Legislation Details (With Text)

File #:	Res 0280-2022	**Version:** *	**Name:**	LU 82 - Zoning, 11th Street & 34th Avenue Rezoning, Queens (N 210235 ZRQ)
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Land Use
On agenda:	7/14/2022			
Enactment date:			**Enactment #:**	

Title: Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210235 ZRQ, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 82).

Sponsors:

Indexes:

Attachments: 1. Calendar of the Subcommittee Meetings and Land Use Meeting - June 14, 2022, 2. June 16, 2022 - Stated Meeting Agenda, 3. Calendar of the Subcommittee Meetings and Land Use Meeting - June 29, 2022, 4. Speaker Adams Letter - Open Meetings Law, 5. UPDATED - Calendar of the Subcommittee Meetings and Land Use Meeting - June 29, 2022, 6. July 14, 2022 - Stated Meeting Agenda, 7. Hearing Transcript - Stated Meeting 7-14-22, 8. Minutes of the Stated Meeting - July 14, 2022, 9. City Planning Commission Approval Letter, 10. Restrictive Declaration, 11. Res. No. 280, 12. Committee Report

Date	Ver.	Action By	Action	Result
6/29/2022	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
7/14/2022	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 280

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210235 ZRQ, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 82).

By Council Members Salamanca and Riley

WHEREAS, JPP 33rd Street, LLC and Lily & John Realty Inc., filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying provisions of Article XII, Chapter 3 (Special Mixed Use District) and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of a seven-story mixed use building containing 205 residential units and ground floor industrial and commercial space at 11-01 33rd Avenue (Block 316, Lots 1 and 13), in the Ravenswood neighborhood of Queens, Community District 1 (ULURP No. N 210235 ZRQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on June 13, 2022, its decision dated June 8, 2022 (the "Decision"), on the Application;

WHEREAS, the Application is related to application N 210235 ZRQ (Pre. L.U. No. 81), a zoning map

amendment to change an R5 zoning district to an M1-4/R7A zoning district and to map a Special Mixed Use District (MX-23);

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 14, 2022;

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, including the Conditional Negative Declaration (CND) was issued on June 6, 2022 (CEQR No. 21DCP118Q), which includes an (E) designation (E-661) for hazardous materials, air quality, and noise on the development site (Block 318, Lots 1, 15, and 22) and an (E) designation for hazardous materials and air quality on the non-applicant-owned lots (Block 318, Lots 9 and 11) to avoid the potential for significant adverse impacts. As described in the CND, the applicant will enter into a Restrictive Declaration to ensure implementation of measures relating to transportation and construction.

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

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 the report, N 210235 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter <u>underlined</u> is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
*** * *** indicates where unchanged text appears in the Zoning Resolution
Matter double struck out is old, deleted by the City Council;
Matter <u>double-underlined</u> is new, added by the City Council

* * *

ARTICLE XII
SPECIAL PURPOSE DISTRICTS

Chapter 3
Special Mixed Use District (MX)

* * *

123-60
SPECIAL BULK REGULATIONS

* * *

123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section 23-151 (Basic regulations for R6 through R9 Districts) shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Sections 23-153 (For Quality Housing buildings) or 23-155 (Affordable independent residences for seniors), as applicable.

* * *

However, in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-154 (Inclusionary Housing). The locations of such districts are specified in APPENDIX F of this Resolution.

#Special Mixed Use District#	**Designated #Residence District#**
***	
MX 23 - Community District 1, Queens	<u>R6A</u> R7A

* * *

123-66
Height and Setback Regulations

The height of all #buildings or other structures# in #Special Mixed Use Districts# shall be measured from the #base plane#.

