CITY PLANNING COMMISSION

March 6, 2013/Calendar No. 10 N 130096 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) to modify the bulk and sidewalk widening regulations of the Special Downtown Jamaica District, Borough of Queens, Community District 12.

This application for an amendment to the New York City Zoning Resolution was filed by the Department of City Planning on October 23, 2012 to amend the Special Downtown Jamaica District. The amendments change rules relating to street wall location, street wall height, mandatory sidewalk widenings, and restrictions on curb cuts and ground floor uses in certain areas near the AirTrain JFK's Jamaica terminal at Sutphin Boulevard and 94th Avenue in Queens, Community District 12.

BACKGROUND

The New York City Department of City Planning (DCP) is proposing a zoning text amendment to modify bulk and streetscape rules for a nine-block portion of the Special Downtown Jamaica District (SDJD) in Queens, Community District 12. The proposal aims to improve the urban design framework established in 2007 under the Jamaica Plan (C 070314 ZMQ, N 070315 ZRQ, *et al.*) by applying the special district's urban design rules more consistently while continuing to support a broad mix of uses and building footprint sizes. The Jamaica Plan's streetscape rules, adopted in 2007, included location-specific bulk controls that were designed to support several private planned developments in the vicinity of the AirTrain Terminal. Due to changes in market conditions, these proposals are no longer anticipated to be built. It is now likely that new buildings will differ in both size and function from these prior projects. The SDJD bulk regulations that were devised to facilitate development of larger sites may be unduly burdensome or result in awkward building layouts and massings for developments on smaller sites. Additionally, the regulations may not adequately enhance new buildings' relationships to surrounding developments.

The proposed amendment would modify the special building wall and envelope rules in the AirTrain area to be more consistent with those that were developed for other areas in Downtown Jamaica. The amendment would not alter the original intent of the Special District, or change

allowable floor area or the range of permitted uses. Instead, it would accommodate smaller developments more reasonably and apply curb cut, sidewalk, and street wall rules consistently throughout the SDJD.

The rules to be amended under the proposed action are found in the following sections:

- 115-13 (Ground Floor Use, Frontage, and Major Building Entrance Regulations in C4-5X and C6 Districts);
- 115-14 (Transparency Requirement in C4-5X and C6 Districts);
- 115-232 (Street Wall Location);
- 115-233 (Street Wall Height); and
- 115-31 (Sidewalk Widenings).

The proposed amendment consists primarily of changes to the maps in Appendix A of Article XI, Chapter 5 that indicate applicability of the above noted sections.

<u>Ground Floor Use and Transparency and Curb Cut Restrictions</u>

Sections 115-13 and 115-14 are intended to enhance the pedestrian environment in Downtown Jamaica by requiring active ground floor uses in new development on streets with high projected levels of foot traffic. Changes to the applicable areas of these requirements are proposed in order to prohibit curb cuts on Sutphin Boulevard while accommodating them on 94th and 95th Avenues. The proposed amendments would modify Appendix Map 2 in the SDJD to:

- Extend the applicability of these requirements to the east side of Sutphin Boulevard between 94th Avenue and the Long Island Rail Road (LIRR) overpass; and

- Remove the applicability of these sections from portions of the north and south sides of 94th Avenue, and a portion of the north side of 95th Avenue, between Sutphin Boulevard and 148th Street.

The proposed amendments to Map 2 would achieve several important objectives. The proposed change would more fully support active uses on Sutphin Boulevard, a major pedestrian corridor,

by extending applicability from its current terminus at 100 feet north of 94th Avenue to 150 feet north of 94th Avenue, where retail uses are planned under the LIRR viaduct. Also, removal of applicability from the north side of 94th Avenue east of Sutphin Boulevard would allow a known future development to locate its curb cut on 94th Avenue (a less-trafficked one-way street) rather than on Sutphin Boulevard (a heavily trafficked two-way street). Finally, removal of applicability from the south side of 94th Avenue and the north side of 95th Avenue from a point 70 feet east of Sutphin Boulevard to 148th Street would allow future development on Tax Block 9999 to locate support functions, like loading docks, on less-trafficked streets.

