



Legislation Text

File #: Res 1792-2013, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1792

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 130134 ZRQ, for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapter 4 and Article XI, Chapter 7, to modify certain provisions related to sidewalk cafés and to height and setback provisions of the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District, Borough of Queens (L.U. No. 802).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on April 12, 2013 its decision dated April 10, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article I, Chapter 4 and Article XI, Chapter 7, to modify certain provisions related to sidewalk cafés and to height and setback provisions of the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District to allow sidewalk cafes on certain streets within the Special Long Island City Mixed Use District (LIC District) and the Special Planned Community Preservation District [PC District (Sunnyside Gardens)] and to establish a minimum base height in Section 117-532 of the LIC District for two blocks of Area C in the Queens Plaza Subdistrict (Application No. N 130134 ZRQ), Community Districts 1 and 2, Borough of Queens (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 13, 2013;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, and the negative declaration (CEQR No. 13DCP054Q) issued on December 17, 2012 (the "Negative Declaration");

RESOLVED:

The Council finds that the action described herein with modifications will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 130134 ZRQ, incorporated by reference herein, the Council approves the Decision with modifications.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

- Matter in underline is new, to be added;
- Matter in ~~strikeout~~ is to be deleted;
- Matter in [] is deleted by City Council;
- Matter in **bold double underline** is new, added by City Council;
- Matter with # # is defined in Section 12-10;
- * * * indicates where unchanged text appears in the Zoning Resolution

* * *

14-43 Locations Where Only Small Sidewalk Cafes Are Permitted

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted, pursuant to Section 14-011 (Sidewalk cafe locations). In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, subject to the underlying zoning.

* * *

Queens:

- Queens Boulevard - from a line 100 feet west of 39th Place to 48th Street
- ~~Skillman Avenue - from 45th Street to a line 100 feet east of 46th Street, south side only~~ Skillman Avenue - from 48th Street to 52nd Street. [Skillman Avenue from 45th Street to a line 100 feet east of 51st Street, including that portion within the Special Planned Community Preservation District (Sunnyside Gardens).] **North side of Skillman Avenue from 45th Street to a line 100 feet east of 51st Street, including that portion within the Special Planned Community Preservation District** **South side of Skillman Avenue from 45th Street to 51st Street, excluding that portion within the Special Planned Community Preservation District**
- North side of Jackson Avenue from 44th Drive to the prolongation of Dutch Kills Street
- Queens Plaza North from 23rd Street to Northern Boulevard
- Queens Plaza South from 23rd Street to Jackson Avenue

* * *

14-44 Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43

(Locations Where Only Small Sidewalk Cafes Are Permitted).

Queens	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Forest Hills District ¹	No	Yes
Downtown Jamaica District <u>Long Island City Mixed Use District</u> ²	No <u>No</u>	Yes <u>Yes</u>
Southern Hunters Point District	No	Yes
Willetts Point District	No	Yes

¹ #Sidewalk cafes# are not allowed on Austin Street

² See Appendix A in Article XI, Chapter 7

* * *

Article XI - Special Purpose Districts

Chapter 7 Special Long Island City Mixed Use District

* * *

117-03 District Plan and Maps

The regulations of this Chapter implement the #Special Long Island City Mixed Use District# Plan. The District Plan includes the following maps in Appendices A, B and C:

Appendix A ~~Map of the~~ #Special Long Island City Mixed Use District# and Subdistricts Plan Map, Including Permitted#Sidewalk Cafe# Locations

Appendix B Court Square Subdistrict Plan Map and Description of Improvements

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, Street Wall Location and Ground Floor Use.

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

* * *

117-05

Permitted Sidewalk Cafe Locations

#Unenclosed sidewalk cafes#, including #small sidewalk cafes#, shall be permitted in the #Special Long Island City Mixed Use District# only on the #streets# indicated on the map in Appendix A (Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations) of this Chapter, subject to all other applicable regulations of Article I, Chapter 4.

* * *

117-532

Setback regulations for buildings that exceed the maximum base height

All portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section shall comply with the following provisions:

- (a) At a height not lower than the minimum base height or higher than the maximum base height specified in the table for the applicable area, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street# and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.

<u>Area</u>	<u>Minimum Base Height*</u>	<u>Maximum Base Height</u>
A-1	60	---
A-2	60	150
B	100	150
C*	60	100

~~* except that there shall be no minimum base height for #buildings or other structures# on those #blocks# in Area C adjacent to a #narrow street# along which there is an elevated structure.~~

* for #buildings or other structures# on Davis Street located 75 feet or more from Jackson Avenue, the minimum base height shall be 40 feet.

* * *

117-56

Special Permit for Bulk Modifications on Blocks 86/72 and 403

For any #development# or #enlargement# on a #zoning lot# that has at least 50,000 square feet of #lot area# located on #Block# 86/72 or #Block# 403 in Area C as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) in Appendix C of this Chapter, the City Planning Commission may increase the #floor area ratio# up to a maximum of 8.0 and may modify the #street wall# regulations of paragraphs (a) and (b) of Section 117-531 (Street wall location) and paragraph (a) of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), provided that:

- (a) a public open area of not less than 20,000 square feet and a #public parking garage# containing no fewer than 250 spaces shall be included on the #zoning lot#, and further provided the Commission finds that:
 - (1) the public open area is designed so that it provides recreational opportunities for the community;

- (2) the portion of the #development# or #enlargement# adjacent to the public open area shall be either a retail #use#, other #use# or treatment that complements the open area;
- (3) such modification of the #street wall# requirements is necessary to accommodate the public open area or the #public parking garage# and will result in a better site plan;
- (4) the #public parking garage# is located and designed in such a way so that it shall not adversely affect the quality of the design, access to, or use of the public open area; and
- (5) where the Commission permits parking on the roof of such #public parking garage#, such roof parking shall be so located as not to impair the essential character or future use or development of adjacent areas.

Design elements of the open area including lighting, paving, seating, #signs# and planting areas shall be specified in the application. The provisions of Section 37-751 (Public space signage systems) and 37-77 (Maintenance) shall apply.

(b) The #public parking garage# shall be subject to the following conditions:

- (1) the floor space on one or more #stories# of the #public parking garage#, up to a height of 23 feet above #curb level# shall be exempt from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS);
- (2) the entrances and exits shall be located so that they will not be hazardous to traffic safety nor likely to unduly inhibit pedestrian movement; and
- (3) at the vehicular entrances, a minimum of 12 reservoir spaces shall be provided and the total number of reservoir spaces shall be equivalent to five percent of any spaces in excess of 250, up to a maximum of 50 reservoir spaces.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation and security, which may include conditions for lighting and landscaping or limitations on the manner and/or hours of operation.

Any building on Block 86/72 for which an application for a special permit for #bulk# modifications has been filed with the Department of City Planning, pursuant to this Section, prior to (effective date of this amendment), may be started or continued pursuant to the regulations in effect at the time of such application and, if such application is granted by the City Planning Commission and the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit, including minor modifications thereto and, to the extent not modified under the terms of such permit, in accordance with the regulations in effect at the time of such application.

* * *

Adopted.

Office of the City Clerk, }

The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on May 22, 2013, on file in this office.

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City Clerk, Clerk of The Council