~~The following modifications of height and setback regulations set forth in paragraphs (a) and (b) apply in Historic Districts designated by the Landmarks Preservation Commission:~~

[Relocated below]

~~(a) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.~~

[Provisions moved to Section 123-663(a)(1)]

~~(b) In #Special Mixed Use District# 2 in the Borough of Brooklyn, where the designated #Residence District# is an R8X District, the maximum base height of a #street wall# may vary between the maximum base height set forth in this Chapter, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height set forth in this Chapter. For the purposes of this paragraph (b), a #building# situated directly across a #street# from a #development# shall be considered an adjacent #building#.~~

[Applicability text added for clarity]

In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the provisions of Section 123-661 (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations) shall apply. On #waterfront blocks#, as defined in Section 62-11, where the designated #Residence District# is R3, R4 or R5, the height and setback regulations of Section 62-34, inclusive, shall apply to #buildings and other structures#, except that for #mixed use buildings#, the height and setback regulations set forth in Section 123-661 ~~(Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations)~~ shall apply.

[Applicability text added for clarity]

In #Special Mixed Use Districts# where the designated #Residence District# is an R6 through R10 District, the provisions of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations) shall apply. However, in certain zoning districts in certain #Special Mixed Use Districts#, such provisions are modified by the special rules of Section 123-663 (Special rules for certain districts in certain Special Mixed Use Districts).

[Relocated from above]

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

* * *

123-662
All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

~~(1)~~ In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District without a letter suffix, the height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building or other structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.

* * *

[Provisions for MX-15 moved to 123-663(b)]

~~(2) In #Special Mixed Use District# 15 in the Borough of Manhattan, where the designated #Residence District# is an R7-2 District, the height and setback regulations of paragraph (a)(1) of this Section shall not apply. In lieu thereof, the height and setback regulations of this paragraph (a)(2) shall apply.~~

~~(i) A #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet, except for dormers permitted in accordance with paragraph (c) of this Section.~~

~~(ii) At least 70 percent of the #aggregate width of street walls# shall be located on the street line and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#.~~

~~(iii) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph (a)(2). Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.~~

(b) Medium and high density contextual districts

[Provisions for MX-2 moved to 123-663(a)(1)]

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height and setback provisions of Section 23-662 shall apply. However, where the #Residence District# designation is an R6A, R6B, R7A, R7D, R8A or R8X District located outside the #Manhattan Core#, for #buildings# with #qualifying ground floors# utilizing the additional heights set forth in paragraph (b) of Section 23-662, the supplemental ground floor provisions set forth in paragraph (b)(2) of such Section shall be modified so that any permitted non-#residential use# in the #Manufacturing District# that is paired with such #Residence District# may be utilized to satisfy the ground floor #use# and depth requirements of Section 26-52 (Ground Floor Use and Depth Requirements). Where the #Residence District# designation is an R10X District, a tower may be provided in accordance with the provisions of Section 23-663. In addition, in all applicable districts, for #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the height and setback provisions of paragraph (b) of Section 23-664 shall apply. Separate maximum #building# heights are set forth within Sections 23-662 and 23-664 for #Quality Housing buildings# with #qualifying ground floors# as well as for those with #non-qualifying ground floors#. ~~In R8X Districts within #Special Mixed Use District# 2, the maximum #building# height for any #development# or #enlargement# that is not predominantly #commercial#, #manufacturing#, or a combination of #commercial# and #manufacturing#, shall be governed by the maximum #building# height and setback regulations applicable to an R8A District. For the purposes of this provision, "predominantly" shall mean at least 75 percent of the #floor area# of a #building#.~~

* * *

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123-663
Special rules for certain districts in certain Special Mixed Use Districts

For zoning districts in certain #Special Mixed Use Districts# specified by this Section, the height and setback regulations of paragraphs (a) and (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations) shall be modified as follows:

(a) In R8X Districts within #Special Mixed Use District# 2:

(1) the maximum #building# height for any #development# or #enlargement# that is not predominantly #commercial#, #manufacturing#, or a combination of #commercial# and #manufacturing#, shall be governed by the underlying maximum #building# height and setback regulations applicable to an R8A District. For the purposes of this provision, "predominantly" shall mean at least 75 percent of the #floor area# of a #building#; and

(2) in Historic Districts designated by the Landmarks Preservation Commission, the maximum base height of a #street wall# may vary between the maximum base height of this Section, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than such maximum base height. For the purposes of this paragraph, a #building# situated directly across a #street# from a #development# shall be considered an adjacent #building#.