Street Wall Location

Section 115-232 is intended to produce a consistent and uninterrupted placement of front walls for new buildings by requiring continuous street walls on streets with heavy pedestrian use. Under this section, 100 percent of the street wall of a building is required to be located at the street line. This contrasts with the typical requirement for the SDJD, which requires at least 70 percent of a building's street wall to be located at the street line. The proposed amendment would modify Appendix Map 3 in the SDJD to:

- Extend the applicability of Section 115-232 to the east side of Sutphin Boulevard between 94th Avenue and the Long Island Rail Road (LIRR) overpass;
- Remove the applicability of Section 115-232 from the east side of Waltham Street and the west side of 147th place between 95th and Liberty Avenues;
- Remove the applicability of Section 115-232 from the south side of 95th Avenue between Waltham Street and 147th Place; and
- Remove the applicability of Section 115-232 from the south side of 94th Avenue and the north side of 95th Avenue from a point 70 feet east of Sutphin Boulevard to 148th Street.

The proposed amendments to Map 3 would apply the SDJD's typical 70 percent street wall location requirements along side streets with lower existing and projected pedestrian volumes. Future developments on streets with high projected pedestrian volumes along Sutphin Boulevard will retain existing requirements for continuous street walls at the street line.

Street Wall Height

Section 115-233 regulates building base, tower heights and setback intended to produce building massings that will relate to surrounding built contexts. Existing regulations are designed to accommodate development that is no longer expected and applied inconsistently on Sutphin Boulevard. The proposed amendment would modify Appendix Map 4 in the SDJD where the street wall is allowed to rise without setback to the maximum height of the building:

- Allow "no maximum street wall height" to apply on a 50' section on the east side of Sutphin Boulevard between 94th Avenue and the Long Island Rail Road (LIRR) overpass; and

- Remove the applicability of "no maximum street wall height" from the south side of 94th Avenue and the north side of 95th Avenue between Sutphin Boulevard and 148th Street and the east side of Sutphin Boulevard between 94th and 95th Avenues.

In locations where "no maximum street wall height" rules would be removed, the underlying regulations would apply. Therefore, a 40- 60-foot base height with setbacks would be required on the block bounded by Sutphin Boulevard, 148th Street, and 94th and 95th Avenues. The proposed amendments to Map 4 would result in setback rules more appropriate for a mixed-use retail and residential apartment building, which is a likely development outcome for this block.

Sidewalk Widening

Section 115-31 is intended to enhance future pedestrian circulation through mandatory sidewalk widenings, as indicated on SDJD Appendix Map 6. The widenings require new developments to extend the existing sidewalk by either five or ten feet. The proposed amendments would modify Map 6 to:

- Create a new category for two-foot sidewalk widenings;
- Map a new applicable area for two-foot sidewalk widening on the north side of 95th Avenue between Sutphin Boulevard and a point 350 feet east of Sutphin Boulevard;

- Map a new applicable area for two-foot sidewalk widening on the east side of Sutphin Boulevard/146th Street between 97th and Liberty Avenues;
- Eliminate all ten-foot sidewalk widening requirements;
- Eliminate five-foot sidewalk widening requirements on both sides of Sutphin Boulevard between 95th and Liberty Avenues; and
- Eliminate five-foot sidewalk widening requirements on the north side of 95th Avenue 138th Place and 148th Street.

The proposed amendments are intended to create adequate pedestrian circulation space and eliminate an inconsistent sidewalk widening that is currently required on the east side of Sutphin Boulevard between 94th Avenue and the LIRR overpass. Unduly wide sidewalks (up to 33 feet at the southwest corner of 94th Avenue and Sutphin Boulevard) would no longer be required, but enlargement of existing narrow sidewalks would be required. For example, the narrow ten-foot sidewalk on the north side of 94th Avenue would be required to be enlarged to twelve feet. Similarly, the sidewalk on the east side of Sutphin Boulevard/146th Street between 97th and Liberty Avenues, which tapers from fourteen to ten feet, would be required to be enlarged by two feet in conjunction with future development along this block front.

In the current special district text, ten-foot sidewalk widenings are required be accompanied by seating. Since ten-foot sidewalk widenings would no longer be required in any location, the provision requiring seating would be eliminated from section 115-31.

ENVIRONMENTAL REVIEW

This application (N 130096 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 CEQ number is 13DCP038Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 26, 2012.

PUBLIC REVIEW

On November 26, 2012, this zoning text amendment application (N 130096 ZRQ) was duly referred to Community Board 12 and the Borough President, for information and review, in accordance with the procedure for referring non-ULURP matters.

Community Board

Community Board 12 did not hold a public hearing on this application, and the board did not issue a recommendation.

