



CITY PLANNING COMMISSION

July 27, 2005/Calendar No. 20

N 040541 ZRQ

IN THE MATTER OF an application submitted by Alexander's of Rego Park II, Inc., pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, relating to Article VII, Chapter 4, (Special Permits by City Planning Commission), concerning Section 74-93 special commercial developments in commercial districts, Borough of Queens, Community District 6.

The application for an amendment of the Zoning Resolution was filed by Alexander's of Rego Park II, Inc. on June 25, 2004, to modify the special permit provisions contained in Section 74-93 (Special Commercial Developments in Commercial Districts).

RELATED ACTIONS

In addition to the amendment of the Zoning Resolution, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 040542 ZSQ Special permit, pursuant to Section 74-93 of the Zoning Resolution.
2. M 860562(A) ZSQ Modification of Restrictive Declaration (D-110).

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for the grant of a special permit (C 040542 ZSQ).

ENVIRONMENTAL REVIEW

This application (N 040541 ZRQ), in conjunction with the applications for the related actions (C 040542 ZSQ and M 860562(A) ZSQ), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00et.seq. And the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and executive order No. 91 of 1977. The designated CEQR number is 04DCP040Q. The lead agency is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for the grant of a special permit (C 040542 ZSQ).

PUBLIC REVIEW

On February 28, 2005, this application for a zoning text amendment was duly referred to Community Board 6 and the Borough President for information and review in accordance with the Commission's policy for referring non-ULURP matters.

Community Board Review

Community Board 6 held a public hearing on May 4, 2005, and on that date, by a vote of 29 to 5 with no abstentions, adopted a resolution recommending approval of the application with conditions.

A summary of the recommendations of Community Board 6 appears in the report on the related application for the grant of a special permit (C 040542 ZSQ).

Borough President Review

This application was considered by the Borough President, who issued a recommendation on June 6, 2005, approving the application with conditions.

A summary of the recommendation of the Borough President appears in the report on the related application for the grant of a special permit (C 040542 ZSQ).

City Planning Commission Public Hearing

On May 25, 2005 (Calendar No.13), the City Planning Commission scheduled June 8, 2005, for a public hearing on this application (N 040541 ZRQ). The hearing was duly held on June 8, 2005 (Calendar No. 25), in conjunction with the public hearing on the related application (C 040542 ZSQ).

There were a number of speakers, as described in the report on the related application for the grant of a special permit (C 040542 ZSQ), and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment to the Zoning Resolution is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for the grant of a special permit (C 040542 ZSQ).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 15, 2005, with respect to this application (CEQR No. 04DCP040Q), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Underlined matter is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within ## is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution

* * *

74-93 Special Commercial or Mixed Use Developments in Commercial Districts

Within the boundaries of Community District 6, Borough of Queens, for commercial or mixed use #developments# or #enlargements# on two or more #zoning lots# in more than one #block#, which #zoning lots#, as defined in Section 12-10, each have single fee ownership or equivalent ownership arrangements for all lots comprising the #development# or #enlargement#, which are contiguous or would be contiguous but for their separation by a #street#, and located partially in a C4-2 District, partially in a C4-2F District, the City Planning Commission may permit upon application:

- (a) reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the uses proposed ~~modification of applicable district regulations pertaining to the #accessory# off-street parking requirements, where the number of required off-street parking spaces is generated by the #floor area# of any interior pedestrian circulation system;~~
- ~~(b) accessory# off-street parking spaces to be provided in a #public parking garage#, to be located anywhere within the #development# or #enlargement#, without regard for #zoning lot# lines, for #uses# not located on the same #zoning lot#;~~
- ~~(c) a special permit pursuant to the provisions of Section 74-512 permitting a #public parking garage# with a capacity not exceeding 2,700 parking spaces;~~
- (d) (b) any closed and demapped air space above a #street# to be considered as a part of the #development# or #enlargement# and to be used for automobile ways, or for enclosed pedestrian ways ~~or retail #uses#~~; provided the Commission finds that:
 - (1) each bridge over the #street# bed utilizes only unused #floor area# from an adjoining #zoning lot# within the #development# or #enlargement# and that no #floor area# credit is generated from the demapped air space;
 - (2) each bridge adjoins #zoning lots# which are wholly within the #development# or #enlargement#;
 - (3) the #curb levels# of the adjoining #zoning lots# are not affected by the closing and demapping of such air space;
 - (4) all #street# frontages of the #zoning lots# under each bridge are provided with

satisfactory lighting; and

- (5) a landscaped open, covered or enclosed space for public use at #street# level, linked with the pedestrian circulation system, ~~which is at least equivalent to the #street# area covered by the bridges, with said enclosed space a minimum area of 5,000 square feet, a minimum width of 40 feet, a minimum depth of 60 feet, a minimum ceiling height of 30 feet and a maximum ceiling height of 75 feet, is provided in one location within the #development# or #enlargement#, which open, covered or enclosed space is at least equivalent to the #street# area covered by the bridges, has a minimum area of 20,000 square feet, and is maintained with planting and seating facilities by the owner of the #development# or #enlargement# and such open or enclosed space is maintained with planting and seating facilities, by the owner of the #development# or #enlargement# or his designee~~ and; said open, covered or enclosed space to be subject to such other requirements as the Commission may deem appropriate;
- (e)(c) automobile service establishments, including: automobile, tire, battery, muffler and accessories establishments, including installation services; automobile glass and mirror shops, including installation services where such #use# is an integral part of the permitted principal #use#; automotive seat cover or convertible top establishments, including installation service, but not including automobile laundries; automobile painting establishments; automobile body repair establishments; or automobile fuel service stations; ~~and~~
- (f)(d) modification of applicable #bulk# regulations by permitting the total permitted #floor area# for all #zoning lots# within such #development# or #enlargement# to be distributed without regard to #zoning lot lines# ; and permitting the location of buildings without regard for the applicable height and setback regulations, provided the Commission finds that:
 - (1) such distribution of #floor area# and location of buildings will result in better site planning and will thus benefit both the neighborhood and the City as a whole; and
 - (2) such distribution of #floor area# and location of buildings will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) modification of the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs), provided that the Commission finds that such modification will result in a better site plan.

The Commission may impose additional conditions and safeguards to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area, including restrictions on permitted #commercial uses#, #signs# and location of curb cuts to ease vehicular and pedestrian circulation in the area.

Section 74-99 (Lapse of Permit) shall not apply to a special #use# permit granted for a #development# or #enlargement# undertaken pursuant to a special permit under this Section.

* * *

The above resolution (N 040541 ZRQ), duly adopted by the City Planning Commission on July 27, 2005 (Calendar No. 20), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

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