



CITY PLANNING COMMISSION

October 3, 2007/Calendar No. 17

N 080022 ZRQ

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 5 (Special Downtown Jamaica District) concerning Section 115-22 (Modification of Rear Yard Regulations) and 115-234 (Maximum Building Height), Community District 12, Borough of Queens.

The application for an amendment of the Zoning Resolution was filed by the Department of City Planning on July 25, 2007 to modify Sections 115-22 (Modification of Rear Yard Regulations) and 115-234 (Maximum Building Height).

BACKGROUND

On September 10, 2007, the Jamaica Plan, a comprehensive zoning and planning strategy for 368 blocks in Jamaica, Queens, was adopted by the City Council. The Plan consisted of several applications, including zoning map and text amendments, an urban renewal plan and designation, disposition of property within the Jamaica Gateway Urban Renewal Plan, the disposition of city-owned property and an amendment to the City Map. The Plan is intended to support Jamaica's downtown business district, expand housing and economic opportunities along the area's major thoroughfares and preserve intact blocks in neighboring low-rise residential communities.

During the public review of the Jamaica Plan, the need for additional text changes requiring subsequent action was identified. These additional text changes are intended to facilitate new mixed-use development within a reasonable timeframe and address the unique development constraints of properties located near Jamaica's AirTrain and Long Island Rail Road station complex, as well as other properties abutting the Long Island Rail Road right-of-way.

Redevelopment of these parcels is likely to be constrained by their often shallow depths or irregular configurations along the Long Island Rail Road tracks. Providing the required 20-foot rear yard would be an additional development constraint on these sites, particularly for planned non-residential developments which typically need larger floorplates. The proposed text would eliminate this non-residential rear yard requirement.

The proposed zoning text amendment will also increase the maximum allowable building height in the C6-4 district from 250 feet to 290 feet and provide a more flexible building envelope for future developments. Zoning incentives for affordable housing, which are already included in the adopted zoning text that is part of the Jamaica Plan, would increase the maximum allowable FAR on these sites from 9 to 12 for any future development. The added flexibility will increase the likelihood that the affordable housing bonus floor area could be accommodated on these critical sites.

ENVIRONMENTAL REVIEW

This application (N 080022 ZRQ) 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 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 05DCP081Q. The lead agency is the City Planning Commission.

The Final Environmental Impact Statement (FEIS) for the Jamaica Plan was certified as complete and a Notice of Completion was issued by the City Planning Commission (CPC),

acting as lead agency, on June 29, 2007. On September 10, 2007, the City Council (Council) approved the application (N 070315 (A) ZRQ) and related applications. The approved actions consist of the Affordable Housing Alternative (AHA), which was analyzed in Chapter 23, “Alternatives”, of the Final Environmental Impact Statement (FEIS) for the Jamaica Plan, and associated modifications that were analyzed in a technical memorandum dated July 11, 2007.

The proposed minor modification, as described in the technical memorandum dated August 3, 2007, would increase the maximum allowable building height in the proposed C6-4 district from 250 feet to 290 feet, and remove the 20-foot rear yard requirement for non-residential uses in the proposed C6-4 district and properties adjacent to the LIRR viaduct.

A Notice of Minor Modification was issued on August 3, 2007, which determined that the proposed modification would not result in any new or increased significant adverse environmental impacts not already identified in the FEIS. Accordingly, the follow-up zoning text amendment represents a minor modification and does not alter the conclusions of the earlier environmental review. Therefore, the Notice of Completion of the Final Environmental Impact Statement issued on June 29, 2007 remains valid.

PUBLIC REVIEW

This application (N 080022 ZRQ) was duly referred on August 6, 2007 to Community Board 12 and the Borough President for information and review in accordance with the procedures for non-ULURP matters.

Community Board Review

The Executive Committee of Community Board 12 submitted a letter dated August 21, 2007

recommending approval of the application.

Borough President Recommendation

This application (N 080022 ZRQ) was considered by the Borough President, who issued a recommendation approving the application on September 19, 2007.

