



## Legislation Details (With Text)

**File #:** Res 1052-2007      **Version:** \*      **Name:** LU 499 - ULURP, The Jamaica Plan, Queens (C070315(A)ZRQ)  
**Type:** Resolution      **Status:** Adopted  
**In control:** Committee on Land Use  
**On agenda:** 9/10/2007  
**Enactment date:**      **Enactment #:**  
**Title:** Resolution approving with modifications the decision of the City Planning Commission on modified Application No. N 070315 (A) ZRQ, an amendment to the text of the Zoning Resolution of the City of New York, concerning Article XI, Chapter 5 (Special Downtown Jamaica District), establishing a special district and modifying related regulations (L.U. No. 499).

**Sponsors:**

**Indexes:**

**Attachments:** 1. Press Release, 2. Committee Report, 3. Hearing Transcript - Stated Meeting 9/10/07

Date	Ver.	Action By	Action	Result
8/22/2007	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
9/10/2007	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1052

Resolution approving with modifications the decision of the City Planning Commission on modified Application No. N 070315 (A) ZRQ, an amendment to the text of the Zoning Resolution of the City of New York, concerning Article XI, Chapter 5 (Special Downtown Jamaica District), establishing a special district and modifying related regulations (L.U. No. 499).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on July 16, 2007 its decision dated July 11, 2007 (the "Decision"), on the application submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution concerning Article XI, Chapter 5 (Special Downtown Jamaica District), establishing a special district and modifying related regulations (Application No. N 070315 (A) ZRQ (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 070314 (A) ZMQ (L.U. No. 498), an amendment to the Zoning Map; C 070316 HUQ (L.U. No. 500), an approval of the Jamaica Gateway Urban Renewal Plan; N 070317 HGQ (L.U. No. 501), designation of the Jamaica Gateway Urban Renewal Area; C 070322 HDQ (L.U. No. 502), disposition of city-owned property within the Jamaica Gateway Urban Renewal Plan; C 070158 MMQ (L.U. No. 520), an amendment to the City Map for the elimination, discontinuance and closing of a portion of 148<sup>th</sup> Street between 94<sup>th</sup> Avenue and Atlantic Avenue (95<sup>th</sup> Avenue); and C 070318 PPQ (L.U. No. 521), a disposition of one (1) city-owned property;

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 July 23, 2007;

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 Final Environmental Impact Statement

(“FEIS”) for which a Notice of Completion was issued on June 29, 2007 that states (CEQR No. 05DCP081Q):

It was determined that the originally proposed actions may have a significant effect on the environment, and that an environmental impact statement would be required. A Positive Declaration was issued on May 20, 2005, and distributed, published and filed. Public meetings on the Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) were held on June 23, 2005, and November 3, 2005, and the Final Scope of Work for the DEIS was issued on September 19, 2006.

The lead agency prepared a DEIS and a Notice of Completion for the DEIS was issued on February 5, 2007. Pursuant to the SEQRA regulations and CEQR procedures, a joint public hearing was held on the DEIS on May 23, 2007, in conjunction with the public hearing on this ULURP item (C 070314 (A) ZMQ) and the related items (C 070158 MMQ, C 070314 ZMQ, N 070315 ZRQ, C 070316 HUQ, N 070317 HGQ, C 070318 PPQ C 070322 HDQ, N 070315(A) ZRQ).

The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on June 29, 2007. The FEIS included an alternative, the Affordable Housing Alternative, which reflects the modified ULURP applications (N 070315(A) ZRQ, C 070314(A) ZMQ) that were submitted subsequent to the issuance of the DEIS. On July 11, 2007, subsequent to the issuance of the FEIS, a Technical Memorandum was completed which addresses the potential impacts of further modifications by the CPC to the modified applications, N 070315(A) ZRQ and C 070314(A) ZMQ), (the “CPC modifications”) which are discussed later in this report.

The following is a summary of the significant adverse impacts and proposed mitigation measures identified for the modified applications, N 070315(A) ZRQ and C 070314(A) ZMQ) (the “Affordable Housing Alternative”), as set forth in the FEIS. The summary is followed by a discussion of (E) designations, mapped as part of the zoning map amendment and lastly, a description of the conclusions of the Technical Memorandum prepared with respect to the CPC modifications.

#### RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the Affordable Housing Alternative set forth in the FEIS and the Technical Memorandum, dated July 11, 2007, is one that avoids or which minimizes adverse environmental impacts to the maximum extent practicable; and
- (2) The adverse environmental impacts disclosed in the FEIS with respect to the Affordable Housing Alternative will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable;
- (2) The Decision together with the FEIS and the Technical Memorandum, dated July 11, 2007, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision with the following 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 Graytone or 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;

Matter in double strikethrough and graytone is old, to be deleted by City Council;

Matter in **double underlined graytone** is new, to be added by City Council

## 11-12

### Establishment of Districts

\* \* \*

### **Establishment of the Special Downtown Brooklyn District**

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 1, the #Special Downtown Brooklyn District# is hereby established.

### **Establishment of the Special Downtown Jamaica District**

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 5, the #Special Downtown Jamaica District# is hereby established.

