



## Legislation Details (With Text)

**File #:** Res 0829-2011      **Version:** \*      **Name:** LU 374 - Zoning, Fresh Food Stores, Queens (N110146ZRQ)  
**Type:** Resolution      **Status:** Adopted  
**In control:** Committee on Land Use

**On agenda:** 5/11/2011

**Enactment date:**      **Enactment #:**

**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 110146 ZRQ, for an amendment of the Zoning Resolution of the City of New York, relating to Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) and Article 1, Chapter 1 (Title, Establishment of Controls and Interpretation of Regulations), Borough of Queens (L.U. No. 374).

**Sponsors:** Leroy G. Comrie, Jr., Mark S. Weprin

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 5-11-11

Date	Ver.	Action By	Action	Result
5/4/2011	*	Committee on Land Use	Approved by Committee	
5/11/2011	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 829

Resolution approving the decision of the City Planning Commission on Application No. N 110146 ZRQ, for an amendment of the Zoning Resolution of the City of New York, relating to Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) and Article 1, Chapter 1 (Title, Establishment of Controls and Interpretation of Regulations), Borough of Queens (L.U. No. 374).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on April 1, 2011 its decision dated March 30, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning for an amendment of the Zoning Resolution of the City of New York to extend the applicable area of the Food Retail Expansion to Support Health (FRESH) program to all commercial and manufacturing districts throughout Community District 12 outside of the Special Downtown Jamaica District (Application No. N 110146 ZRQ), Borough of Queens (the "Application");

WHEREAS, the Application is related to Application C 110145 ZMQ (L.U. No. 373), an amendment to the Zoning Map to rezone all or portions of 538 blocks in South Jamaica;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 3, 2011;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on November 29, 2010, which included (E) designations (E-266) to avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials (CEQR No. 11DCP041Q);

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 this report, N 110146 ZRQ, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

## ARTICLE 1: GENERAL PROVISIONS

### Chapter 1

#### Title, Establishment of Controls and Interpretation of Regulations

\*\*\*

11-151

Special requirements for properties in the Borough of Queens

(a) Block 9898, Lots 1 and 117, in the Borough of Queens shall be subject to the provisions of Section 11-15 (Environmental Requirements) governing (E) designations. The City Environmental Quality Review (CEQR) Declarations for these sites shall be listed in Appendix C (City Environmental Quality Review (CEQR) Environmental Designations) of the Zoning Resolution.

(b) The following special requirements shall apply to a #development#, #enlargement# of change of #use# for properties in the Borough of Queens located within the areas described in the following paragraphs (a)(1) through (e)(5) of this Section:

(a)(1) The regulations of an R4 District shall apply within an area bounded by Liberty Avenue, 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)(2) 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.

- ~~(e)(3)~~ 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)(4)~~ 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)(5)~~ 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.

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## Article VI

### Special Regulations Applicable to Certain Areas

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## Chapter 3

### Special Regulations Applying to FRESH Food Stores

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## 63-02

### Applicability

The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified 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.

- (a) The provisions of this Chapter shall apply to all #commercial# and #manufacturing districts# in the following areas, except as provided in paragraph (b) of this section:

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- (4) In the Borough of Queens, #Special Downtown Jamaica District#, and portions of Community District 12 outside of the #Special Downtown Jamaica District#, except those portions shown on Map 5 in Appendix A of this Chapter;

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63-25

Required Accessory Off-street Parking Spaces in Certain Districts

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- (b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, and in the Borough of Queens, where applicable in Community District 12 outside of the #Special Downtown Jamaica District#, a #FRESH food store# shall provide #accessory# off-#street# parking spaces as required for #uses# in parking category B in the applicable #Commercial# and #Manufacturing Districts#.

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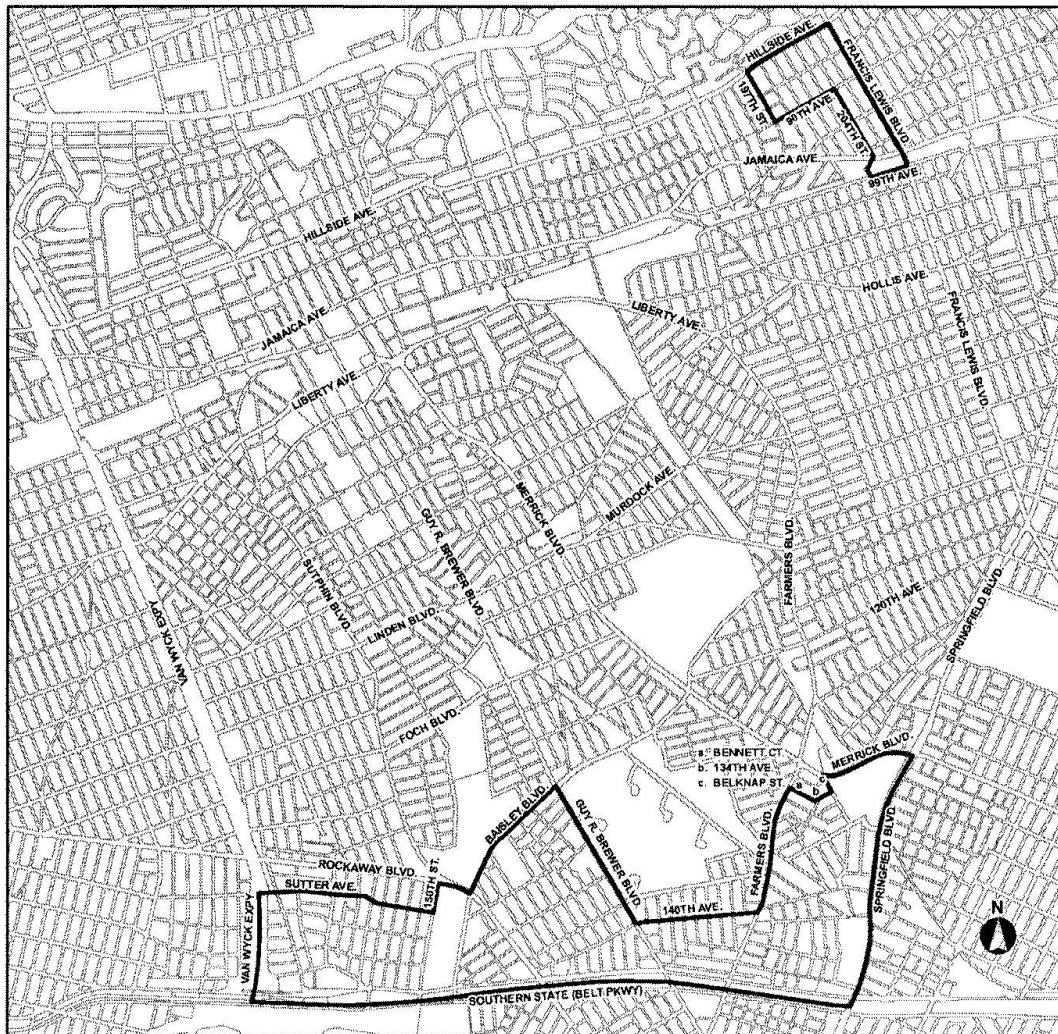
Appendix A

FRESH Food Store Designated Areas; Excluded Portions

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Map 5.

Excluded portions of Community District 12, 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 May 11, 2011, on file in this office.

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City Clerk, Clerk of The Council