



November 17, 2021 / Calendar No. 6

N 210232 ZRQ

IN THE MATTER OF an application submitted by Archer 1 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XI, Chapter 5 (Special Downtown Jamaica District), Borough of Queens, Community District 12.

This application for a zoning text amendment was filed by Archer 1 LLC on January 5, 2021, in conjunction with an application for an authorization pursuant to the proposed text amendment (N 210233 ZAQ). Together, the actions would allow the establishment of a curb cut on a restricted street to facilitate a permitted loading berth in an as-of-right development located at 160-05 Archer Avenue in the Jamaica neighborhood of Queens, Community District 12.

RELATED ACTION

In addition to the zoning text amendment (N 210232 ZRQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

N 210233 ZAQ Zoning authorization to facilitate establishment of a curb cut on a restricted street in the Special Downtown Jamaica District (DJ)

BACKGROUND

The applicant seeks a zoning text amendment to establish a CPC zoning authorization allowing curb cuts on restricted streets in limited locations within the DJ and concurrent use of the proposed authorization to facilitate a curb cut providing access to a permitted ground floor loading berth in a building currently under construction at 160-05 Archer Avenue. The development site (Block 10101, Lot 150) is an irregularly shaped corner lot with approximately 205 feet of frontage on Archer Avenue and 136 feet on 160th Street. It is part of a combined

zoning lot with Lot 3, located directly north of Lot 150. Block 10101 is bounded by Jamaica Avenue to the north, 160th Street to the west, Union Hall Street to the east, and Archer Avenue and the elevated Long Island Railroad (LIRR) line to the south.

In 2007, the City Council adopted the Jamaica Plan Rezoning (C 070314 (A) ZMQ, et. al.), a comprehensive planning strategy for 368 blocks consisting of zoning map and text amendments, an urban renewal plan and designation, disposition of city-owned property, and an amendment to the City Map. The plan established the DJ and sought to strengthen economic opportunities and support the central business district, encourage market rate and affordable housing production in the downtown core and along major thoroughfares, and preserve the character of lower-density residential areas outside of the downtown.

Jamaica’s downtown core is comprised of high-density commercial zoning districts, including C6-2/DJ, C6-3/DJ, and C6-4/DJ zoning districts mapped along Sutphin Boulevard, a primary north-south corridor, and Jamaica and Archer avenues, both major east-west corridors. Uses in this area include mixed commercial, community facility, residential, and automotive-related uses. Immediately west of the development site is a large shopping center with retail stores fronting on Jamaica and Archer avenues and a cinema with frontage on Jamaica Avenue. The surrounding area also contains office buildings, residential developments, and community facilities, including York College, immediately south of the of the development site on the south side of the LIRR line, and the Jamaica Center for Arts and Learning, located on the same block as the development site with frontage on Jamaica Avenue.

The surrounding area is well-served by public transit and is located within the Transit Zone. The development site is located one block from the Jamaica Center-Parsons/Archer subway station, with access to the E, J, and Z subway lines, and five blocks from the Parsons Boulevard subway station at Hillside Avenue, providing access to the F line. Multiple bus lines connecting passengers traveling to and from Jamaica with neighborhoods to the south and east traverse Jamaica and Archer avenues.

The development site is located within a C6-3/DJ zoning district and an Inclusionary Housing (IH) designated area established with the Jamaica Plan Rezoning. Within the DJ, C6-3 zoning districts permit a maximum commercial and community facility floor area ratio (FAR) of 8.0, and the base FAR for developments containing residential uses within the IH designated area is 6.0, which can be increased to 8.0 through the provision of affordable housing. Under construction on the development site is an as-of-right, 22-story mixed-use development with 315 market rate residential units located above approximately 11,786 square feet of ground floor retail space (5.95 FAR). Along the 160th Street frontage will be a 15-foot-wide curb cut providing access to an attended parking garage servicing the development. The residential lobby will also be located on 160th Street, and retail uses will front on Archer Avenue and a portion of 160th Street at the intersection with Archer Avenue.

The DJ regulations prohibit the establishment of curb cuts along portions of Sutphin Boulevard and Jamaica and Archer avenues, including the Archer Avenue frontage of the development site. Where parking and loading regulations apply in a location where curb cuts are prohibited, however, a curb cut may be allowed, provided that the CPC certifies that the zoning lot has access only to the prohibited street frontage and that the proposed curb cut is no greater than 20 feet in width.

The applicant seeks to provide an as-of-right, permitted, ground floor loading berth on the Archer Avenue frontage at the eastern-most portion of the development site, accessed by a new 14-foot-wide curb cut, and the loading berth would be available to residential tenants for moving purposes and to retail tenants for deliveries. However, because curb cuts along the Archer Avenue frontage are prohibited and the development site has frontage on 160th Street where curb cuts are permitted, the location is not eligible to use the existing CPC certification.