Borough President

The Borough President of Queens did not issue a recommendation on this application.

City Planning Commission Public Hearing

On January 23, 2013 (Calendar No. 6), the City Planning Commission scheduled February 6, 2013 for a public hearing on this application (N 130096 ZRQ). The hearing was duly held on February 6, 2013 (Calendar No. 19). There was one speaker in favor of the application.

The speaker, a representative from the Greater Jamaica Development Corporation (GJDC), stated that the Department of City Planning had worked closely with GJDC to identify potential problems with the existing special district bulk regulations and that the proposed changes will benefit developments on high-profile sites in the AirTrain terminal/LIRR station area.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment to the Zoning Resolution (N 130096 ZRQ) is appropriate.

The Commission believes that the proposed zoning text amendment addresses several potential regulatory shortcomings within the current provisions of the Special Downtown Jamaica District (SDJD) in the vicinity of the AirTrain JFK terminal located at Sutphin Boulevard and 94th Avenue. In particular, the proposed revised regulations pertain to mandatory sidewalk widenings, the location of street walls with respect to the property line, building setbacks, and the location of restrictions on curb cuts and some ground floor uses. The Commission believes that the amended special district text will provide a more reasonable framework for the development of buildings with smaller footprints than had been envisioned at the time of the adoption of the SDJD zoning text in 2007.

The Commission believes that the proposed zoning text changes will apply curb cut, sidewalk, and street wall rules more consistently throughout areas within the SDJD. The proposed text amendment would not change either the maximum permitted floor area or the range of permitted uses for development sites near the AirTrain terminal. Overall, the Commission believes that the proposed text amendment supports the objectives of the SDJD to expand retail, commercial and residential development opportunities near this key transit center, while ensuring adequate pedestrian circulation space and harmonious transitions in building scale between new structures and surrounding lower-scale buildings.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and 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 the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended as follows:

Matter in <u>underline</u> is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter with # # is defined in Section 12-10;

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

Article XI – Special Purpose Districts

* * *

Chapter 5
Special Downtown Jamaica District

* * *

115-30
Mandatory Improvements

115-31
Sidewalk Widenings

The provisions of this Section shall apply to all #developments# fronting upon locations requiring sidewalk widenings as shown on Map 6 (Sidewalk Widenings) in Appendix A of this Chapter. A sidewalk widening is a continuous, paved open area along the #street line# of a #zoning lot# having a depth of two feet or five feet ~~or 10 feet~~, as set forth on Map 6. Such depth shall be measured perpendicular to the #street line#. Sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalk and directly accessible to the public at all times. No #enlargement# shall be permitted to decrease the depth of such sidewalk to less than such minimum required total sidewalk depth.

All mandatory sidewalk widenings must provide lighting in accordance with the requirements of Section 37-743, except that the minimum level of illumination shall be not less than two horizontal foot candles throughout the entire mandatory sidewalk widening.

~~Sidewalk widening of 10 feet or more must provide one linear foot of seating for every 150 square feet of mandatory sidewalk widening. In additions, the provisions of paragraphs (a) through (d) of Section 62-652 (Seating) shall apply.~~

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APPENDIX A
Special Downtown Jamaica District Maps

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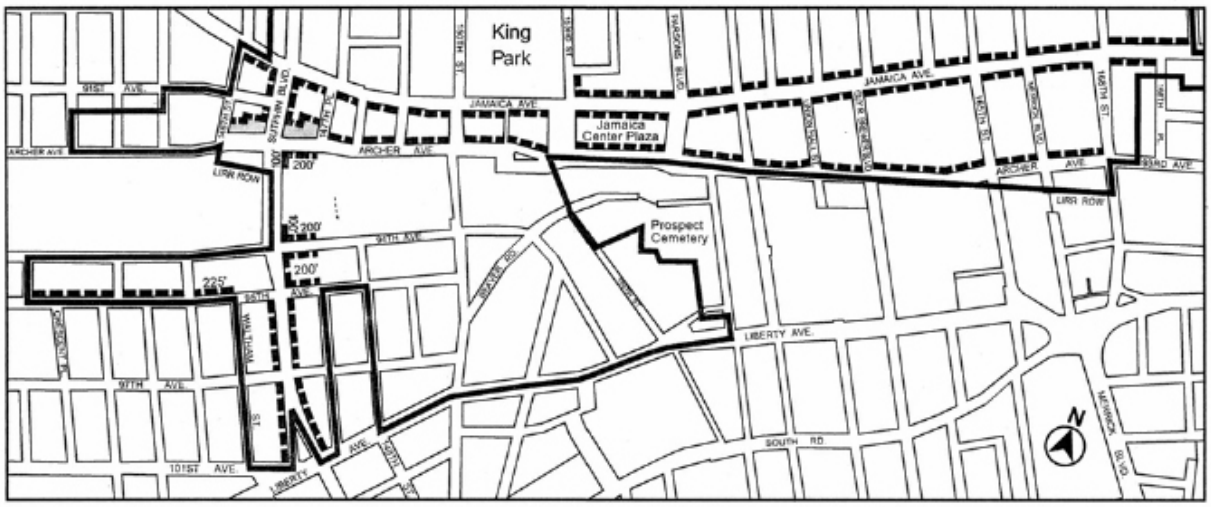
Map 2. Ground Floor Use and Transparency and Curb Cut Restrictions

