



CITY PLANNING COMMISSION

July 15, 2015/Calendar No. 7

N 150141 ZRQ

Corrected

IN THE MATTER OF an application submitted by Bright Horizons Children’s Center, LLC, 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 7, to change the ground floor use provisions in Section 117-03, Appendix C and related sections of the Special Long Island City Mixed Use District, in Community Districts 1 and 2, Borough of Queens.

This application for zoning text amendments to the Queens Plaza Subdistrict (QP Subdistrict) of the Special Long Island City Mixed Use District (LIC District) to allow community facility uses on the ground floor of buildings fronting on Queens Plaza was filed by Bright Horizons on October 23, 2014. The proposed action would facilitate the development of a Bright Horizons child care facility on the ground floor of a building located 1 Gotham Center in Hunter’s Point, Queens.

BACKGROUND

The applicant, Bright Horizons, is proposing to modify Zoning Resolution (ZR) Sections 117-03 (District Plan and Maps), 117-502 (Queens Plaza Subdistrict Plan), 117-531 (Street Wall Location), 117-551 (General Provisions), (117-553 (Mandatory sidewalk widening and ground floor uses), and Appendix C (Queens Plaza Subdistrict Plan Maps) to allow community facility uses on the ground floors of developments fronting on three blocks located along Queens Plaza South and Queens Boulevard where ground floor uses are currently restricted to commercial use. The three blocks comprising the project area consist of Block 420, the subject property, Block 263, lots 1 and 9, currently being developed with approximately 1,800 apartments and ground floor retail (the development site also includes adjacent Block 264); and Block 239, lots 6 and 7, both of which are vacant. Block 420 is an approximately 120,000 square foot block. Approximately two thirds of the site is vacant and the remaining one third of the site is developed with an approximately 662,000 square foot building occupied by the New York City Department of Mental Health and Hygiene.

Bright Horizons, a day care operator and a Use Group 3A community facility use, is proposing to operate an 8,200-square foot day care facility on the ground floor of 1 Gotham Center, an office

building located at the corner of 28th Street and Queens Plaza South. Approximately 2,700 square feet of the space Bright Horizons is proposing to occupy falls within the portion of the ground floor where uses are restricted to commercial use. The proposed day care facility would serve approximately 100 children aged six months to five years. The approximate hours of operation would be 7:00 a.m. to 6.00 p.m. Monday through Friday.

All three of the subject blocks are zoned M1-6/R10/LIC (12.0 FAR). Surrounding blocks also fall within the LIC District and are zoned M1-6/R10 (12.0 FAR), M1-5/R9 (8.0 FAR) and M1-5/R7-3 (5.0 FAR). The LIC District pairs a light manufacturing district with a residence district and establishes special use and bulk provisions for these districts. Special height and setback provisions are established for base heights and street wall location provisions. There are no height limits for building in the QP Subdistrict. Most light industrial, residential, commercial, and community facility uses are allowed as-of-right, and ground floor uses are restricted to non-residential uses for developments along the subdistrict's main pedestrian thoroughfares, such as Jackson Avenue, Queens Plaza North and Queens Plaza South, Crescent Street, and 44th Drive. Ground floor uses for developments at Queens Plaza, where pedestrian volumes are highest, are restricted to commercial uses only.

The QP Subdistrict is a rapidly developing 34-block precinct of the greater Long Island City neighborhood. Since the subdistrict was established in 2001 (ULURP No. N 000407 (A) ZRQ), over 11,000 residential units are occupied or under construction. Other surrounding land uses include high-rise hotel buildings, large office buildings, loft buildings occupied by light industrial uses, and three-story row houses and small commercial buildings. An entrance to the Queens Plaza subway station (E, M, R) is located approximately one-half block from the entrance to the proposed day care facility, and an entrance to the Queensboro Plaza subway station (#7, N, Q) is located one and one-half blocks to the west of the proposed facility. Several bus lines stop on 28th Street and Queens Plaza South, also within one-half block of the proposed facility. Entrances to the Queens Plaza station are also located on the remaining two blocks affected by the proposed action, and these blocks are also within a 10-minute walk of bus stops and the Queensboro Plaza station.

