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June 22, 2021

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

Re: N 210406 ZRY Proposed Citywide Hotel Text Amendment

Dear Chair Lago,

On the recommendations of its Chelsea Land Use and Clinton/Hell's Kitchen Land Use Committees, Manhattan Community Board 4 (MCB4), at its regularly scheduled full board meeting on June 2, 2021, voted 44 in favor, 0 opposed, 2 abstaining, and 0 present but not eligible, to recommend approval with conditions of the Department of City Planning's (DCP) proposed text amendment to require a special permit for new and enlarged transient hotels (Use Group 5), and motels, tourist cabins and boatels (Use Group 7).

MCB4 requests additional terms to be included in the zoning text amendment:

- include more specific findings for the proposed special permit; and,
- require a special permit for non-emergency public purpose hotels.

Description of Proposal

DCP seeks to create a more consistent zoning framework for new hotels; to address conflicts with nearby commercial, industrial, and residential uses; and to avoid the potential for new hotels to impair the future development of nearby areas. The proposed text amendment would establish a new special permit for new hotels, motels, tourist cabins, and botels in C1, C2, C4, C5, C6, C8 and Mixed-Use (MX) and paired M1/R districts, and Special Districts. The proposal also includes recovery measures to restore the hotel inventory to pre-COVID levels. These include modified vesting, exclusions of recent or active land use applications, and extended discontinuance measures.

Over the past 15 years a variety of special permits for new hotels have been adopted for different areas, including certain special districts where a site-specific review is

required. The findings for these special permits vary; they have different standards and lack a unified objective.

The proposed citywide special permit will replace existing special permits except for the M1 hotel special permit, adopted in 2018, which will retain its findings and regulations that are specific to light industrial areas.

Use Group 5 transient uses that are operated for a public purpose such as emergency shelters would be excluded from the proposal. A special permit would not be required for them. The City emphasizes that they must meet their legal obligation to provide emergency shelter quickly and a special permit requirement would be inappropriate.

The findings for the proposed special permit are general:

- New hotels must be allowed only on appropriate sites.
- New hotels must not have the potential to introduce conflicts with or create nuisances on, surrounding uses or negatively affect the future use and development of the area.

Analysis and Recommendations

MCB4 supports the goal of the proposed text amendment to require a citywide special permit for new hotels and enlargements in zoning districts that currently allow as-of-right hotels, in commercial districts or mixed-use (MX) districts. The new special permit could prevent the building of hotels in inappropriate locations and prevent them from hindering new development.

MCB4 requests that the proposed special permit findings be strengthened and clarified to ensure complete review.

- Impact on Surrounding Uses
The special permit finding should require that the site plan incorporate elements that are necessary to address any potential conflicts between the proposed use and adjacent uses, such as the location of the proposed access to the building, the building's orientation and landscaping, and internal storage space for trash, and linen deliveries.
- Impact on Vehicular and Pedestrian Congestion
The special permit finding should include that such use will not cause undue vehicular or pedestrian congestion on local streets.
- Concentration of Hotels
The special permit finding should require that a new hotel not cause an undue concentration of hotels within a 500-foot radius of the proposed location. In the past ten years, in areas of MCD4 with commercial zoning,

there has been such a rapid concentration of new hotels that these areas risk losing their historic neighborhood character.

Public Purpose Hotels

MCB4 supports public purpose hotels with uses such as supportive housing or shelters only if their siting meets the City Charter's mandate for Fair Share and they are well run. We strongly recommend that there should be a special permit requirement for them to address siting, operational and community issues raised by the local community board.

DCP is adamant that a special permit should not be required for the conversion of failing or closed hotels to temporary shelters for homeless people. MCB4 respects and understands the need for speedy emergency conversions. For example, when Covid-19 hit, people living in congregate facilities needed to be quickly relocated to safer, less-crowded spaces and many were moved into hotels within MCD4.

We recommend that non-emergency conversions be subject to a special permit to avoid a harmful concentration in a neighborhood. A special permit would be appropriate for routine non-emergency uses such as shelters and supportive housing.

MCB4 has developed a planning approach for the siting of hotel conversions to homeless shelters, supportive housing and affordable housing. (See attached CB4 May 2021 letter "COVID Residential Conversion – Policy Considerations and Recommendations.") According to our recommended policy, new shelters and supportive housing should not be located in proximity to existing shelters, social service facilities, and other supportive housing within a 500-foot radius for a cumulative total of 150 beds or social service users within that radius. Only one shelter or supportive housing development should be sited on any street between two avenues or on any avenue between two streets. They should range between 50 to 100 beds, with those below 75 beds preferred.

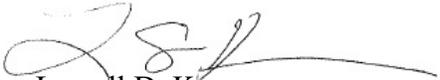
Even though the conversion of a public purpose hotel to a transient hotel would require a special permit, the Board is concerned that the converted building will easily qualify as a hotel, without a hard look at the special permit findings.

We urge DCP to work with us to develop a comprehensive plan for the siting of social service uses, shelters, supportive housing and affordable housing. Based on our recent experiences in MCD4, we now have a deep understanding of not only siting issues but the elements needed for successful conversion uses.

Conclusion

MCB4 recommends approval of the proposed citywide text amendment for a hotel special permit with two conditions: that the special permit findings be strengthened, and a special permit be required for non-emergency public purpose hotels. We greatly appreciate DCP's work on this important land use issue.

Sincerely,


Lowell D. Kern
Chair
Manhattan Community Board 4


Betty Mackintosh
Co-Chair
Chelsea Land Use Committee


Jean-Daniel Noland
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Enclosure

cc: Hon. Corey Johnson, Speaker, City Council
Hon. Gale Brewer, Manhattan Borough President