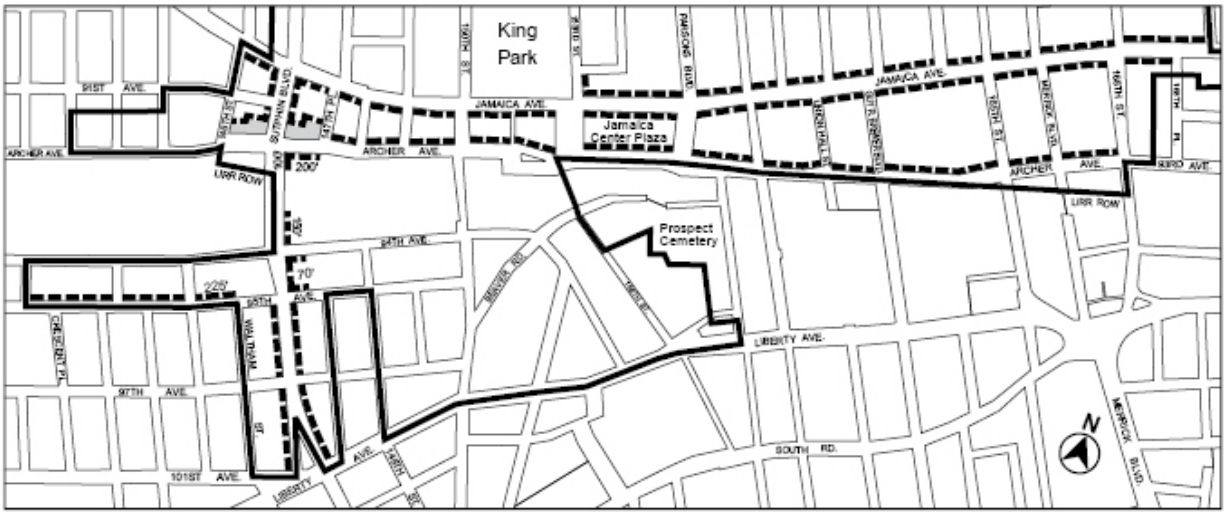
EXISTING MAP TO BE DELETED



Special Downtown Jamaica District

Ground Floor Use Restrictions, Minimum 50% Transparency Required, Curb Cuts Restricted

