



Greater Jamaica
Development
Corporation

July 14, 2014

Stacy Passmore
NYC Department of City Planning
Housing, Economic and Infrastructure Planning Division
22 Reade Street
New York, NY 10007

Dear Ms. Passmore:

Greater Jamaica Development Corporation has been pleased to work closely with you and the Open Industrial Uses Study team through the External Advisory Committee. We submitted comments on the draft report, completed by Parsons Brinkerhoff and HDR, via email to OIUS@planning.nyc.gov. Per your request, I am happy to send you a copy, attached below

We are confident that the attention paid to a broad outreach effort will be reflected in the attention paid to all comments received at the OIUS email address. Still, we respectfully ask that given our collegial relationship, you let members of the Inter-Agency Task Force know that our comments in particular come from a constructive, informed and deeply committed organization.

GJDC looks forward to continued work on this project through its participation on future External Advisory Committee meetings, or in any other way that will be mutually beneficial to reaching the goals of the project.

Sincerely,

A handwritten signature in black ink that reads "Richard Werber".

Richard Werber
Foresight Consulting
(Consultant to GJDC)

Overview

Greater Jamaica Development Corporation (GJDC) appreciates the attention paid to our community as one of the six areas included in the City's Open Industrial Uses Study (OIUS). Similarly, our organization was pleased to be a member of the External Advisory Committee during development of the OIUS. GJDC has for over 40 years been devoted to community building in Southeast Queens. Our mission is to improve the quality of life for those who live, work and shop in Downtown Jamaica, New York City's most important center for sustainable, transit oriented development; and to increase economic opportunity for the people of Southeast Queens.

We applaud the City's effort to better understand and ameliorate the impact of open industrial uses on nearby residents and businesses and are pleased to have this opportunity to comment on the draft report for the OIUS, submitted by Henningson, Durham & Richardson Architecture and Engineering, P.C. (HDR) and Parsons Brinckerhoff (PB), under the leadership of the New York City Department of City Planning.

GJDC supports the approach and goal of the project – to work with an inter-agency task force and a commitment to public outreach “to find alternatives to current performance-based zoning to regulate where unenclosed industrial uses can locate and the standards to which they must be designed.”

The Study rightfully pays close attention to the threat of environmental risks posed by flooding of open uses in coastal areas. **The recommended design improvements of capped surfaces, proper drainage and raised storage in flood zones are welcome.**

Conditions in Jamaica

Jamaica is one of the two non-coastal areas included in the Study and, per the Study, “many OIU sites (in Jamaica) are located in close proximity to Residence Districts.... Specifically, 84% of the facilities are located within 300 feet of a residential district and all are located within one quarter mile (1,320 feet) of a Residence District. Of the areas studied, Jamaica also has the highest percentage of facilities that are located within Residence Districts (24 percent).” Almost one-quarter of all open uses in Jamaica are reported as junkyards (“auto dismantling”). The Study also remarks on storage of “dead vehicles” on Liberty Avenue, a main thoroughfare. GJDC is aware of many other “dead vehicles” left on local streets by junkyard operators.

The impact on quality of life and economic vitality in Jamaica of these facts on the ground are substantial. **We urge the Department of City Planning to retain a focus on aesthetic concerns, such as tree planting, the design of perimeter fencing, and restraints on storage visible from street level** that is touched on in the Study, as much as on the potential for water pollution during floods or natural disasters.

The Study found the most heavily concentrated open industrial uses in Jamaica in an area known as the “Tuckerton Triangle.” A half century ago, this area of approximately 16 acres was surrounded by other manufacturing uses and vacant land. Today, it is strategically located less than 100 yards west of the York College Campus and four short blocks east of the transportation hub composed of the JFK AirTrain, the Jamaica LIRR station and two subway lines. Tuckerton Triangle is blighted with auto junkyards operated with no regard for performance standards. More critically, **per the OIUS, junkyards are “non-conforming uses” following the City’s adoption of rezoning in 2007 under the Jamaica Plan.**

In accordance with one of OIUS’s stated goals to “regulate where unenclosed industrial uses can locate,” **we respectfully ask the City to work with Jamaica’s local businesses, property owners and the community to develop strategies for the relocation of auto junkyards to more appropriate areas and a plan for the adaptive re-use of the land.**

GJDC urges attention to two other issues related to the report: the costs for compliance and the enforcement of standards, existing or new.

Costs to Small Business

The OIUS recognizes the **impracticality of enforcing “performance standards” and we strongly support the development of design standards in their place.** It is difficult to measure on a day-by-day basis leaks of contaminants, for example, but it is possible to mandate an impermeable cap for open storage of contaminants and installation of approved drainage systems. A description of design standards and their integration into the zoning resolution will be a long, arduous, and we hope a consensus-driven process, but we support that effort. Should new zoning resolution language be adopted along these lines, there is the potential that **considerable expense may be incurred by small businesses to comply with new design standards.**

GJDC has little sympathy for bad actors that flaunt current regulations and neglect their obligations to the environment and the community, but we recognize that there are good actors, too, whose outdoor uses are critical to the City and its businesses. Therefore, we suggest that if meeting design standards requires a significant capital investment by a business owner, significant subsidies should be provided. The proposed forgiveness of City sales tax on purchases made for design compliance is a step in the right direction, but is insufficient and unwieldy, requiring trust and cooperation between building contractors and small business owners to be of any value to the owner. The reality to be recognized is that these are not like incentives – they are not carrots to encourage a business to do something that will contribute to the real value of their property or increase employment by reducing costs. **Meeting new design standards are unfunded mandates with no direct impact on the bottom line and we therefore suggest they should be fairly subsidized.** We can suggest as examples of more substantive assistance a flexible subsidy based on the Industrial and Commercial Abatement Program for property owner/operators, especially manufacturers, or the Commercial Expansion Program, plus entry into the Energy Cost Savings Program for appropriate firms.

Enforcement

The OIUS is clear that design standards will cross many agency boundaries in terms of design expertise, but also in terms of enforcement. **GJDC salutes City Planning's creation of the OIUS inter-agency task force that includes 13 City agencies, departments and mayoral offices and two State agencies.** GJDC organized its own inter-agency, junkyard enforcement task forces in 2004 and again in 2007. While these efforts were effective in terms of issuance of citations and a temporary improvement in behavior, **hit-and-run enforcement actions are an ineffective long term solution.** Bad actors paid minimal fines and returned to their unsavory business practices shortly after the enforcement action.

We strongly recommend that the next phase of an OIUS **include a detailed analysis of the resources needed for ongoing enforcement of current performance standards, as well as what will be required to assure that new design standards are met and maintained over the long term.** This analysis should include realistic cost estimates. **We recommend organization and staffing of a new, independent enforcement office for compliance with existing performance standards and future design standards.**

GJDC thanks New York City Department of City Planning for this opportunity to comment on the work of the consultants and the inter-agency task force in preparing the draft OIUS. We look forward to continued participation on the External Advisory Committee and in developing actionable recommendations to improve operations of open industrial uses through adoption of new language in New York City's zoning resolution.