing Program

The boundaries of the #Inclusionary Housing designated area# within the #Special Clinton District# are shown on Map 2 in Manhattan Community District 4, in APPENDIX F of this Resolution. Such area shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area# the following special regulations shall apply. The #residential floor area# of the #zoning lot# may be increased by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.625 square feet for each one square foot of #middle income floor area# provided, up to the maximum #floor area# set forth in Section 23-154 (Inclusionary Housing). However, the amount of #low income floor area# plus half the amount of #middle income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area# on the #compensated zoning lot#, provided that no more than 8,000 square feet of #middle income floor area# may be included within this calculation.

(b) Special #use# regulations

(4) In Special Use Regulations Areas C1-1 and C1-2, the following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:

(i)(1) automobile showrooms or sales with preparation of automobiles for delivery; and

(ii)(2) automobile repairs.

(2) ~~#Transient hotels# shall not be permitted within the portion of Area C1-1 that is located between Eleventh Avenue and a line 250 feet west of Eleventh Avenue, and in the portion located between West 57th Street and a line 100 feet south of West 57th Street, except by special permit of the City Planning Commission, pursuant to the provisions of this paragraph (b)(2).~~

~~The Commission may permit #transient hotels#, resulting from a #development#, #enlargement#, #extension# or change of #use#, provided that the Commission shall find that such #transient hotel# is so located as not to impair the essential character of, or the future use or development of the surrounding area.~~

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

* * *

Chapter 7 Special 125th Street District

* * *

97-14 Transient Hotels Within the Park Avenue Hub Subdistrict

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the ~~#development#~~ or ~~#enlargement#~~ of a ~~#building#~~ containing a ~~#transient hotel#~~, as listed in Section 32-14 (Use Group 5), or the ~~#conversion#~~ or change of ~~#use#~~ within an existing ~~#building#~~ to a ~~#transient hotel#~~, shall only be allowed:

- (a) ~~upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met; or~~
- (b) ~~where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:~~
 - (1) ~~sufficient sites are available in the area to meet the #residential development# goal; or~~
 - (2) ~~a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.~~

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

~~For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 3,865 #dwelling units# within the combined areas of the #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, have received temporary or final certificates of occupancy subsequent to November 30, 2017.~~

* * *

97-412

Maximum floor area ratio in the Park Avenue Hub Subdistrict

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum ~~#floor area ratio#~~ for ~~#zoning lots#~~ is set forth in paragraph (a) of this Section, and is modified for certain ~~#zoning lots#~~ in accordance with paragraph (b) of this Section.

- (a) Maximum ~~#floor area ratio#~~ The maximum ~~#floor area ratio#~~ shall be 12.0. Where a ~~#development#~~ or ~~#enlargement#~~ contains ~~#residential floor area#~~, such ~~#zoning lot#~~ shall satisfy the provisions of either:
 - (1) a minimum non-~~#residential floor area ratio#~~ of 2.0 shall be provided on such ~~#zoning lot#~~. Such ~~#floor area#~~ shall not include any ~~#floor area#~~ containing a ~~#transient hotel#~~ pursuant to the provisions of Section 97-14 (Transient Hotels Within the Park Avenue Hub Subdistrict); or

* * *

Chapter 9

Special Madison Avenue Preservation District

* * *

99-03

Special Use Regulations

* * *

99-031

Use Group MP

Use Group MP comprises a group of #commercial# establishments selected to promote and strengthen the existing #commercial# character of the Special District. The #commercial uses# listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The #commercial uses# listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.

Table A

A. Transient Accommodations

#Hotels, transient#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels)

* * *

ARTICLE XI

SPECIAL PURPOSE DISTRICTS

Chapter 1

Special Tribeca Mixed Use District

* * *

111-10

SPECIAL USE REGULATIONS

* * *

111-13

Additional Use Regulations

* * *

(d) Areas A4, A5, A6 and A7

~~#Transient hotels# shall be allowed, except that #developments#, #enlargements#, #extensions# or changes of #use# that result in a #transient hotel# with greater than 100 sleeping units shall only be allowed pursuant to Section 111-31 (Special Permit for Large Transient Hotels). However, any #transient hotel# that received a special permit pursuant to Section 74-711, granted prior to October 13, 2010, may continue under the terms of such approval.~~

~~(e)~~(d) Environmental conditions for Area A2

* * *

111-31

Special Permit for Large Transient Hotels

In Areas A4 through A7, the City Planning Commission may permit ~~#transient hotels#~~ that are comprised of more than 100 sleeping units, provided the Commission shall find that such ~~#transient hotel#~~, resulting from a ~~#development#~~, ~~#enlargement#~~, ~~#extension#~~ or change of ~~#use#~~, is so located as not to impair the essential residential character of, or the 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.