\* \* \*

### **11-15 Environmental Requirements**

\* \* \*

#### **11-151 Special Requirements for properties in the Borough of Queens**

The following special requirements shall apply to a #development#, #enlargement# or change of #use# for properties in the Borough of Queens located within the areas described in paragraphs (a) through (e) of this Section:

- (a) The regulations of an R4 District shall apply within an area bounded by Liberty Ave, 170<sup>th</sup> Street, a line 100 feet southeasterly of Liberty Avenue and a line 100 feet southwesterly of 168<sup>th</sup> Place.
- (b) The regulations of a C8-1 District shall apply within an area bounded by Liberty Avenue, a line 100 feet southwesterly of 168<sup>th</sup> Place, a line 150 feet northwesterly of 104<sup>th</sup> Avenue, and Merrick Boulevard.
- (c) The regulations of an M1-1 District shall apply within an area bounded by Liberty Avenue, Sutphin Boulevard, 105<sup>th</sup> Avenue, a line 50 feet southwesterly of 148<sup>th</sup> Street, a line 100 feet northwesterly of 105<sup>th</sup> Avenue, and a line 150 feet northeasterly of Sutphin Boulevard.
- (d) The regulations of an R6 District with a C2-2 District overlay shall apply within an area bounded by 163<sup>rd</sup> Street, a line perpendicular to 163<sup>rd</sup> Street passing through a point distant 109.42 feet as measured along the easterly #street line# of 163<sup>rd</sup> Street from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of 163<sup>rd</sup> Street, a line 86 feet northeasterly of 163<sup>rd</sup> Street, a line perpendicular to 163<sup>rd</sup> Street passing through a point 146.92 feet distant as measured along the easterly #street line# of 163<sup>rd</sup> Street from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of 163<sup>rd</sup> Street.
- (e) The regulations of a C8-1 District shall apply within an area bounded by Hillside Avenue, a line 388 feet westerly of 144<sup>th</sup> Street, a line 100 feet northwesterly of 88<sup>th</sup> Avenue, a line 100 feet northeasterly of 139<sup>th</sup> Street, a line 120 feet northwesterly of 88<sup>th</sup> Avenue, a line 60 feet northeasterly of 139<sup>th</sup> Street, a line 70 feet southeasterly of Hillside Avenue, and 139<sup>th</sup> Street; and within an area bounded by Queens Boulevard, Hillside Avenue, 139<sup>th</sup> Street, a line 100 feet southeasterly of Hillside Avenue, a line midblock between 139<sup>th</sup> Street and Queens Boulevard, a line perpendicular to Queens Boulevard passing through a point distant 140 feet as measured along the northeasterly #street line# of Queens Boulevard from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of Queens Boulevard.

However, in the event that the Chairperson of the City Planning Commission, based on consultation with the Department of Environmental Protection of the City of New York, provides a certificate of no effect to the Department of Buildings with regard to industrial air emissions for an area described in this Section, the regulations of the zoning districts designated on the #zoning map# shall apply to any #development#, #enlargement# or change of #use# within such area, to the extent permitted under the terms of the certificate of no effect.

\* \* \*

## 11-27

### Regulations Concerning Effective Date of Amendment, Alteration Permits and Enlargements

\* \* \*

## 11-273

### Enlargement of certain non-conforming uses in an R5 District bounded by 95<sup>th</sup> Avenue, 148<sup>th</sup> Street, 97<sup>th</sup> Avenue and 147<sup>th</sup> Place in the Borough of Queens, after (effective date of amendment)

In the area bounded by 95<sup>th</sup> Avenue, 148<sup>th</sup> Street, 97<sup>th</sup> Avenue and 147<sup>th</sup> Place in the Borough of Queens for a period of no more than ten years after (effective date of mapping amendment), existing cement manufacturing establishments listed in Use Group 18 in Section 42-15, that were conforming prior to (effective date of mapping amendment), may be #altered#, #extended# or #enlarged#, pursuant to the M1-1 regulations in effect prior to such date. Such #use# shall conform to all regulations on performance standards applicable in M1 Districts.

## 12-10

### Definitions

\* \* \*

### Inclusionary Housing designated area

An "Inclusionary Housing designated area" is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth in Section 23-90, inclusive. Such #Inclusionary Housing designated areas# are identified in Section 23-922 or in Special Purpose Districts, as applicable.

\* \* \*

### Special Downtown Brooklyn District

\* \* \*

### Special Downtown Jamaica District

The "Special Downtown Jamaica District" is a Special Purpose District designated with the letters "DJ" in which regulations set forth in Article XI, Chapter 5, apply. The #Special Downtown Jamaica District# and its regulations supplement, modify and supersede those of the districts on which it is superimposed.

\* \* \*

## 14-44

### Special Zoning Districts Where Certain Sidewalk Cafes are Permitted

\* \* \*

The Bronx	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
City Island District	No	Yes

Queens

Downtown Jamaica District

#Enclo: #Unenc

SidewalCafe#

No   Yes

Staten Island

South Richmond Development District

#Enclosed  
Sidewalk Cafe#

Yes

#Unenclosed Sidewalk  
Cafe#

Yes

\* \* \*

## 15-011

### Applicability within Special Districts

The provisions of this Chapter shall apply in any #Special Mixed Use District# as modified by Article XII, Chapter 3 (Special Mixed Use District).

The provisions of this Chapter shall apply in the #Special Downtown Jamaica District# as modified by Article XI, Chapter 5 (Special Downtown Jamaica District).

\* \* \*

## 23-011

### Quality Housing Program

\* \* \*

(c) The Quality Housing Program shall not apply to:

- (1) Article VII, Chapter 8 (Large Scale Residential Developments);
- (2) Special Purpose Districts, except the following:

\* \* \*

(vii) the #Special Long Island City Mixed Use District#; and

(viii) the #Special Downtown Brooklyn District#; or

(ix) the #Special Downtown Jamaica District#;

\* \* \*

## 23-142

### In R6, R7, R8 or R9 Districts

#### R6 R7 R8 R9

Except as otherwise provided in the following Sections:

Section 23-144 (In R6, R7, and R8 Districts In designated areas where the Inclusionary Housing Program is applicable)

\* \* \*

## 23-144

### In R6, R7 and R8 Districts designated areas where the Inclusionary Housing Program is applicable

In R6, R7 and R8 Districts #Inclusionary Housing designated areas# where the Inclusionary Housing Program is applicable, as listed

in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In R6, R7 and R8 Districts Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Certain R6, R7 and R8 Districts Inclusionary Housing designated areas).