ENVIRONMENTAL REVIEW

This application, (N 150141 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 15DCP123Q. 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 April 20, 2014, which was superseded by a Revised Negative Declaration issued on July 13, 2015.

In accordance with the environmental review materials, an (E) Designation E-104, issued for hazardous materials and noise in connection with the Long Island City Rezoning (CEQR No. 00DCP055Q), would continue to apply to Block 420, Lot 1 (now Lots 1 and 7501) and Block 263, Lots 1 and 9. In connection with the current proposal, an (E) Designation (E-362) related to hazardous materials and noise on has been assigned to Block 239, Lots 6 and 7, which were not identified as development sites in connection with the LIC Rezoning.

The text for the (E) Designation related to hazardous materials is as follows:

Task 1-Sampling Protocol

The applicant submits to the Office of Environmental Remediation (OER), for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

The text for the (E) Designation related to noise is as follows:

In order to ensure an acceptable interior noise environment, future community facility ground floor uses must provide a closed window condition with a minimum of 41 dBA window/wall attenuation in order to maintain an interior noise level of 45 dBA. To achieve 41 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

The City Planning Commission has determined that the proposed action will have no significant effect on the environment.

PUBLIC REVIEW

On April 29, 2015, this text change application (N 150141 ZRQ) was duly referred to Community Board 1 and 2 and the Borough President, in accordance with the procedure for referring non-ULURP matters.

Community Board Public Hearing

Community Board 1 held a public hearing on this application (N 150141 ZRQ) on May 19, 2015

and by a vote of 42 in favor, 0 opposed, and 0 abstentions, recommended in favor of the application.

Community Board 2 held a public hearing on this application (N 150141 ZRQ) on June 4, 2015, and by a vote of 36 in favor, 0 opposed, and 0 abstentions, recommended in favor of the application.

Borough President Recommendation

This application (N 150141 ZRQ) was considered by the Borough President, who issued on June 16, 2015 a recommendation approving the application.

Borough Board Recommendation

This application (N 150141 ZRQ) was considered by the Queens Borough Board, which issued on June 16, 2015 a recommendation approving the application.

City Planning Commission Public Hearing

On June 3, 2015 (Cal. No. 7), the City Planning Commission scheduled June 17, 2015 for a public hearing on this application (N 150141 ZRQ). The hearing was duly held on June 17, 2015 (Cal. No. 21). There were two appearances in favor of the application and no appearances in opposition.

The speakers in favor of the application included the applicant's attorney, who described the proposed action, and the applicant, who described the proposed facility.

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

CONSIDERATION

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

The zoning text amendments would facilitate community facility uses on the ground floors of three blocks fronting on Queens Plaza, a rapidly growing residential precinct in Long Island City. The Commission notes that eliminating the use restriction on community facility uses would make the

use provisions on the affected blocks consistent with the other 55 block fronts in the QP Subdistrict that are currently subject to a non-residential ground floor use requirement.

The Commission believes that allowing community facility uses on the affected blocks would contribute to pedestrian activity and an active street frontage by providing needed local neighborhood services such as day care and medical offices. These uses will benefit the increasing number of current and future residents in the area, as well as benefit local commercial occupants and employees.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment;

And be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-c and 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 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

* * *

117-03

District Plan and Maps

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Appendix C Queens Plaza Subdistrict Plan Maps:

Map 1 - Designated Districts within the Queens Plaza Subdistrict

Map 2 - Ground Floor Use and Frontage

Map 3 - Sidewalk Widening, and Street Wall Location ~~and Ground Floor Use~~.

* * *

117-502
Queens Plaza Subdistrict Plan

* * *

Map 3 (Sidewalk Widening, and Street Wall Location ~~and Ground Floor Use~~) of the Queens Plaza Subdistrict Plan specifies the locations where special #street wall#, and mandatory sidewalk widening ~~and ground floor #use#~~ regulations, as set forth in Sections 117-531 ~~and 117-553~~, apply applies.