111-32

Special Permit for Certain Large Commercial Establishments

* * *

ARTICLE XII

SPECIAL PURPOSE DISTRICTS

Chapter 1

Special Garment Center District

* * *

121-10

SPECIAL USE REGULATIONS

* * *

121-11

Transient Hotels and Offices

In the ~~#Special Garment Center District#~~, ~~#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 pursuant to Section 121-70 (Special Permit for Transient Hotels).

However, 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.~~

~~Furthermore, for~~ For a #building# subject to the provisions of Section 121-60 (ANTI-HARASSMENT AND DEMOLITION REGULATIONS IN SUBDISTRICT A-2) and for which #HPD# issued a #certification of no harassment# that was in effect on June 11, 2018, a special permit pursuant to Section 74-802 (Transient hotels within Commercial Districts) shall not be required where such #building# is #enlarged# and a portion of which is subsequently converted to #residences# pursuant to Article I, Chapter 5 (Residential Conversions Within Existing Buildings), provided all new #transient hotel# rooms shall be located in the #enlarged# portion of such #building#, and except for #transient hotel# lobbies and #accessory uses# located below the floor level of the second #story#, the non-#enlarged# portion of such #building# shall contain only permanently affordable #residences# pursuant to a #regulatory agreement# enforceable by #HPD#.

~~Any #transient hotel# existing prior to December 20, 2018, within the #Special Garment Center District#, shall be considered a conforming #use#. Any #enlargement# or #extension# of such existing conforming #use# shall not require a special permit. In the event a casualty damages or destroys a #building# within the #Special Garment Center District# that was used as a #transient hotel# as of December 20, 2018, such #building# may be reconstructed and continue as a #transient hotel# without obtaining a special permit, provided the #floor area# of such reconstructed #building# does not exceed the #floor area# permitted pursuant to the provisions of Section 121-31 (Maximum Permitted Floor Area Within Subdistrict A-1) or Section 121-41 (Maximum Permitted Floor Area Within Subdistrict A-2), as applicable.~~

In Subdistrict A-2, any #development# or #enlargement# that includes offices, as listed in Section 32-15 (Use Group 6B) #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

* * *

121-70

SPECIAL PERMIT FOR TRANSIENT HOTELS

~~In the #Special Garment Center District#, the City Planning Commission may permit a #transient hotel# as listed in Use Group 5, including #motels#, #tourist cabins# or #boatels# as listed in Use Group 7, that is not otherwise permitted pursuant to Section 121-10 (SPECIAL USE REGULATIONS), provided that:~~

- ~~(a) the location of such proposed #transient hotel# within the Special District will not impair the achievement of a diverse and harmonious mix of #commercial#, #manufacturing# and #community facility uses# within Subdistrict A-1 and of #residential#, #commercial#, #manufacturing# and #community facility uses# in Subdistrict A-2, consistent with the applicable district regulations;~~
- ~~(b) the site plan for such #transient hotel# demonstrates that the design is appropriate, does not impair the character of the area and 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 orientation of the #building# and landscaping;~~
- ~~(c) such #transient hotel use# will not cause undue vehicular or pedestrian congestion on local #streets; and~~
- ~~(d) such #transient hotel use# is consistent with the planning objectives of the Special District.~~

~~The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the~~

character of the surrounding area.

* * *

ARTICLE XIII SPECIAL PURPOSE DISTRICTS

Chapter 1 Special Coney Island District

* * *

131-10 SPECIAL USE REGULATIONS

* * *

131-11 Use Group 5

For the purposes of this Chapter, the definition of #transient hotel# shall be modified to allow only such hotels used exclusively for transient occupancy. Such #transient hotels# used exclusively for transient occupancy shall be permitted only in specified locations as set forth in this Chapter, where permitted pursuant to Section 32-02 (Special Provisions for Hotels).