\* \* \*

## 23-90 INCLUSIONARY HOUSING

\* \* \*

### 23-921 R10 Districts

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions relating to such designated areas, and in all other R10 Districts, subject to the provisions of Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.

### 23-922 Certain R6, R7 and R8 Districts Inclusionary Housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

\* \* \*

The Inclusionary Housing Program shall apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district.

### 23-93 Definitions

For the purposes of the Inclusionary Housing program, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

#### Administering agent

\* \* \*

The #administering agent# shall be a not-for-profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not-for-profit organization as the #administering agent# was unsuccessful. However, in #R6, R7 and R8 Inclusionary Housing designated areas#, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.

\* \* \*

#### Fair rent

\* \* \*

However, in #R6, R7 and R8 Inclusionary Housing designated areas#, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of #lower income household=s# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and rentals shall be subject to the higher of the then-currently applicable Section 8 Standard or the Rent Stabilization Standard.

\* \* \*

In #R6, R7 and R8 Inclusionary Housing designated areas#, at initial occupancy of any #lower income housing#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-95, paragraph (c), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

#### Inclusionary Housing designated areas

“Inclusionary Housing designated areas” shall be those areas specified in Section 23-922 (Inclusionary Housing designated areas).

\* \* \*

#### Lower income household

\* \* \*

In #R6, R7 and R8 Inclusionary Housing designated areas#, #lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with U. S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

#### Lower income housing

\* \* \*

However, in #R6, R7 and R8 Inclusionary Housing designated areas#, #lower income housing# shall include #standard units# assisted under City, State or Federal programs.

\* \* \*

#### R6, R7 and R8 designated areas

“R6, R7 and R8 designated areas” shall be those areas specified in Section 23-922 (Certain R6, R7 and R8 Districts).

\* \* \*

#### **23-941**

##### **In R10 Districts other than Inclusionary Housing designated areas**

The #floor area ratio# of a #development# may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if the developer of such #development# provides #lower income housing# pursuant to Section 23-95 (Lower Income Housing Requirements).

\* \* \*

#### **23-942**

##### **In R6, R7 and R8 Districts Inclusionary Housing designated areas**

The provisions of this Section shall apply in the #Inclusionary Housing designated areas# set forth in Section 23-922, except within Waterfront Access Plan BK-1 and in R7-3 Districts within Community District 1, Borough of Brooklyn.

\* \* \*

(a) Maximum #floor area ratio#

The #floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased by one and one-quarter square feet for each square foot of #floor area# provided for #lower income housing#, up to the maximum #floor area ratio# specified in the table. However, the amount of #lower income housing# required to receive such bonus #floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, in the #building#. In addition, the following rules shall apply:

<u>District</u>	<u>Base #floor area ratio#</u>	<u>Maximum #floor area ratio#</u>
R6*	2.2	2.42
R6**	2.7	3.6
R6A	2.7	3.6
R6B	2.0	2.2
R7A	3.45	4.6
R7X	3.75	5.0
R8A	5.40	7.2
<u>R9</u>	<u>6.0</u>	<u>8.0</u>
<u>R10</u>	<u>9.0</u>	<u>12.0</u>

\* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

\*\* for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

\* \* \*

### 23-951

#### On-site new construction option

\* \* \*

In #R6, R7 and R8 Inclusionary Housing designated areas#, if the #lower income housing# is subject to the requirements of City, State or Federal programs assisting the #lower income housing# that have size and distribution requirements conflicting with the size and distribution requirements of this paragraph, (b), then the size and distribution requirements of this paragraph, (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#.

### 23-952

#### Substantial rehabilitation and off-site new construction options

To qualify for one or more of these options, the designated #lower income housing# shall meet the following requirements:

(a) The #lower income housing# shall be located either:

\* \* \*

Furthermore, in #R6, R7 and R8 Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

\* \* \*

### 23-953

#### Preservation option

To qualify for this option, the designated #lower income housing# shall meet the following requirements:

(a) The #lower income housing# shall be located either:



\* \* \*

Furthermore, in #R6, R7 and R8 Inclusionary Housing designated areas, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

\* \* \*

## 24-161

### Maximum floor area ratio for zoning lots containing community facility and residential uses

\* \* \*

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the designated areas set forth in Section 23-922 (Certain R6, R7 and R8 Districts Inclusionary Housing designated areas), except within Waterfront Access Plan Bk-1, the #floor area ratios# of section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the quality housing program.

\* \* \*

## 35-31

### Maximum Floor Area Ratio for Mixed Buildings

C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. However, in C4-7 Districts within Community District 7 in the Borough of Manhattan, such maximum #residential floor area ratio# may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING).

In the designated areas set forth in Section 23-922 (Certain R6, R7 and R8 Districts Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

\* \* \*

## 42-03

### Residential Use

\* \* \*

In the M1-1 District bounded by 95<sup>th</sup> Avenue, 148<sup>th</sup> Street 97<sup>th</sup> Avenue and 147<sup>th</sup> Place in Community District 12 in the Borough of Queens, the #use# regulations of a M District sh: appl exce th #residential u allow subj #bulk# regulations of Section 43-01 (Applicability of this Chapter) and the #accessory# off-street parking regulations of Section 44-024 (Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens).