(b) In R7-2 Districts within #Special Mixed Use District# 15:
(1) a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet;

(2) at least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#; and

(3) existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.

(c) In R6A Districts within #Special Mixed Use District# 23, where such R6A District is paired with an M1-5 District, the underlying height and setback regulations applicable to an R7A District shall apply.

* * *

123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED

The Special Mixed Use District is mapped in the following areas:

* * *

#Special Mixed Use District# - 23 [date of adoption]
Ravenswood, Queens

The #Special Mixed Use District# - 23 is established in Northwest Ravenswood in Queens as indicated on the #zoning maps#.

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

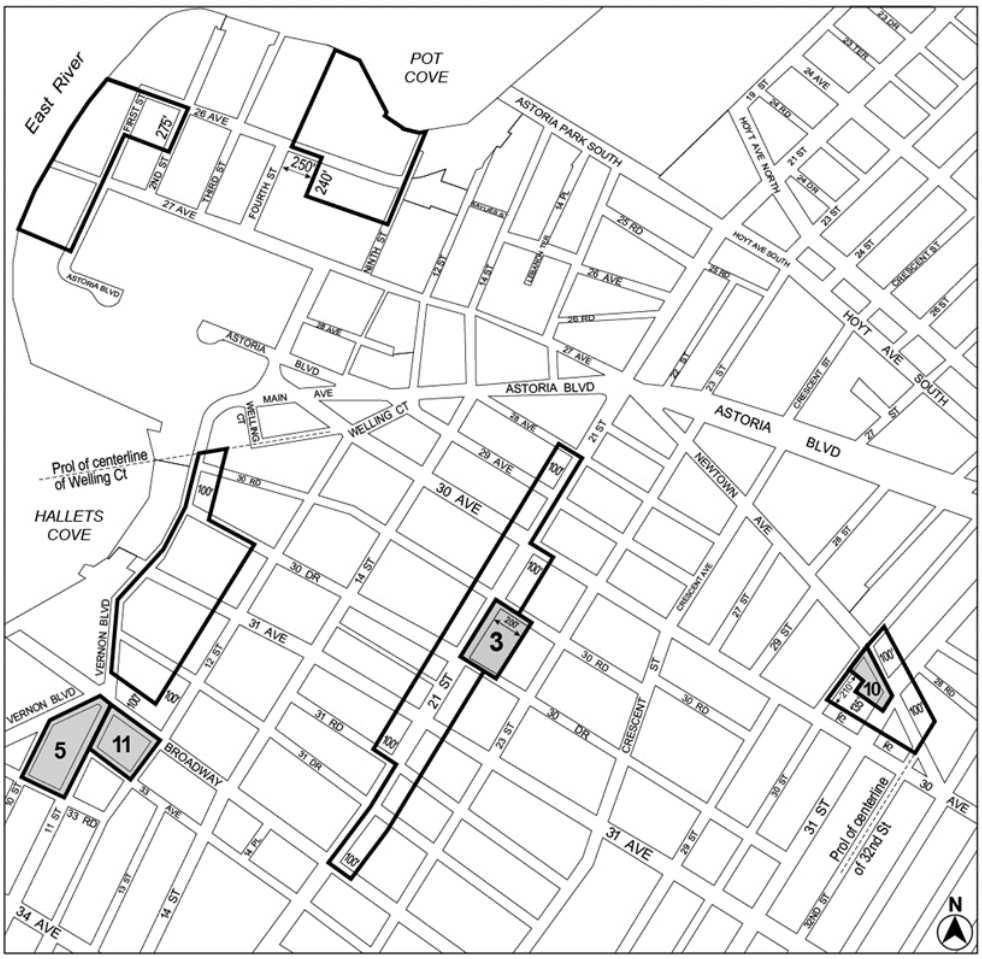
QUEENS

* * *

Queens Community District 1

* * *

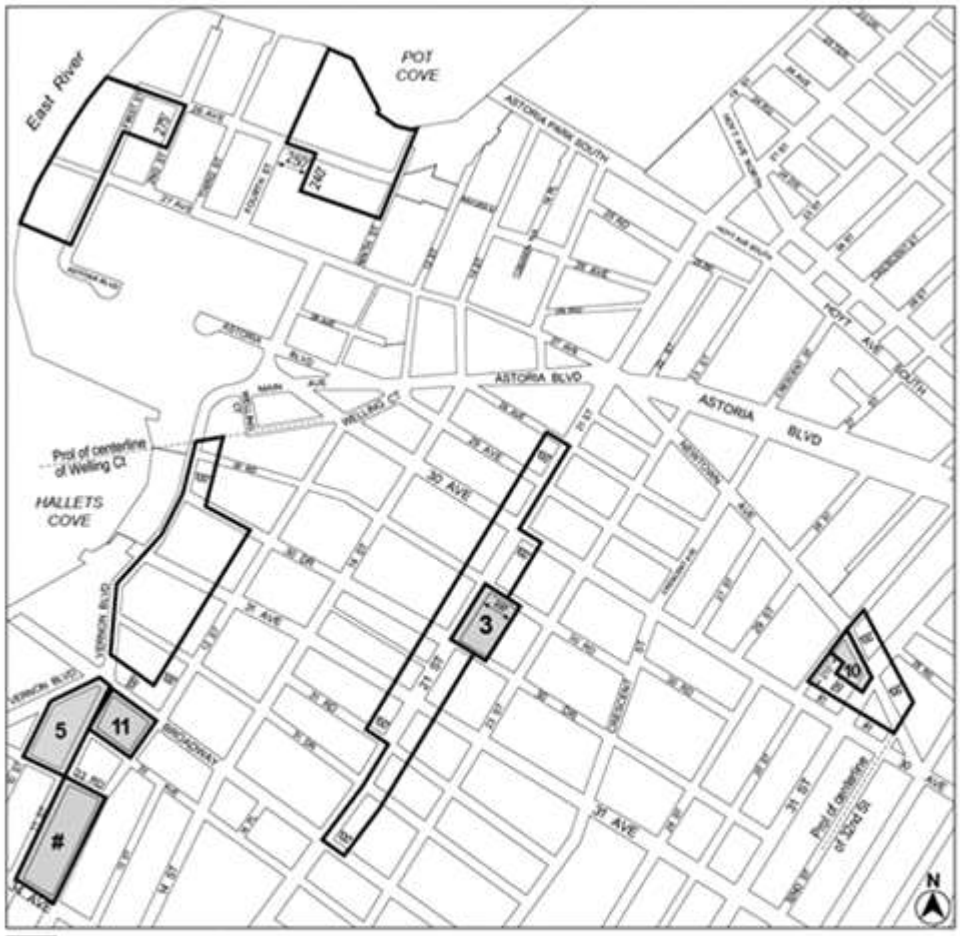
Map 1 - ~~(10/17/19)~~ [date of adoption]



Inclusionary Housing designated area

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **3** – 10/31/18 MIH Program Option 1 and Option 2
Area **5** – 10/17/19 MIH Program Option 1
Area **10** – 6/17/21 MIH Program Option 1
Area **11** – 10/21/21 MIH Program Option 1

[PROPOSED MAP]



Portion of Community District 1, Queens

* * *

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 _____, 2022, on file in this office.

City Clerk, Clerk of The Council