* * *

131-13 Special Use Regulations in Subdistricts

* * *

131-131 Coney East Subdistrict

The #use# regulations of the underlying C7 District are modified as set forth in this Section. The provisions of Section 32-02 (Special Provisions for Hotels) are modified to apply in a C7 District. The locations of the mandatory ground floor #use# regulations of paragraphs (b), (c), (d) and (f) of this Section are shown on the #streets#, or portions of #streets#, specified on Map 2 in the Appendix to this Chapter. #Transient hotels# and Use Groups A, B and C, as set forth in Sections 131-11 through 131-123, inclusive, and #public parking garages#, shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

* * *

(e) #Transient hotels#

- (1) Where permitted pursuant to Section 32-02, #Transient transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on

that portion of the #block# bounded by West 15th and West 16th Streets south of the prolongation of the centerline of Bowery.

- (2) #Transient hotel use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.
- (3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.
- (4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.
- (5) #Accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

* * *

131-132

Coney North and Coney West Subdistricts

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the “building line” shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

- (a) Mandatory ground floor level #uses# along certain #streets#

Any #use# listed in Use Groups A, B and C, as set forth in Section 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of Riegelmann Boardwalk and within 100 feet of all other designated #streets#, as shown on Map 2.

- (1) Riegelmann Boardwalk

Only #uses# listed in Use Groups A, B and C and, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), #transient hotels# located above the ground floor level are permitted within 70 feet of Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of such ground floor frontage along Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from

the #street wall# of the #building#. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

(2) #Streets# other than Riegelmann Boardwalk

At least 20 percent of the frontage of a #building# or of an open #use#, on a #street# specified on Map 2, shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining frontage of such #building# or open #use#, on a specified #street#, shall be allocated to #commercial uses# permitted by the underlying district regulations or, where permitted pursuant to Section 32-02, a #transient hotel#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a specified #street# frontage.

There shall be at least four separate ground floor or open #commercial# establishments fronting upon each #block# fronting on Surf Avenue.

All ground floor #commercial uses# within #buildings# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. Such minimum 50 foot depth requirement may be reduced where necessary in order to accommodate a #residential# lobby, vertical circulation cores or structural columns associated with upper #stories# of the #building#.

(b) Prohibited ground floor level #uses# along #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

* * *

From Use Group 5A:

All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, where permitted pursuant to Section 32-02

* * *

Chapter 4 Special Governors Island District

[NOTE: Modifications to this chapter are based on zoning changes proposed pursuant to the current Governors Island Text Amendment N 210126 ZRM]

* * *

SPECIAL USE REGULATIONS

134-11

Permitted Uses

* * *

134-111

Permitted uses in subdistricts

In the Northern Subdistrict and the Southern Subdistrict, the following #uses# shall be permitted, except as otherwise specified in Section 134-112 (Permitted uses in the Open Space Subarea). In addition, in the Northern Subdistrict, the provisions of Section 134-14 (Certification for Large Commercial Establishments) shall apply to any #commercial use# exceeding 7,500 square feet of #floor area#.

From Use Groups 1 through 4, as set forth in Sections 22-11 through 22-14:

All #uses#.

From Use Group 5, as set forth in Section 32-14:

All #uses#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels).

From Use Group 6, as set forth in Section 32-15:

All #uses#, except automobile supply stores, drive-in banks, carpet, rug, linoleum or other floor covering stores, furniture stores, loan offices, medical or orthopedic appliance stores, paint stores, sewing machine stores or typewriter stores.

From Use Group 7, as set forth in Section 32-16:

All #uses# in Use Group 7A, where permitted pursuant to Section 32-02 (Special Provisions for Hotels).

From Use Group 7B: bicycle rental or repair shops, sailmaking establishments, and sign painting shops, limited to 2,500 square feet of #floor area# per establishment.

* * *

134-112

Permitted uses in the Open Space Subarea

In the Open Space Subarea of the Southern Subdistrict, the following #uses# shall be permitted.

* * *

(b) On any pier in the Open Space Subarea, #uses# shall be limited to the following:

From Use Group 4, as set forth in Section 22-14:

Clubs, limited to non-profit private beach clubs and non-profit private boat clubs.

From Use Group 6, as set forth in Section 32-15:

Docks for water taxis, with a vessel capacity of up to 99 passengers.