* * *

117-531
Street wall location

* * *

(e) In the locations specified on Map 3 (Sidewalk Widening, and Street Wall Location ~~and Ground Floor Use~~) of Appendix C of this Chapter, a #building# shall comply with the provisions of paragraphs (a) through (d) of this Section, as applicable, except that #street walls# shall be located as specified on Map 3. The #street wall# of a #building# may be set back only in the areas indicated on Map 3 as "Permitted #Street Wall# Setback Locations," provided that the additional sidewalk widening resulting from such setback is accessible to the public, in accordance with the provisions of Section 117-554, and located adjacent to a public sidewalk or mandatory sidewalk widening.

* * *

117-551
General provisions

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The provisions of Sections 117-553 (Mandatory sidewalk widening ~~and ground floor uses~~) and 117-554 (Mandatory sidewalk widening design requirements) apply to those locations identified on Map 3 in Appendix C of this Chapter.

* * *

117-553
Mandatory sidewalk widening ~~and ground floor uses~~

The sidewalk widening ~~and ground floor use~~ provisions of this Section shall apply to all ~~developments~~ or ~~enlargements~~ with ground floor ~~street walls~~ with a ratio of ~~floor area~~ to ~~lot area~~ of 3.0 or more.

- (a) Sidewalk widening accessible to the public must be provided in the locations specified on Map 3 (Sidewalk Widening; and Street Wall Location ~~and Ground Floor Use~~) of Appendix C of this Chapter. Such mandatory sidewalk widening is subject to the design requirements of Section 117-554.
- (b) ~~Ground floor commercial use~~ restriction

For any ~~building~~ or portion of a ~~building developed~~ or ~~enlarged~~ after July 26, 2001, fronting on the mandatory sidewalk widening required in paragraph (a) of this Section, ~~uses~~ within ~~stories~~ on the ground floor or with a floor level within five feet of ~~curb~~ level shall be limited to ~~commercial uses~~ listed in Use Groups 5, 6A, 6C, 7A, 7B, 8A, 8B, 9, 10, 11A, 12A and 12B, where such ~~uses~~ are permitted by the special ~~use~~ regulations of Section 117-51 (Queens Plaza Subdistrict Special Use Regulations). Any such ~~building~~, or portion thereof, fronting on such mandatory sidewalk widening shall be allocated exclusively to such ~~uses~~, except for lobby space, entrance space or frontage used for subway access.

