



JEFFREY LEFRANCOIS
Chair

JESSE R. BODINE
District Manager

CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

424 West West 33 Street, Suite #580
New York, NY 10001
tel: 212-736-4536
www.nyc.gov/mcb4

March 10, 2023

Dan Garodnick
Chair
Department of City Planning
120 Broadway, 31st Fl.
New York, NY 10271

Hon. Mark Levine
Manhattan Borough President
Municipal Building, 19th Floor
1 Center Street
New York, NY 10007

Re: Proposed Zoning Text Amendment to Improve Access to Public Bathrooms in Privately Owned Public Process

Dear Chair Garodnick and Borough President Levine,

The Public Restroom Working Group presented draft language of a Zoning Text Amendment to improve access to the number of public restrooms to the Clinton/Hell's Kitchen Land Use Committee (C/HKLU) at its January 11, 2023 meeting, and the Chelsea Land Use Committee (CLU) at its February 22, 2023 meeting. The proposed Zoning Text Amendment focused on altering the requirements of Privately Owned Public Spaces (POPS) to be inclusive of additional public restrooms. C/HKLU and CLU voted to support the concept of the proposed zoning text amendment, however, more nuanced exploration of the text must be completed to incorporate some important community concerns. The MCB4 Executive Committee presented the combined letter to the full Board at its March 1, 2023 meeting which voted 35 in favor, 0 opposed, 0 abstained, and 1 Present Not Eligible to recommend the Working Group proceed with their efforts to adopt new zoning text amendment language for expansion of access to public bathrooms but by incorporating further community concerns.

Background

In 2021, a Public Restroom Working Group was formed with participants from five Community Boards to address the need for more access to public restrooms. A dire need for public restrooms in the City is clear considering the lack of public restrooms available for the people of New York City, particularly the large volumes of pedestrians in addition to tourist traffic. The working group took into consideration ADA compliance access, gender-neutral 'single-occupancy' restrooms, changing tables for infants and toddlers, 24/7 access, and cost of installation. Signage, maintenance, accountability, and ensuring a safe environment were all components of any revisions the working group pursued.

The situation with access to public restrooms crosses many City departments and agencies. Currently the Parks department manages the majority of the public restrooms; only 31% of those are ADA compliant, and 11% are not open year-round. MTA restrooms are unclean, unsafe, and in need of repair. Libraries, public transit centers, police stations, and other public government buildings are some of the only available public restrooms in the City which are not conveniently accessible.

Options to expand access to CUNY, public schools, City Offices and other public facilities is a possible venue to providing access to restrooms. DOT and Parks have been called upon to identify at least one location in each New York City zip code suitable for installing a public restroom. More than one per zip code may be required. Efforts are underway to require Parks to report on a regular basis the status of the conditions of the public restrooms held and operated by public agencies.

Proposal

One solution currently being considered by the Working Group is to include public restrooms as a mandatory amenity in the zoning requirements for POPS that are over 10,000 square feet. Only 14 of 550 POPS currently have public restrooms, of which only one is in CD4 at Worldwide Plaza. POPS are often created as a result of a zoning bonus incentives resulting in additional FAR for new buildings. The Working Group believes adding a requirement for public restrooms as part of the discussions on bonuses with development teams is an opportunity to address a community issue.

Possible options for developers to include additional restrooms include:

- Access to existing restrooms in the buildings associated with POPS
- Access to restrooms in associated cafés or kiosks
- New stand-alone units

Many of the POPS need to renew their certificates which presents the opportunity to ask for new or add access to public restrooms as a mandatory compliance for their recertification.

Recommendations

CB4 supports the development of a text amendment to add, and in some cases require, public restrooms as an amenity for public plazas and POPS. Consideration should be made to amending the zoning text for Public Plazas and POPS so that public restrooms are included as a

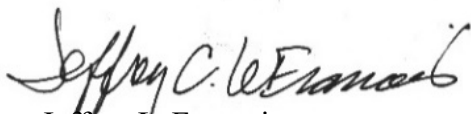
mandatory amenity that could enhance our public realm by providing access to free, well-maintained public restrooms for residents, visitors, workers, and the unhoused.

We recommend that the Working Group incorporate language into any draft text amendment to address community concerns. Specifically, those concerns are:

- Maintenance of POPS is the responsibility of the building management and must include restrooms as well.
- Directional signage should be within the POPS as well as at the entrances to POPS.
- Occupant Load should be considered and better defined, specifically for indoor versus outdoor venues with consideration to other uses in a plaza.
- Smaller POPS below 10,000 SF should also be required to add restrooms even if food kiosks are not required.
 - Occupancy Loads rather than square footage size of the POPS should be the determinant factor in requiring public restrooms.
- Incorporate language to ensure that public safety issues are addressed.
- Consideration of retrofitting existing POPS for restroom compliance when they come in for recertification.
 - Any recertification must comply with the new requirements and no POPS should be granted grandfathered waiver from installation of a public restroom.
- Address existing open space requirements when asking developers to utilize more space for new structures.
- Access to POPS public restrooms should not require any form of identification or present any other barriers to access.
- Adopt gender neutrality guidelines for any POPS restrooms to align with other City regulations.
- POPS that do not comply with the regulations should face substantial fines.

We appreciate and recognize the efforts and need to create more public restrooms and support the concept of the proposed zoning text amendment. We look forward to reviewing any final draft language to reach that goal.

Sincerely,



Jeffrey LeFrancois

Chair

Manhattan Community Board 4

cc: Hon. Erik Bottcher, City Council
Community Board Public Bathroom Task Force