From Use Group 7, as set forth in Section 32-16:

#Boatels#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels)

* * *

Chapter 8 Special East Harlem Corridors District

* * *

138-10 SPECIAL USE REGULATIONS

* * *

138-12 Transient Hotels

~~C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10~~

In the districts indicated, the ~~#development#~~ or ~~#enlargement#~~ of a ~~#building#~~ containing a ~~#transient hotel#~~, as listed in Section 32-14 (Use Group 5), or the ~~#conversion#~~ or change of ~~#use#~~ within an existing ~~#building#~~ to a ~~#transient hotel#~~, shall only be allowed:

- (a) ~~upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or~~
- (b) ~~where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:~~
 - (1) ~~sufficient sites are available in the area to meet the #residential development# goal; or~~
 - (2) ~~a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.~~

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

For the purpose of applying the provisions of this Section, the ~~#residential development#~~ goal shall be met when at least 3,865 ~~#dwelling units#~~ within the combined areas of the ~~#Special East Harlem Corridors District#~~, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of Article IX, Chapter 7 (Special 125th Street District), have received temporary or final certificates of occupancy subsequent to November 30, 2017.

~~138-13~~

Physical Culture or Health Establishments

Within the ~~#Special East Harlem Corridors District#~~, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, ~~#physical culture or health establishments#~~ shall be permitted as-of-right in C2-5, C4-6 and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.

~~138-14~~ 138-13

Public Parking Garages

* * *

Chapter 9

Special Gowanus Mixed Use District

* * *

139-10

SPECIAL USE REGULATIONS

* * *

[Removing provisions relating to hotels in the CPC approved Special Gowanus Mixed-Use District (N 210178 ZRK) to be superseded by the Citywide Hotel Text Amendment.]

~~139-17~~

~~Transient Hotels~~

In all districts, the ~~#development#~~ of a ~~#transient hotel#~~; 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 an ~~#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, shall be permitted only by special permit of the City Planning Commission pursuant to the provisions of this Section.

In order to permit such a ~~#transient hotel#~~, the Commission shall find that such ~~#transient hotel#~~ is so located as not to impair the essential character of, or the future use or development of, the surrounding area.

Any ~~#transient hotel#~~ existing prior to [date of adoption] 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 district ~~#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 this Section. In addition, in the event a casualty damages or destroys a ~~#transient hotel#~~, 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).

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

* * *

ARTICLE XIV SPECIAL PURPOSE DISTRICTS

Chapter 1 Special Jerome Corridor District

* * *

141-10

SPECIAL USE REGULATIONS

* * *

141-11

Special Permit for Transient Hotels

The ~~#development#~~ or ~~#enlargement#~~ of a ~~#building#~~ containing a ~~#transient hotel#~~, as listed in Section 32-14 (Use Group 5), or the ~~#conversion#~~ or change of ~~#use#~~ within an existing ~~#building#~~ to a ~~#transient hotel#~~, shall only be allowed in C2 Districts, subject to the locational criteria set forth in the double-asterisked footnote of Use Group 5 in Section 32-14, and in C4 Districts;

- (a) ~~upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the #residential development# goal, as set forth in this Section, has been met; or~~
- (b) ~~by special permit by the City Planning Commission where such #residential development# goal, has not been met. To permit such a #transient hotel#, the Commission shall find that:~~
 - (1) ~~sufficient sites are available in the area to meet the #residential development# goal; or~~
 - (2) ~~a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.~~

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

~~For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 3,006 #dwelling units# within the #Special Jerome Corridor District# have received temporary or~~

~~final certificates of occupancy subsequent to March 22, 2018.~~

141-12

Physical Culture or Health Establishments

#Physical culture or health establishments# shall be permitted as-of-right in C2 and C4 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.

141-13 141-12

Modification of Supplemental Use Provisions

* * *

Chapter 2

Special Inwood District

* * *

142-10

SPECIAL USE REGULATIONS

* * *

142-11

Permitted Uses

* * *

142-111

~~Special provisions for transient hotels~~

~~The #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed in C2 Districts, subject to the locational criteria set forth in the double-asterisked footnote of Use Group 5 in Section 32-14, and in C4, C6 or M1 Districts:~~

- ~~(a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or~~
- ~~(b) where such residential development goal has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:~~
 - ~~(1) sufficient sites are available in the area to meet the residential development goal; or~~

- (2) ~~a harmonious mix of #residential# and non-#residential# uses has been established in the area, and the #transient hotel# is consistent with the character of the surrounding area.~~

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

~~For the purpose of applying the provisions of this Section, the residential development goal shall be met when at least 3,860 #dwelling units# within the #Special Inwood District# have received temporary or final certificates of occupancy subsequent to August 8, 2018.~~

~~142-112~~

Regulations for manufacturing uses in Subareas B2 and B3

* * *

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on _____, 2021, on file in this office.

City Clerk, Clerk of The Council