Public Place



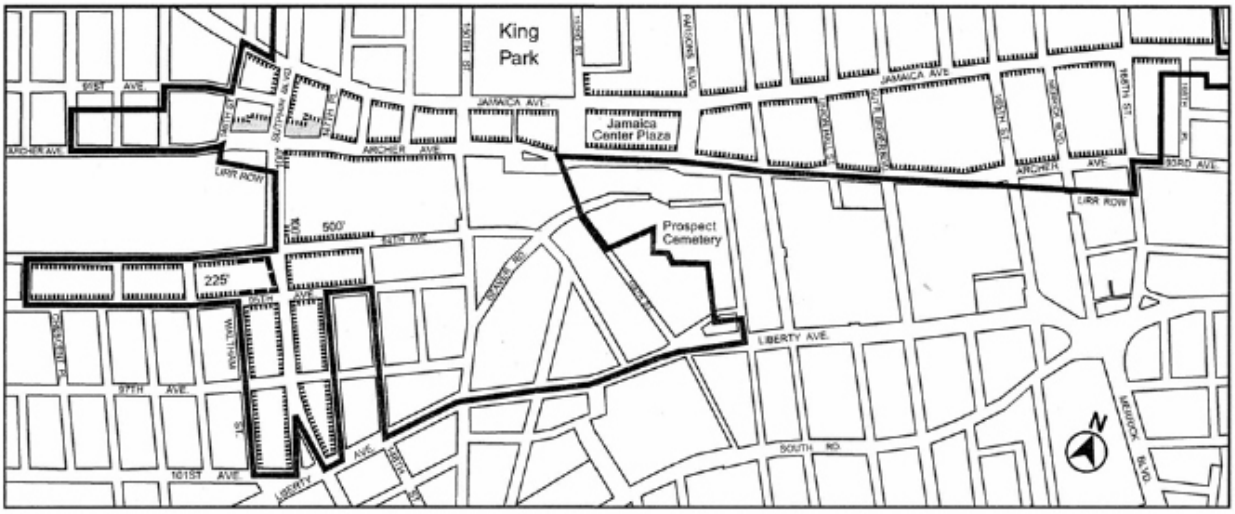
Special Downtown Jamaica District

Ground Floor Use Restrictions, Minimum 50% Transparency Required, Curb Cuts Restricted

Public Place

Map 3. Street Wall Location

EXISTING MAP TO BE DELETED

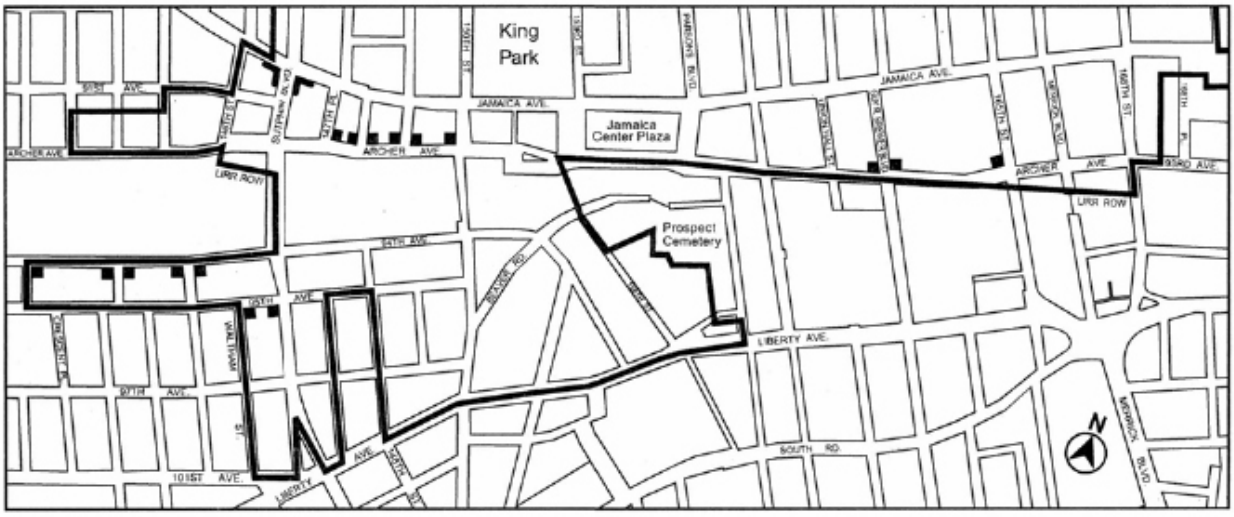


Special Downtown Jamaica District

Required *Street Wall*

The *street wall* location requirements of Section 115-232(b)(1) and (2) shall apply unless developed pursuant to the Jamaica Gateway Urban Renewal Plan, in which case no *street wall* location requirements shall apply