\* \* \*

#### 43-01

##### Applicability of this Chapter

\* \* \*

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #bulk# regulations governing M1 Districts shall apply to #community facility#, #commercial#, and #manufacturing uses#, and the regulations of Section 43-61 (Bulk Regulations for Residential Uses in M1-D Districts) shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-D Districts).

In the M1-1 District bounded by 95<sup>th</sup> Avenue, 148<sup>th</sup> Street 97<sup>th</sup> Avenue and 147<sup>th</sup> Place in Community District 12 in the Borough of Queens, the #bulk# regulations of an M1 District shall apply to #manufacturing#, #commercial # and #community facility uses#, and the #bulk# regulations for an R5 District set forth in Article II, Chapter 3, shall apply to #residential uses#.

\* \* \*

#### 44-024

##### Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens

In the M1-1 District bounded by 95<sup>th</sup> Avenue, 148<sup>th</sup> Street 97<sup>th</sup> Avenue and 147<sup>th</sup> Place in Community District 12 in the Borough of Queens, the #accessory# off-street parking regulation: o at M1 District shal apply excep tha th #accessory# off-stre parking regulations for an R5 District set forth in Article II, Chapter 5, shall apply to #residential uses#.

#### 73-16

##### Public Transit, Railroad or Electric Utility Substations

In all #Residence Districts# or and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the Board of Standard and Appeals may permit electric utility substations (including transformers, switches, or auxiliary apparatus) or public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet, and in the case of electric utility substations to a site of not less than 10,000 square feet, provided that the following findings are made:

\* \* \*

#### 74-61

##### Public Transit, Railroad or Electric Utility Substations

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit electric utility substations (including transformers, switches, or auxiliary apparatus) or public transit or railroad electric substations, limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:

\* \* \*

Note: All text is new in Article XI, Chapter 5 - No underlining used.

## Article XI - Special Purpose Districts

### Chapter 5

#### Special Downtown Jamaica District

#### 115-00

##### GENERAL PURPOSES

The "Special Downtown Jamaica District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Downtown Jamaica community. These general goals include, among others, the following specific

purposes, to:

- (a) strengthen the business core of Downtown Jamaica by improving the working and living environments;
- (b) foster development in Downtown Jamaica and provide direction and incentives for further growth where appropriate;
- (c) encourage the development of affordable housing;
- (d) expand the retail, entertainment and commercial character of the area around the transit center and to enhance the area's role as a major transportation hub in the City;
- (e) provide transitions between the downtown commercial core, the lower-scale residential communities and the transportation hub;
- (f) improve the quality of new development in Downtown Jamaica by requiring the provision of specified public amenities in appropriate locations;
- (g) encourage the design of new development that is in character with the area;
- (h) enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities; and
- (i) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

#### **115-01**

##### **General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Downtown Jamaica District#, the regulations of the #Special Downtown Jamaica District# shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special Downtown Jamaica District#, except as otherwise provided in this Chapter. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

Any special permit granted by the City Planning Commission before (the effective date of this amendment), may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

#### **115-02**

##### **District Plan and Maps**

The regulations of this Chapter implement the #Special Downtown Jamaica District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

	Map 1	Special Downtown Jamaica District
Map 2		Ground Floor Use and Transparency and Curb Cut Restrictions
Map 3		Street Wall Location
Map 4		Street Wall Height
	Map 5	Maximum Building Height
	Map 6	Sidewalk Widening

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.

#### **115-03**

##### **Applicability of Article I, Chapter 1**

Within the #Special Downtown Jamaica District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

## **115-10 SPECIAL USE REGULATIONS**

In the #Special Downtown Jamaica District#, the #use# regulations of the underlying district shall apply except as modified in this Section, inclusive. The #use# regulations of the underlying C4-5X, C6 and M1-4 Districts relating to #public parking garages# are modified in Section 115-11 (Public Parking Garages). The #use# regulations of the underlying C6-4 District relating to Use Group 11B, are modified in Section 115-12 (Use Group 11B in C6-4 Districts). Special ground floor #use# and transparency regulations shall apply in the C4-5X and C6 Districts pursuant to Sections 115-13 (Ground Floor Use, Frontage and Major Building Entrance Regulations in C4-5X and C6 Districts) and 115-14 (Transparency Requirement in C4-5X and C6 Districts). The #use# regulations of the underlying M1-4 District, including Use Groups 3, 4, 6, 10, 16, 17 and 18, are modified as specified in Section 115-15 (Modification of Use Regulations in M1-4 Districts).

### **115-11 Public Parking Garages**

In the #Special Downtown Jamaica District#, the #use# regulations of the underlying C4-5X, C6-2, C6-3, C6-4 and M1-4 Districts shall be modified to permit #public parking garages# with a capacity of 150 spaces or less, as-of-right, subject to the provisions set forth for #accessory# off-street parking spaces in Sections 36-53 (Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening). #Public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#, except as provided by the special permit provisions of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

### **115-12 Use Group 11B in C6-4 Districts**

In C6-4 Districts, the provisions of Section 32-20 (Use Group 11), paragraph B. (Wholesale or Similar Establishments), shall be modified to allow wholesale establishments with no limitation on #accessory# storage.

### **115-13 Ground Floor Use, Frontage and Major Building Entrance Regulations in C4-5X and C6 Districts**

On designated #streets#, as shown on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in the Appendix to this Chapter, the special ground floor #use#, frontage and major building entrance regulations of this Section shall apply to any #building or other structure# fronting on such #streets#.

#Uses# located on the ground floor level or within five feet of the level of the adjoining sidewalk, and within 30 feet of the #street line#, shall be limited to #community facility uses# without sleeping accommodations, as listed in Section 115-15 (Modification of Use Regulations in M1-4 Districts), and #uses# listed in Use Groups 5, 6A, 6B, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations.

