



Legislation Details (With Text)

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**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 040541 ZRQ, an amendment to the text of the Zoning Resolution relating to Article VII, Chapter 4 (Special Permits by City Planning Commission), concerning Section 74-93 special commercial developments in commercial districts, Queens (L.U. No. 551).

**Sponsors:**

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 9/15/05

Date	Ver.	Action By	Action	Result
9/8/2005	*	Committee on Land Use	Approved by Committee	
9/15/2005	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1158**

**Resolution approving the decision of the City Planning Commission on Application No. N 040541 ZRQ, an amendment to the text of the Zoning Resolution relating to Article VII, Chapter 4 (Special Permits by City Planning Commission), concerning Section 74-93 special commercial developments in commercial districts, Queens (L.U. No. 551).**

**By Council Members Katz and Avella**

WHEREAS, the City Planning Commission filed with the Council on August 5, 2005 its decision dated July 27, 2005 (the "Decision"), on the application submitted by Alexander's of Rego Park II, Inc., pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 040541 ZRQ) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 040542 ZSQ (L.U. No. 552), a special permit pursuant to Section 74-93 of the Zoning Resolution; and M 860562 (A) ZSQ (L.U. No. 553), modification of Restrictive Declaration (D-110);

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 September 7, 2005;

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 July 15, 2005 (CEQR No. 04DCP040Q);

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 actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (2) The adverse environmental impacts revealed in the FEIS 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 and the FEIS 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; and

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

Underlined matter 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

\* \* \*

## 74-93

### **Special Commercial or Mixed Use Developments in Commercial Districts**

Within the boundaries of Community District 6, Borough of Queens, for commercial or mixed use #developments# or #enlargements# on two or more #zoning lots# in more than one #block#, which #zoning lots#, as defined in Section 12-10, each have single fee ownership or equivalent ownership arrangements for all lots comprising the #development# or #enlargement#, which are contiguous or would be contiguous but for their separation by a #street#, and located partially in a C4-2 District, partially in a C4-2F District, the City Planning Commission may permit upon application:

- (a) reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to

exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the uses proposed modification of applicable district regulations pertaining to the #accessory# off-street parking requirements, where the number of required off-street parking spaces is generated by the #floor area# of any interior pedestrian circulation system;

- (b) accessory# off-street parking spaces to be provided in a #public parking garage#, to be located anywhere within the #development# or #enlargement#, without regard for #zoning lot# lines, for #uses# not located on the same #zoning lot#;
- (e) a special permit pursuant to the provisions of Section 74-512 permitting a #public parking garage# with a capacity not exceeding 2,700 parking spaces;
- (d) (b) any closed and demapped air space above a #street# to be considered as a part of the #development# or #enlargement# and to be used for automobile ways, or for enclosed pedestrian ways or retail #uses#; provided the Commission finds that:
  - (1) each bridge over the #street# bed utilizes only unused #floor area# from an adjoining #zoning lot# within the #development# or #enlargement# and that no #floor area# credit is generated from the demapped air space;
  - (2) each bridge adjoins #zoning lots# which are wholly within the #development# or #enlargement#;
  - (3) the #curb levels# of the adjoining #zoning lots# are not affected by the closing and demapping of such air space;
  - (4) all #street# frontages of the #zoning lots# under each bridge are provided with satisfactory lighting; and
  - (5) a landscaped open, covered or enclosed space for public use at #street# level, linked with the pedestrian circulation system, which is at least equivalent to the #street# area covered by the bridges, with said enclosed space a minimum area of 5,000 square feet, a minimum width of 40 feet, a minimum depth of 60 feet, a minimum ceiling height of 30 feet and a maximum ceiling height of 75 feet, is provided in one location within the #development# or #enlargement#, which open, covered or enclosed space is at least equivalent to the #street# area covered by the bridges, has a minimum area of 20,000 square feet, and is maintained with planting and seating facilities by the owner of the #development# or #enlargement# and such open or enclosed space is maintained with planting and seating facilities, by the owner of the #development# or #enlargement# or his designee and, said open, covered or enclosed space to be subject to such other requirements as the Commission may deem appropriate;
- (e)(c) automobile service establishments, including: automobile, tire, battery, muffler and accessories establishments, including installation services; automobile glass and mirror shops, including installation services where such #use# is an integral part of the permitted principal #use#; automotive seat cover or convertible top establishments, including installation service, but not including automobile laundries; automobile painting establishments; automobile body repair establishments; or automobile fuel service stations; and

- (d) modification of applicable #bulk# regulations by permitting the total permitted #floor area# for all #zoning lots# within such #development# or #enlargement# to be distributed without regard to #zoning lot lines#; and permitting the location of buildings without regard for the applicable height and setback regulations, provided the Commission finds that:
- (1) such distribution of #floor area# and location of buildings will result in better site planning and will thus benefit both the neighborhood and the City as a whole; and
  - (2) such distribution of #floor area# and location of buildings will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) modification of the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs), provided that the Commission finds that such modification will result in a better site plan.

The Commission may impose additional conditions and safeguards to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area, including restrictions on permitted #commercial uses#, #signs# and location of curb cuts to ease vehicular and pedestrian circulation in the area.

~~Section 74-99 (Lapse of Permit) shall not apply to a special #use# permit granted for a #development# or #enlargement# undertaken pursuant to a special permit under this Section.~~

\* \* \*

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 15, 2005, on file in this office.

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