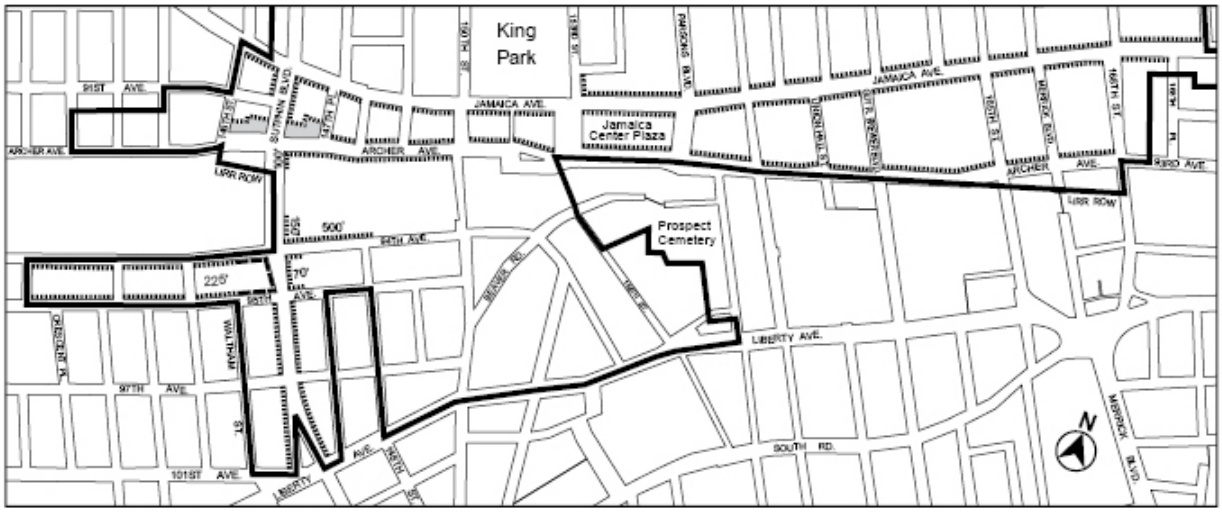
Public Place



Required Tower Corner Articulation

Required Corner Articulation at Base

Map 3. Street Wall Location (continued)



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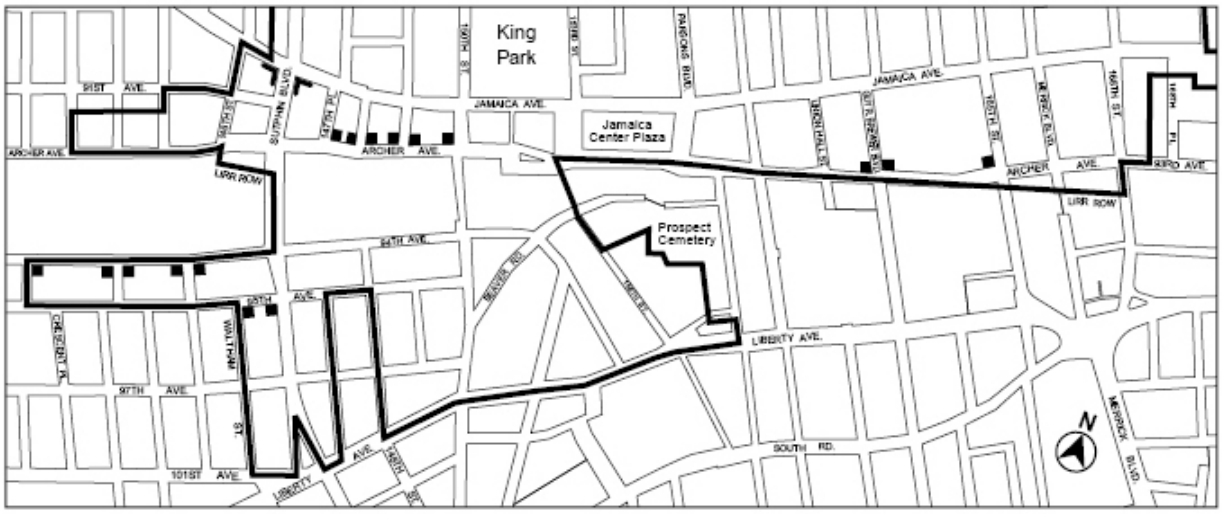
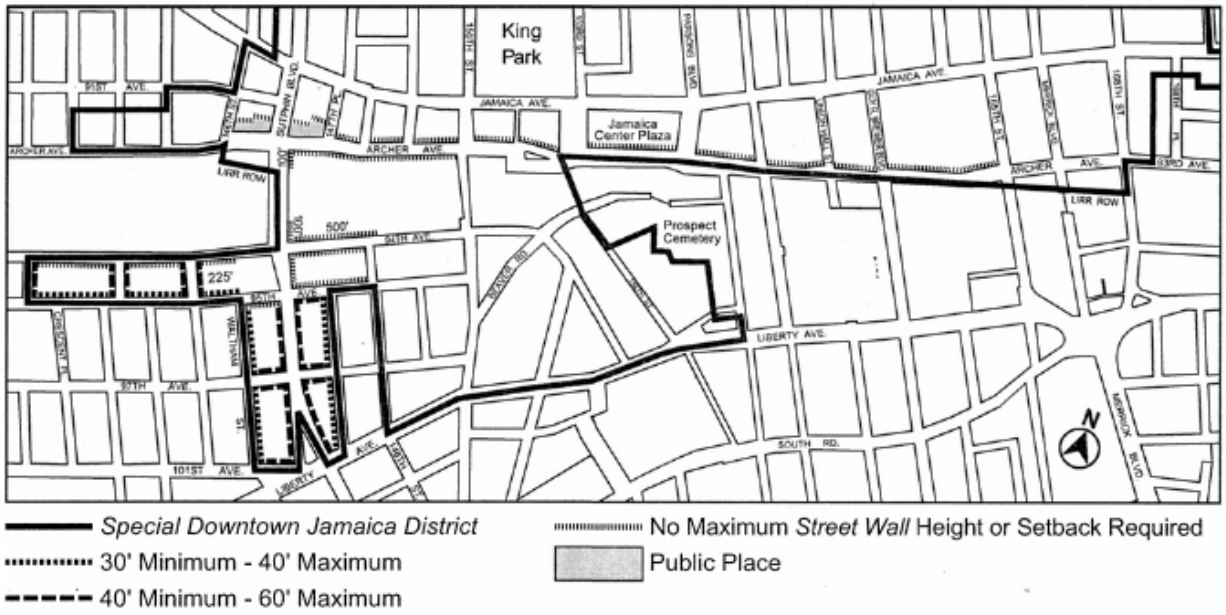