* * *

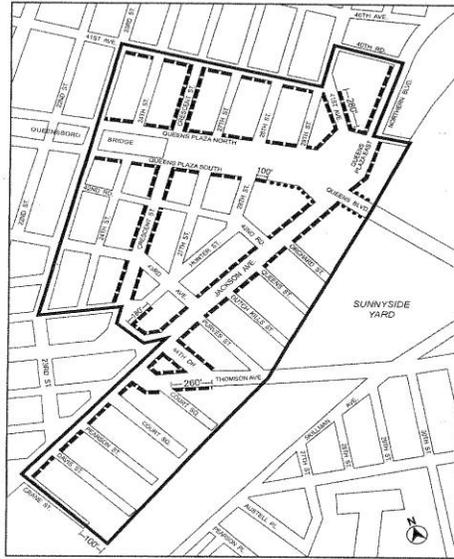
Appendix C

Queens Plaza Subdistrict Plan Maps

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EXISTING

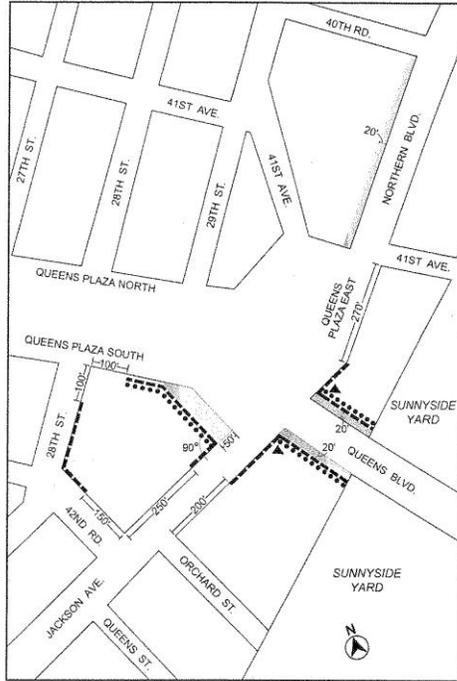
Map 2: Ground Floor Use and Frontage



- Queens Plaza Subdistrict Boundary
- - - Street Frontages where Ground Floors are Restricted to Non-Residential Uses
- Street Frontages where Ground Floors are Restricted to Commercial Uses

EXISTING

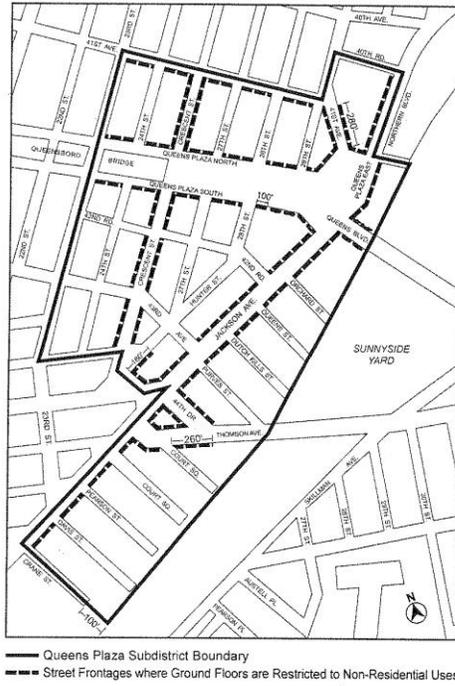
Map 3: Sidewalk Widening, Street Wall Location and Ground Floor Use



- Mandatory Sidewalk Widening
- - - Permitted Street Wall Setback Locations
- Ground Floor Commercial Use only
- ▲ Additional 1,500 sq. ft. of sidewalk widening to be located within 100' of the intersection.

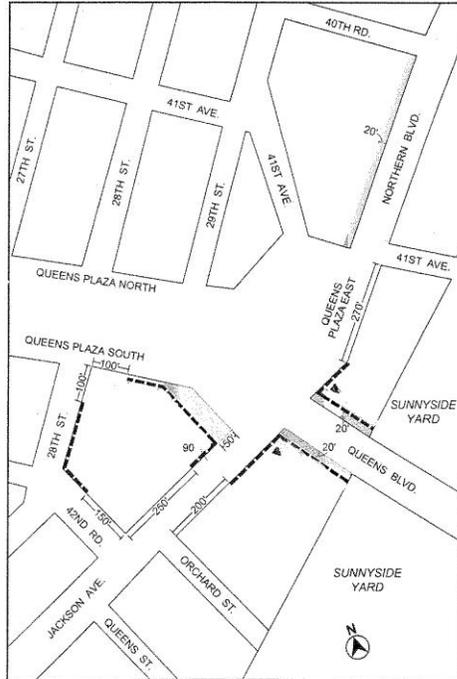
PROPOSED

Map 2: Ground Floor Use and Frontage



PROPOSED

Map 3: Sidewalk Widening and Street Wall Location



-  Mandatory Sidewalk Widening
-  Permitted Street Wall Setback Locations
-  Additional 1,500 sq. ft. of sidewalk widening to be located within 100' of the intersection.

The above resolution (N 150141 ZRQ), duly adopted by the City Planning Commission on July 15, 2014 (Cal. No. 7), 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.

CARL WEISBROD, *Chairman*

KENNETH J. KNUCKLES, *Esq.*, *Vice Chairman*

RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,

MICHELLE DE LA UZ, JOSEPH I. DOUEK, CHERYL COHEN EFFRON,

ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, *Commissioners*