In no event shall the length of #street# frontage occupied by lobby space, entrance space and/or a building entrance recess exceed, in total, 30 feet or 50 percent of the building's total #street# frontage, whichever is less.

Any #development# or any #enlarged# portion of a #building# located on a #zoning lot# with frontage on such designated #street# shall provide a major building entrance onto such #street#. However, #developments# or #enlargements# on #zoning lots# with frontage on more than one designated #street#, may provide a major building entrance on only one designated #street#.

## 115-14

### Transparency Requirement in C4-5X and C6 Districts

For any #development#, or for the #enlarged# portion of a #building#, on designated #streets# as shown on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in the Appendix to this Chapter, each ground floor #street wall# shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk.

## 115-15

### Modification of Use Regulations in M1-4 Districts

The #use# regulations of the underlying M1-4 District shall apply, except as modified as follows:

#### Use Groups 3A and 4A

The following #community facility uses# as listed in Sections 22-13 (Use Group 3) and 22-14 (Use Group 4) shall be permitted as-of-right, provided that such #uses# are without sleeping accommodations:

From Use Group 3A:

College or universities, including professional schools but excluding business colleges or trade schools

Libraries, museums or non-commercial art galleries, without limitation

#Schools#;

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency, for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, #physical culture or health establishments# or ophthalmic dispensing

Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs;
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; or
- (d) any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 (DEFINITIONS)

Community centers or settlement houses

Rectories and parish houses

Non-commercial recreation centers

Philanthropic or non-profit institutions, without limitation on central office functions

Seminaries

Welfare centers

#### Use Groups 6 and 10

All #uses# listed in Sections 32-15 (Use Group 6) and 32-19 (Use Group 10), shall be permitted and shall not be subject to the limitations specified in Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14, and 16).

### **Use Groups 16, 17 and 18**

The following #uses# from Sections 32-25 (Use Group 16), 42-14 (Use Group 17) and 42-15 (Use Group 18) shall be permitted, provided that such #uses# are in completely enclosed #buildings#, except as specifically modified in this Section:

From Use Group 16A (Retail or Service Establishments):

Animal hospitals or kennels

Automobile, motorcycle, trailer or boat sales

Building materials sales, limited to 10,000 square feet of #lot area# per establishment

Carpentry, custom woodworking or custom furniture making shops

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments

Fuel, ice, oil, coal or wood sales, limited to 5,000 square feet of #lot area# per establishment

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units

Machinery rental or sales establishments

Mirror silvering or glass cutting shops

Motorcycle or motor scooter rental establishments

Sign painting shops, with no limitation on #floor area# per establishment

Silver plating shops, custom

Soldering or welding shops

Tool, die or pattern making establishments, or similar small machine shops

Trade schools for adults

From Use Group 16B (Automotive Service Establishments):

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a #completely enclosed building#

From Use Group 16C (Vehicle Storage Establishments):

Commercial or public utility vehicle storage, including #accessory# motor fuel pumps

From Use Group 16D (Heavy Service, Wholesale, or Storage Establishments):

Carpet cleaning establishments

Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment

Laundries, with no limitation on type of operation

Linen, towel or diaper supply establishments

Moving or storage offices, with no limitation as to storage or #floor area# per establishment

Packing or crating establishments

Photographic developing or printing with no limitation on #floor area# per establishment

Warehouses

Wholesale establishments, with no limitation on #accessory# storage

From Use Group 17A (Service or Wholesale Establishments):

Building materials or contractors' yards, including sales, storage, or handling of building materials, with no limitation on #lot area# per establishment, except that lumber yards shall be limited to 20,000 square feet of #lot area# per establishment

Produce or meat markets, wholesale

From Use Group 17B (Manufacturing Establishments):

Advertising displays

Aircraft, including parts

Apparel or other textile products from textiles or other materials, including hat bodies, or similar products

Beverages, non-alcoholic

Bottling work, for all beverages

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas or canvas products

Carpets

Ceramic products, including pottery, small glazed tile, or similar products

Chemicals, compounding or packaging

Cork products

Cosmetics or toiletries

Cotton ginning, or cotton wadding or linters

Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances

Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies

Film, photographic

Food products, except slaughtering of meat or preparation of fish for packing

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt or feather products, except washing, curing or dyeing

Hosiery

Ice, dry or natural

Ink or inked ribbon

Jute, hemp, sisal or oakum products

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Luggage

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products

Mattresses, including rebuilding or renovating

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar processes

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks or similar precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products

Perfumes or perfumed soaps, compounding only

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products



Printing or publishing, with no limitation on #floor area# per establishment

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber

Scenery construction

Silverware, plate or sterling

Soap or detergents, packaging only

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products

Statuary, mannequins, figurines, or religious art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage

Tobacco, including curing or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products

Toys

Umbrellas

Upholstering, bulk, excluding upholstering shops dealing directly with consumers

Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles

Venetian blinds, window shades, or awnings, with no limitation on production or on #floor area# per establishment

Wax products

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

From Use Group 17C (Miscellaneous #Uses#):

Public transit, railroad or electric utility substations, open or enclosed, subject to the special permit provisions of Section 73-16 (Public Transit, Railroad or Electric Utility Substations) or 74-61 (Public Transit, Railroad or Electric Utility Substations)

Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations

From Use Group 18:

Breweries, limited to 10,000 square feet of #floor area# per establishment

#Uses accessory# to the preceding listed #uses#

## **115-16**

### **Modification of Article V, Chapter 2**

Within the #Special Downtown Jamaica District#, for any #zoning lot# in a C8-1 District prior to (date of amendment), the provisions of paragraph (b) of Section 52-332 (Other buildings or structures in Residence Districts) and the provisions of paragraph

(b) of Section 52-35 (Manufacturing or Related Uses in Commercial Districts) shall be modified as follows: A #non-conforming use# listed in Use Group 16 may not be changed to a #use# listed in Use Group 17.