To facilitate the proposed curb cut and provide access to the loading berth, the applicant seeks a zoning text amendment to establish within the DJ regulations a CPC zoning authorization to permit curb cuts otherwise prohibited by Zoning Resolution Section 115-52. The authorization

would therefore provide ground floor and site plan flexibility for developments on zoning lots within the DJ, such as the development site in this proposal, with access to both a restricted and an unrestricted street, provided that the CPC makes findings relating to traffic and safety, pedestrian and vehicular movement, and streetscape character. The CPC may also prescribe conditions and safeguards to minimize any adverse effects of a proposed curb cut. The applicant also seeks to use the zoning authorization pursuant to the proposed text at the development site.

ENVIRONMENTAL REVIEW

This application (N 210232 ZRQ), in conjunction with the application for a zoning authorization (N 210233 ZAQ), 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 lead is the City Planning Commission. The designated CEQR number is 21DCP127Q.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on July 12, 2021.

PUBLIC REVIEW

On July 12, 2021, this application (N 210232 ZRQ), along with the related application for a zoning authorization (N 210233 ZAQ), was duly referred to Queens Community Board 12 and the Queens Borough President in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Queens Community Board 12 held a public hearing on this application (N 210232 ZRQ) and the related application for a zoning authorization (N 210233 ZAQ) on September 15, 2021, and, on that date, by a vote of 21 in favor, none opposed, and none abstaining, adopted a resolution recommending approval of both applications.

Borough President Recommendation

The Queens Borough President held a public hearing on this application (N 210232 ZRQ) and the related application for a zoning authorization (N 210233 ZAQ) on September 23, 2021, and issued a recommendation on September 30, 2021, to approve both applications.

City Planning Commission Public Hearing

On October 6, 2021 (Calendar No. 2), the CPC scheduled October 20, 2021, for a public hearing on this application (N 210232 ZRQ). The hearing was duly held on October 20, 2021 (Calendar No. 29). One speaker testified in favor of the application and none in opposition.

The applicant's primary representative described the development under construction and noted that it would be ready for tenant occupation by approximately March 2022. She described the site plan and proposed ground floor uses, underscoring the inability to place the proposed loading berth on the 160th Street frontage and stating that a placement on Archer Avenue, in her opinion, would be appropriate. She stated that the curb cut would draw minimal traffic and that all use of the berth would need to be prescheduled. It would not be available during morning or evening rush hours, and commercial deliveries would take place overnight. A flag-person would be on-site during daytime hours to ensure pedestrian and vehicular safety, and the berth would allow delivery trucks to pull in off the street rather than park on the sidewalk or block traffic in the street. She also stated her belief that the curb cut would not be inconsistent with the neighborhood character since there are existing curb cuts on neighboring blocks.

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

CONSIDERATION

The Commission believes that this application for a zoning text amendment (C 210232 ZRQ), in conjunction with the related application for a zoning authorization (N 210233 ZAQ), is appropriate.

The proposed text amendment will facilitate the establishment of a CPC authorization within the DJ regulations to provide appropriate flexibility for the design of developments on zoning lots with access to both a street where curb cuts are prohibited and a street where they are permitted, if appropriate. The Commission therefore notes that use of the authorization would be limited and that the findings of the authorization, in conjunction with any additional conditions and safeguards the Commission may prescribe, would ensure that any adverse effects related to pedestrian and vehicular movement, traffic and congestion, safety, and streetscape character are minimized.

The proposed authorization for the establishment of a curb cut at the development site is appropriate. The Commission appreciates the applicant's proposed loading berth at the development site for use by residential and retail tenants and acknowledges that absent the berth, building deliveries would happen curbside, likely adding to traffic congestion and the potential for vehicular and pedestrian conflicts. The Commission notes that the EAS analyzed the potential effects of the proposal on the area's transportation systems, documenting a low projected use of the curb cut, and concluded that no significant adverse traffic or pedestrian safety impacts are anticipated.

The CPC also recognizes the commitments outlined in a letter from the applicant delivered in advance of the CPC public hearing and described in detail at the hearing. The proposed measures include hiring a flag-person who would remain on-site during daytime hours to ensure pedestrian and vehicular safety. Advanced scheduling would be required to reduce the potential for pedestrian and vehicular conflicts when trucks use the loading berth and restrictions on hours of operation would ensure that use of the berth will not add to rush hour congestion around the development site. The CPC appreciates the applicant's commitment that the berth

would not be used during morning (7:00 a.m. to 10:00 a.m.) or evening (4:00 p.m. to 7:00 p.m.) rush hours, and that retail tenant deliveries would take place overnight to reduce further potential for conflict.