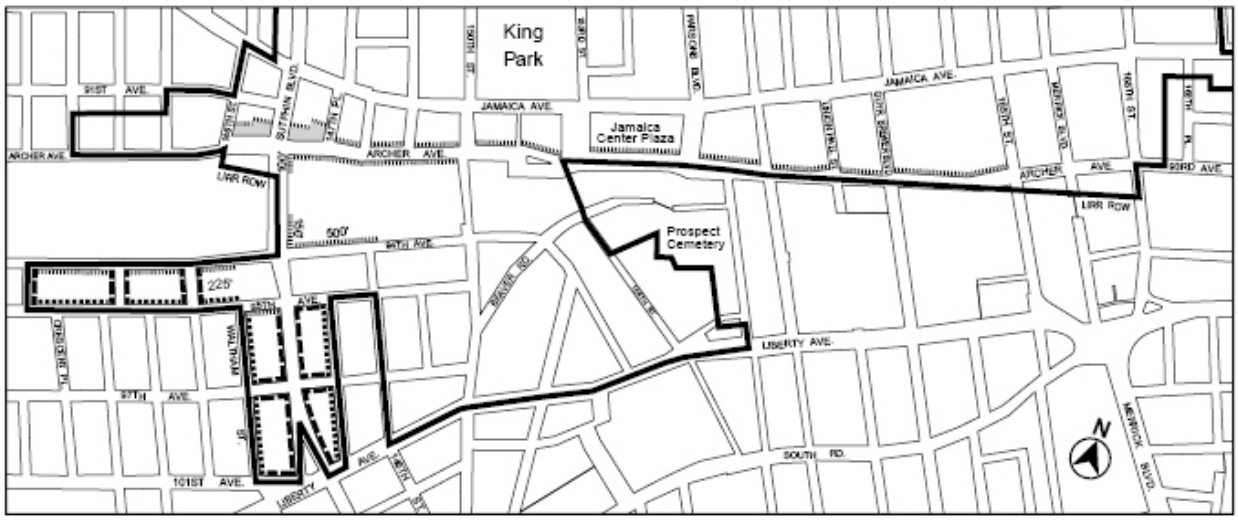
Required Tower Corner Articulation

Required Corner Articulation at Base

Map 4. Street Wall Height

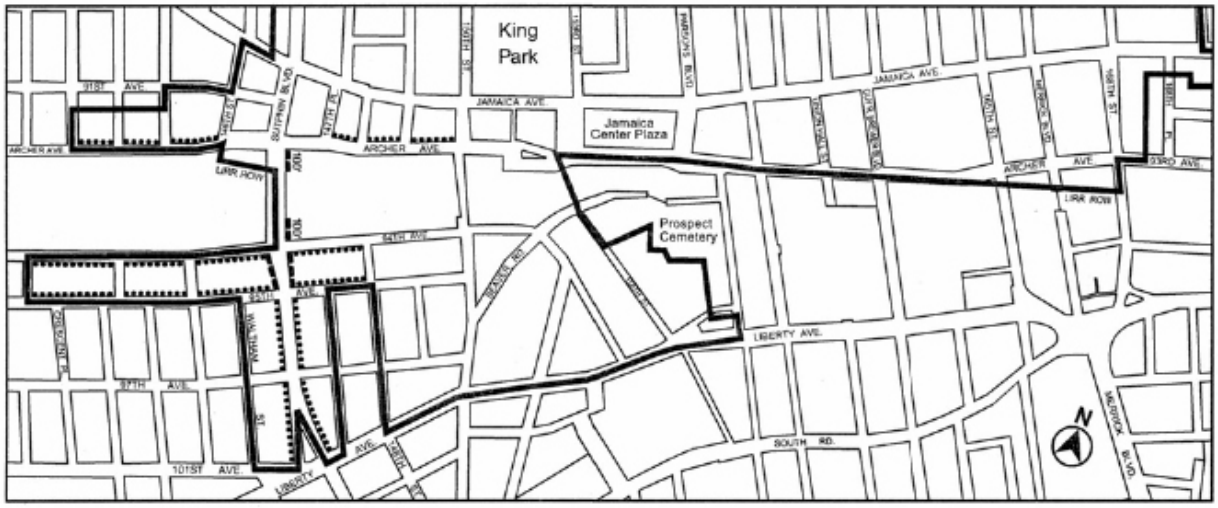
EXISTING MAP TO BE DELETED



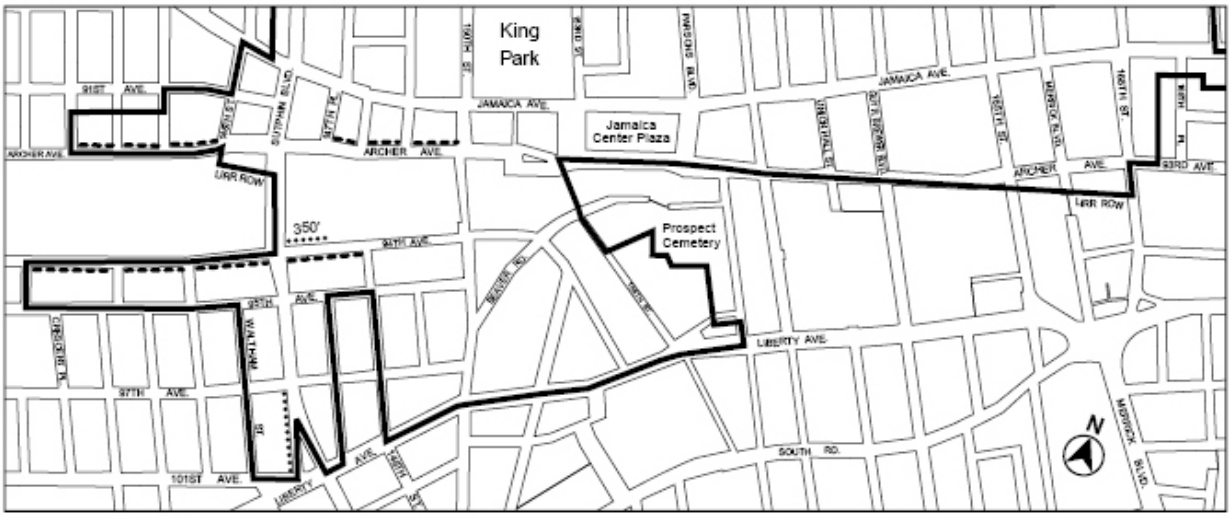


Map 6. Sidewalk Widening

EXISTING MAP TO BE DELETED



Special Downtown Jamaica District
5' Sidewalk Widening
10' Sidewalk Widening



Special Downtown Jamaica District
2' Sidewalk Widening
5' Sidewalk Widening

The above resolution (N 130096 ZRQ), duly adopted by the City Planning Commission on March 6, 2013 (Calendar No. 10), 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.

AMANDA M. BURDEN, *FAICP*, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, *III*, BETTY Y. CHEN, MICHELLE R. DE LA UZ, MARIA M. DEL TORO, JOSEPH DOUEK, RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARÍN, Commissioners