## 115-20

### SPECIAL BULK REGULATIONS

## 115-21

### Floor Area Ratio, Open Space and Lot Coverage

- (a) Maximum #floor area ratio# for #buildings# containing non-#residential uses#

In C6-2 and C6-3 Districts, the underlying #floor area ratio# and #open space# provisions shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial# and #community facility# #uses#, separately or in combination, shall not exceed 6.0 in C6-2 Districts and 8.0 in C6-3 Districts. No #floor area# bonuses shall be permitted.

In C6-4 Districts, the underlying #floor area ratio# provisions, including #floor area# bonus provisions, shall apply to #community facility uses#. For #commercial uses#, the maximum #floor area ratio# shall be 12.0, and no #floor area# bonuses shall apply.

In M1-4 Districts, the maximum #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 2.0.

- (b) Maximum #floor area ratio# for #buildings# containing #residential uses#

The maximum #floor area ratio# for any #building# containing a #residential# #use# shall not exceed the #floor area ratio# set forth in Section 115-211 (Special Inclusionary Housing regulations) for the applicable district.

- (c) #Lot coverage#

In C4 and C6 Districts, for #residential buildings# or the #residential# portion of a #mixed building#, the maximum #lot coverage# shall be 80 percent on a #corner lot# and 70 percent on an #interior# or #through lot#. However, no #lot coverage# provisions shall apply to any #zoning lot# comprising an entire #block# or to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

## 115-211

### Special Inclusionary Housing regulations

- (a) Applicability

R7A, R7X, C4-4A, C4-5X, C6-2, C6-3 and C6-4 Districts within the #Special Downtown Jamaica District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (Definitions), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (Inclusionary Housing Program), inclusive, applicable as modified, within the Special District.

- (b) Maximum #floor area ratio#

The maximum #floor area ratio# for any #building# containing #residences# shall not exceed the base #floor area ratio# set forth in the following table, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in Section 23-942 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING).

District	Base Floor Area Ratio
----------	-----------------------

R7A, C4-4A	3.45
R7X, C4-5X	3.75
R8, C6-2	5.4
R9, C6-3	6.0
R10, C6-4	9.0

(c) Modification of location requirements

The requirements of paragraph (a) of Section 23-952 (Substantial rehabilitation and off-site new construction options) shall be modified as follows: #Lower income housing# may be located in any #Inclusionary Housing designated area# within the #Special Downtown Jamaica District#.

(d) Height and setback

The height and setback regulations of paragraph (b) of Section 23-942 shall not apply. In lieu thereof, the special height and setback regulations of Section 115-22, inclusive, of this Chapter shall apply.

## 115-22

### Height and Setback Regulations

In M1-4 Districts, the underlying height and setback regulations shall apply except as modified in Section 115-221 (Permitted obstructions).

In C4 and C6 Districts, the underlying height and setback regulations are modified as set forth in Sections 115-221 through 115-225, inclusive.

For #zoning lots# subject to the sidewalk widening requirements of Section 115-31, the boundary of the sidewalk widening furthest from the #street line# shall be considered the #street line# for the purposes of applying all height and setback regulations.

All heights shall be measured from the #base plane#.

## 115-221

### Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Jamaica District#, except the provisions of paragraph (c) of Section 33-42 shall not apply. In lieu thereof, the following regulations shall apply:

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane# provided that either:

- (a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (b) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

## 115-222

## Street wall location

### C4 C6

In the districts indicated, #street walls# shall be provided in accordance with the provisions of this Section.

- (a) For all locations, except as specified on Map 3 (Street Wall Location) in the Appendix to this Chapter, the #street wall# of a #building# shall be located on the #street line# and extend along at least 70 percent of the #street# frontage of the #zoning lot#. No #street wall# location rules shall apply to the remaining portion of the #street frontage# of the #zoning lot#; however, any #street walls# provided in such portion shall be located on the #street line# or recessed within an #outer court#. All required #street walls# shall rise without setback to at least the minimum base height specified in Section 115-223 (Street wall height), or the height of the #building#, whichever is less. For #zoning lots# bounded by more than one #street line#, these #street wall# location requirements shall apply on all such #street lines#.
- (b) Map 3 specifies the #street# frontages where the regulations set forth in this paragraph, (b), apply.
  - (1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage as specified on Map 3, and shall rise without setback to at least the minimum base height specified in Section 115-223, or the height of the #building#, whichever is less. This requirement shall also apply along that portion of any #street line# that intersects such #street# frontage, specified on Map 3, within 50 feet of such intersection.
  - (2) To allow articulation of #street walls# at the intersection of two #street lines# with mandatory #street wall# requirements, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 20 feet from such #street lines# may be unoccupied by a #building#.
  - (3) Where corner articulation is specified on Map 3, the following regulations shall apply:
    - (i) Where base corner articulation is specified, the #building# shall occupy, at every level up to the level of the setback provided pursuant to Section 115-223 (Street wall height), not less than 50 percent and not more than 75 percent of the area bounded by the two #street lines# and lines parallel to and 20 feet from such #street lines#.
    - (ii) Where tower corner articulation is specified, no articulation is required where all portions of the #building# that exceed a height of 60 feet are located at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#. Where a #building# rises without setback along those #street lines# where no setback is required, as specified on Map 4 (Street Wall Height), the #building# shall cover, at every level above the setback provided pursuant to Section 115-223, not less than 50 percent and not more than 75 percent of the area bounded by:
      - (a) the #street line# of the #street# where no setback is required;
      - (b) a line 10 feet from and parallel to a #wide street# with a setback requirement or 15 feet from and parallel to a #narrow street# with a setback requirement; and
      - (c) lines parallel to and 20 feet from such lines.
  - (4) No #street wall# location requirements shall apply to any open space fronting on Sutphin Boulevard between 94<sup>th</sup> and 95<sup>th</sup> Avenues #developed# pursuant to the Jamaica Gateway Urban Renewal Plan, as shown on Map 3.
  - (5) For building walls facing Archer Avenue on Blocks 9988 and 9994, the #street walls# required pursuant to this paragraph, (b), shall not be located along the Archer Avenue #street line#, but shall instead be located along the northern boundary of the Public Place mapped on each such block. However, if the Public Place is not mapped on Block 9994, then the #street wall# shall be located on a line perpendicular to 147<sup>th</sup> Place and passing through a point 51.77 feet distant (as measured along the southwesterly #street line# of 147<sup>th</sup> Place) from the corner of the northeasterly #street line# of Archer Avenue and the southwesterly #street line# of 147<sup>th</sup> Place. To accommodate the development of a one #story building# which may be located within each Public Place, such #street walls# shall have no building entrances or windows up to a height of 30 feet within 100 feet of 147<sup>th</sup> Place on Block 9994 and within 100 feet of 146<sup>th</sup> Street on Block 9988.