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 Sections 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 modified, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # 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 (DJ)

* * *

115-50

SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

* * *

115-53

Authorization for Curb Cut

The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts that are prohibited by Section 115-52 (Location of Access to the Street), provided the Commission finds that a curb cut at such location:

- (a) is not hazardous to traffic safety;
- (b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;
- (c) will not adversely affect pedestrian movement;
- (d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# and public transit facilities; and
- (e) will not be inconsistent with the character of the existing streetscape.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

115-60

SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

* * *

The above resolution (N 210232 ZRQ), duly adopted, by the City Planning Commission on November 17, 2021 (Calendar No. 6), 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.

ANITA LAREMONT, *Chair*

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

DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,

JOSEPH I. DOUEK, RICHARD W. EADDY, ANNA HAYES LEVIN,

ORLANDO MARIN, RAJ RAMPERSHAD, *Commissioners*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 160-05 Archer Ave - SDJD Curb Cut Text Amd & Auth	
Applicant: Archer 1 LLC	Applicant's Primary Contact: Jay Segal
Application # N210232ZRQ	Borough:
CEQR Number: 21DCP127Q	Validated Community Districts: Q12

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 21	# Against: 0	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 9/15/2021 12:00 AM		Vote Location: Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION:		
Recommendation submitted by	QN CB12	Date: 9/22/2021 10:11 AM

Queens Borough President Recommendation

APPLICATION: ULURP #200232 ZRQ

COMMUNITY BOARD: Q12

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Archer 1 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the NYC Zoning Resolution for the establishment of an authorization allowing curb cuts on certain streets in the Special Downtown Jamaica District. (Related ULURP #N210233 ZAQ)

PUBLIC HEARING

A remote Public Hearing was held via Zoom webinar and livestreamed on the Queens Borough President's website on Thursday, September 23, 2021 at 9:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

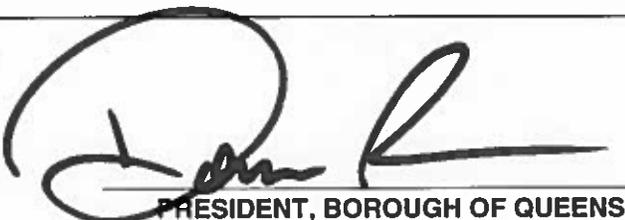
CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- o The applicant is proposing a zoning text amendment to create an Authorization that would allow curb cuts on restricted streets within the Special Downtown Jamaica District (SDJD). The new Authorization (Zoning Resolution Section 115-53) would apply to properties with more than one frontage. Applications for the Authorization would be required to meet certain findings related to traffic and pedestrian circulation, congestion, safety and streetscape in order to be granted by the City Planning Commission;
- o Archer 1 LLC is the owner of a property located at 160-05 Archer Avenue (Queens Block 10101, Lot 150). Except for the proposed curb cut, the proposed building for the site meets all other zoning requirements. The proposed building is a 22-story mixed-use building with ground floor retail and 315 dwelling units. A 14 feet wide curb cut is proposed on its Archer Avenue between 160th Street and Union Hall Street;
- o Archer 1 LLC has concurrently filed an application (ULURP #N210233 ZAQ) for an Authorization of the proposed Archer Avenue curb cut. The regulations of the Special Downtown Jamaica District prohibit curb cuts along certain streets including major corridors such as Archer Avenue, Jamaica Avenue, and Sutphin Boulevard. The proposed curb cut on Archer Avenue would allow offstreet loading and unloading for the retail and residential tenants of the building. Without the Authorization allowing a curb cut, the loading and unloading would take place curbside creating potential traffic congestion and safety hazards;
- o The area around the development site primarily contains commercial and community facility uses. Jamaica Avenue, located to the north of the Development Site, is a major thoroughfare serving as a commercial corridor for the neighborhood. LIRR tracks are located south of the Development Site across Archer Avenue (the Jamaica LIRR station is approximately half a mile west of the Development Site). The block west of the Development Site across 160th Street is occupied by a large shopping center that includes retail stores and a cinema. Adjacent to the Development Site along Archer Avenue, there is a 6-story former office building (92-32 Union Hall Street; Block 10101, Lot 27) that is currently undergoing conversion into residential space;
- o Community Board 12 (CB 12) unanimously approved this application by a vote of twenty one (21) in favor, zero (0) against and zero (0) abstentions at the monthly meeting held on September 21, 2021;
- o At the Borough President's Land Use Public Hearing the applicant spoke about commitments that were made to CB 12 regarding use of the curb cuts, and the hours and times of use. All use of the curb cut and loading berth would be pre-scheduled and a flag man would be present to help direct vehicular movements and assure pedestrian safety. CB 12 and the local Councilmember were promised that the loading berth would not be used during the morning (7 to 10 AM) and evening (4 to 7 PM) rush hours. Retail loading would be limited to occur solely between the overnight off-peak hours 7 PM to 7 AM.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application with the commitments that were made to CB 12 and the local Councilmember.


PRESIDENT, BOROUGH OF QUEENS

9/30/2021
DATE