City Planning Commission Public Hearing

On September 5, 2007 (Calendar No. 4), the City Planning Commission scheduled September 19, 2007, for a public hearing on this application (N 080022 ZRQ). The hearing was duly held on September 19, 2007 (Calendar No. 25).

There were two speakers in favor of the application and no speakers in opposition.

A representative of the Greater Jamaica Development Corporation, described the follow-up action as an essential element of the Jamaica Plan's rezoning, making it possible to redevelop several sites near the AirTrain and the Long Island Railroad's Jamaica Station. He added that the proposed text changes would enable several narrow parcels to accommodate major development, and bring both permanent and construction jobs to southeast Queens, as well as new amenities to Jamaica. A developer of a site at Sutphin Boulevard and Archer Avenue stated that his development would benefit from the proposed text amendment.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for an amendment to the Zoning Resolution (N 080022 ZRQ) is appropriate.

The Commission acknowledges the unique development constraints of properties at the Sutphin Boulevard/Archer Avenue core and other properties abutting the LIRR right-of-way, and believes that this text amendment will provide the flexibility needed in developing these sites.

The Commission notes that The Jamaica Plan (“The Plan”) carefully defined a range of densities for the downtown with the highest densities proposed near the AirTrain and LIRR complex. The Commission recognizes that The Plan’s strategy is intended to create a critical mass of density at the transportation core that will attract private investment and continue to revitalize Jamaica, and further recognizes that the redevelopment of key properties would be constrained by their unique features.

The Commission notes that requiring a 20-foot rear yard on these unique sites would be an additional impediment to development, particularly for non-residential developments which typically need larger floor plates, and believes that redevelopment would be facilitated by eliminating this rear yard requirement.

The Commission further notes that these critical sites in the C6-4 district are in the Jamaica Gateway Urban Renewal Area where major residential and commercial developments are anticipated. The Commission believes that the proposed increase in the maximum building height from 250 feet to 290 feet would result in greater flexibility of building envelopes and better accommodate major developments anticipated on these sites. The Commission also

believes that the increased flexibility of the proposed text would facilitate the development of affordable units on these sites.

The Commission believes that this proposed text amendment (N 080022 ZRQ) is consistent with the goals and objectives of the Jamaica Plan adopted on September 10, 2007.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein does not alter the conclusions of the earlier environmental review and that the Notice of Completion of the Final Environmental Impact Statement (CEQR # 05DCP081Q) issued on June 29, 2007 remains valid; 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 set forth in the Notice of Minor Modification dated August 3, 2007 and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended as follows:

Matter Underlined 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

Article XI - Special Purpose Districts

Chapter 5

Special Downtown Jamaica District

115-22

Modification of Rear Yard Regulations

#Rear yard# requirements shall not apply to non-#residential uses# along such portion of a #lot line# that coincides with a boundary of a railroad right-of-way, or in any portion of a C6-4 District.

115-23

Height and Setback Regulations

In M1-4 Districts, the underlying height and setback regulations shall apply except as modified in Section 115-2231 (Permitted obstructions).

In C4 and C6 Districts, the underlying height and setback regulations are modified as set forth in Sections 115-2231 through 115-2235, inclusive.

* * *

115-22-31

Permitted obstructions

* * *

115-22-32

Street wall location

* * *

115-22-33

Street wall height

* * *

115-22 34

Maximum building height

C4 C6

In C4-4A Districts, no #building or other structure# shall exceed a height of 80 feet.

In C4-5X Districts, no #building or other structure# shall exceed a height of 125 feet.

In ~~all C6-2 and C6-3~~ Districts, no #building or other structure# shall exceed a height of 250 feet. In C6-4 Districts, no #building or other structure# shall exceed a height of 290 feet. However, no maximum building height limitation shall apply on Block 9993, shown on Map 5 (Maximum Building Height) in the Appendix to this Chapter, if such #block# is developed pursuant to the Jamaica Gateway Urban Renewal Plan.

115-22-35

Transition area

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The above resolution, duly adopted by the City Planning Commission on October 3, 2007 (Calendar No. 17), is filed with the Office of the Speaker, City Council and the Queens Borough President, pursuant to Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice-Chairman

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