- (c) In all locations where #street walls# are required, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

Above a height of 12 feet, up to 30 percent of the aggregate width of required #street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in this Section.

Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet, without regard to the #street wall# location requirements of this Section.

## **115-223**

### **Street wall height**

C4 C6

Except in the locations indicated on Map 4 (Street Wall Height) in the Appendix to this Chapter, the minimum and maximum heights before setback of a #street wall# required pursuant to Section 115-232 (Street wall location) shall be as set forth in the following Table:

<b>District</b>	<b>Minimum Street Wall Height</b>	<b>Maximum Street Wall Height</b>
C4-4A	40 feet	65 feet
C4-5X	40 feet	85 feet
C6	40 feet	60 feet

Any portion of a #building# that exceeds the maximum height of a #street wall# shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

In the locations indicated on Map 4, required #street walls# shall rise without setback to the minimum height specified for that location on Map 4 or the height of the #building#, whichever is less. Any portion of a #building# that exceeds the maximum #street wall# height specified for that location shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

However, in the locations indicated on Map 4 where no maximum #street wall# height or setback is required, #street walls# required pursuant to Section 115-222, shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less. Above a height of 40 feet, no setbacks are required for any portion of the building.

## **115-224**

### **Maximum building height**

C4 C6

In C4-4A Districts, no #building or other structure# shall exceed a height of 80 feet.

In C4-5X Districts, no #building or other structure# shall exceed a height of 125 feet.

In all C6 Districts, no #building or other structure# shall exceed a height of 250 feet. However, no maximum building height limitation shall apply on Block 9993, shown on Map 5 (Maximum Building Height) in the Appendix to this Chapter, if such #block# is developed pursuant to the Jamaica Gateway Urban Renewal Plan.

## **115-225**

### **Transition area**

## **R6 R7 R8 R9 R10**

In the districts indicated, and in #Commercial Districts# where such #Residence District bulk# regulations are applicable, that portion of a #development# or #enlargement# located within 25 feet of an adjacent #zoning lot# in an R1, R2, R3, R4 or R5 District shall not exceed a maximum building height of 35 feet. In addition, an open area not higher than #curb level# shall be provided within eight feet of such adjacent #zoning lot#. Such open area may be used for #accessory# parking.

### **115-30**

#### **MANDATORY IMPROVEMENTS**

### **115-31**

#### **Sidewalk Widening**

The provisions of this Section shall apply to all #developments# fronting upon locations requiring sidewalk widenings as shown on Map 6 (Sidewalk Widening) in the Appendix to this Chapter. A sidewalk widening is a continuous, paved open area along the #street line# of a #zoning lot# having a depth of 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 paragraph (n) of Section 37-04 (Requirements for Urban Plazas), except that the minimum level of illumination shall be not less than two horizontal foot candles throughout the entire mandatory sidewalk widening.

Sidewalk widenings of 10 feet or more must provide one linear foot of seating for every 150 square feet of mandatory sidewalk widening. In addition, the provisions of Section 62-672 (Seating) shall apply.

### **115-32**

#### **Street Tree Planting**

All new #developments# or #enlargements# that increase the existing #floor area# by at least 20 percent shall provide and maintain trees of not less than three inch caliper at the time of planting in the sidewalk adjacent to the #zoning lot#. Such trees shall be provided for the entire length of the #street# frontage of the #zoning lot# at maximum intervals of 25 feet except where the Commissioner of Parks and Recreation determines that such tree planting would be infeasible.

Trees shall be planted with gratings flush to grade in at least 200 cubic feet of soil per tree, with a depth of soil of at least 3 feet, 6 inches. Species shall be selected, installed and maintained in accordance with the specifications established by the Department of Parks and Recreation.

### **115-33**

#### **Refuse Storage, Recreation Space and Planting Areas**

All #residential buildings# shall provide refuse storage space, recreation space and planting areas in accordance with the provisions of Section 28-23 (Refuse Storage and Disposal) and Section 28-30 (RECREATION SPACE AND PLANTING AREAS), whether or not they are #developed# or #enlarged# pursuant to the Quality Housing Program.

### **115-40**

#### **RESIDENTIAL CONVERSIONS**

In all #Commercial Districts#, the conversion to #dwelling units# of non-#residential buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (Minor Modifications), paragraph (b).

#Uses# in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Building).

### **115-50**

## SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

### 115-51

#### Parking and Loading Regulations

Within the #Special Downtown Jamaica District#, the off-street parking and loading regulations shall be modified as follows:

(a) Commercial and Manufacturing development

In C4, C6 and M1 Districts, the off-street parking and loading regulations of a C4-4 District shall apply, except as modified in this Section:

- (1) For any #use# that is not allowed in a C4 District, the underlying off-street parking requirements of the applicable C6-2, C6-3, C6-4 or M1-4 District shall apply.
- (2) In C4, C6 and M1 Districts, the provisions of Sections 36-12 (Maximum Size of Accessory Group Parking Facilities) and 44-12 (Maximum Size of Accessory Group Parking Facilities) shall be modified to permit an #accessory group parking facility# to contain up to 300 off-street parking spaces. Pursuant to the provisions of Sections 36-13 (Modification of Maximum Size of Accessory Group Parking Facilities) and 46-13 (Modification of Maximum Size of Accessory Group Parking Facilities), the Commissioner of Buildings may permit such #group parking facility# to contain up to 150 additional spaces.
- (3) In C4, C6 and M1 Districts, the provisions of Section 36-21 (General Provisions) pertaining to accessory off-street parking spaces for #commercial# or #community facility uses# shall be modified as follows: #uses# in Use Groups 6B (Offices), 10B (Wholesale Establishments) and 11B (Wholesale Establishments), with parking requirement category B1, shall be required to provide one parking space per 2,000 square feet of #floor area#.
- (4) Modification of Waiver of Parking Requirements
  - (i) In C4, C6 and M1 Districts, the provisions of Sections 36-23 (Waiver of Requirements for Spaces Below Minimum Number) and 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on (the date of adoption of this amendment) and on the date of application for a building permit.
  - (ii) In C4, C6 and M1 Districts, for any #commercial use# permitted in a C4 or C6 District, the waiver provisions for a C4-4 District set forth in Section 36-232 (In districts with very low parking requirements) shall not apply. In lieu thereof, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be 15 spaces, pursuant to the waiver provisions for a C4-2 District set forth in Section 36-231 (In districts with high, medium, or low parking requirements).
  - (iii) The provisions of Sections 36-342 (Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) and 36-344 (Waiver of requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply in the #Special Downtown Jamaica District#.

(b) Residential Development

- (1) The provisions of Section 25-12 (Maximum Size of Accessory Group Parking Facilities) shall be modified to permit an #accessory group parking facility# to contain up to 300 off-street parking spaces. Pursuant to the provisions of Section 25-13 (Modification of Maximum Size of Accessory Group Parking Facilities), the Commissioner of Buildings may permit such #group parking facility# to contain up to 150 additional spaces.
- (2) The required accessory off-street parking space regulations for #residential developments# or #enlargements# of the underlying districts in the #Special Downtown Jamaica District# shall be modified as follows: The regulations set forth for an R6A District in Section 25-20 shall apply. The regulations set forth for an R6 District in Sections 25-50 (RESTRICTIONS ON LOCATIONS OF ACCESSORY OFF-STREET PARKING SPACES) inclusive, and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF STREET PARKING SPACES), inclusive, shall apply except as modified in paragraphs (b) (3) and (b) (4) of this Section.

(3) In all #Residence Districts#, the provisions of Section 25-26 (Waiver of Requirements for Small Number of Spaces) are modified as follows:

(i) The provisions of Section 25-26 shall only apply to #zoning lots# existing both on (the date of adoption of this amendment) and on the date of application for a building permit.

(ii) For all new #residential developments# or #enlargements#, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be 5 spaces.

(4) The provisions of Section 25-52 (Off-Site Spaces for Residences) and 25-521 (Maximum distance from zoning lot) shall be modified to permit the location of permitted or required off-street parking spaces #accessory# to #residences# on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that such #zoning lot# is no more than 1,500 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

(5) The provisions of Section 36-42 (Off-Site Spaces for Residences) and 36-421 (Maximum distance from zoning lot) shall be modified to permit the location of permitted or required off-street parking spaces #accessory# to #residences# on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that such #zoning lot# is no more than 1,500 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

## **115-52**

### **Location of Access to the Street**

Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in the Appendix to this Chapter specifies locations where curb cuts shall be prohibited within the #Special Downtown Jamaica District#.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access only to such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

The waiver provisions of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations) shall not apply to the special location of access requirements of this Section.

## **115-60**

### **SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS**

For any #development#, #enlargement#, alteration or change of #use# on a #zoning lot# within the #Special Downtown Jamaica District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

- (a) modification will aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification will encourage a lively pedestrian environment along the #street# or mandatory sidewalk widening, or is necessary for, and the only practicable way to achieve the programmatic requirements of the #development#;
- (c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;
- (d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) #development# or #enlargement# will relate harmoniously to the character of the surrounding area.

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



area.

## APPENDIX

- Map 1 - Special Downtown Jamaica District
- Map 2 - Ground Floor Use and Transparency and Curb Cut Restrictions
- Map 3 - Street Wall Location
- Map 4 - Street Wall Height
- Map 5 - Maximum Building Height
- Map 6 - Sidewalk Widening

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### 123-64

#### Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings

(a) Maximum #floor area ratio#

\* \* \*

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# in #Special Mixed Use Districts# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in the #inclusionary housing designated areas# set forth in Section 23-922 (Certain R6, R7 and R8 Districts Inclusionary Housing designated areas), except within Waterfront Access Plan Bk-1, the #floor area ratios# of Section 23-942 shall apply.

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 September 10, 2007, on file in this office.

.....  
City Clerk, Clerk of The Council