



CITY PLANNING COMMISSION

September 8, 2008/Calendar No. 1

N 080428 ZRQ

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for amendments to the Zoning Resolution of the City of New York, concerning Article XI, Chapter 7, (Special Long Island City Mixed Use District), relating to the addition of the Dutch Kills Subdistrict and expansion of the Special Long Island City Mixed-Use District, Community District 1, Borough of Queens.

The application for the zoning text amendment was filed by the Department of City Planning on May 12, 2008. The requested action, in conjunction with the related zoning map amendment, would facilitate the establishment of the Dutch Kills Subdistrict within the Special Long Island City Mixed-Use District

RELATED ACTION

In addition to the amendment to the Zoning Resolution which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 080429 ZMQ Amendment of the Zoning Map

BACKGROUND

Project Objectives

Dutch Kills is a mixed-use neighborhood located just north of the Queensboro Bridge in Long Island City with excellent access to mass transit and proximity to midtown Manhattan. Building upon the success of the 2004 zoning changes in Hunter's Point, a mixed-use community located south of Dutch Kills, this rezoning proposal responds to

concerns that existing zoning unduly limits residential development and allows out-of-scale new developments that do not reflect established building patterns and scales. The proposed zoning changes for Dutch Kills would use a similar strategy undertaken for Hunter's Point of providing new, mixed-use contextual zoning designations and extending the Special Long Island City Mixed-Use District to ensure more predictable building scales appropriate to existing contexts, while allowing a broad mix of uses. This proposal would establish the Dutch Kills Subdistrict within the Special Long Island City Mixed-Use District and rezone the area with four contextual mixed-use (MX) zoning districts. Each MX District pairs a Residence District with an M1, or light Manufacturing District, to generally allow residential, light manufacturing, commercial, and community facility uses as-of-right at a scale that brings all the allowable mixed-uses into better balance.

The Department of City Planning (the Department) is proposing zoning map and zoning text changes for approximately 36 whole and 4 partial blocks in Dutch Kills—a community characterized by a diverse mix of residential, community facility, commercial and light industrial uses. The proposed rezoning area is generally bounded by 36th Avenue to the north, the west side of Northern Boulevard to the east, 41st Avenue to the south, and 23rd Street to the west. The rezoning area is north and west of the Sunnyside Yards and north of the Queens Plaza Subdistrict of the Special Long Island City Mixed-Use District. The Department's zoning proposal has been drafted with considerable input from the Dutch Kills Civic Association and Community Board 1. The rezoning study was initiated by the Department of City Planning in the summer of 2005 and is the first

undertaken for the neighborhood since 1989, when most of the current study area was rezoned from M1-3 to M1-3D.

The objectives of the Dutch Kills Rezoning Plan include the following:

- Provide building height limits that would reinforce and more closely match existing building scales and prevent out-of-character development.
- Remove residential use restrictions.
- Direct growth and provide housing opportunities along Northern Boulevard, a wide street close to mass transit, and include incentives for affordable housing.
- Support a broad range of commercial and light industrial businesses consistent with the area's diverse mix of land uses.

Historical Context

In 1961, Dutch Kills and surrounding blocks were zoned M1-3 - a light manufacturing district allowing light manufacturing and other industrial uses, most commercial uses, and limited community facility uses at a density that allows new development without a fixed height limit. Existing residential uses became legal, non-conforming uses under the M1-3 District, but this restricted the ability to enlarge existing one- to three-story homes

and no new residential development was allowed as-of-right. Dutch Kills residents sought to change the zoning to better reflect the mixed character of the neighborhood and consequently the existing M1-3D District was adopted in 1989. The M1-3D District allows limited residential development and enlargements through discretionary review by the City Planning Commission and makes existing residences conforming for zoning purposes.

Between 1990 and 2000, the population of the rezoning area increased 29% , a higher rate than that for Queens County as a whole, where the population increased by 14 percent, as well as the rate for New York City as a whole, which grew by nine percent during that decade. Since the existing M1-3D zoning does not allow for as-of-right new residential construction, the current demand for housing greatly exceeds the supply.

According to New York State Bureau of Labor statistics, during the same time period, the number of manufacturing jobs declined in Dutch Kills by nearly 300, mostly in the larger garment and apparel factories, but jobs increased by approximately 160 in the construction trades, electrical work, commercial printing and businesses services sector. At the end of 2002, Dutch Kills had a total of approximately 260 firms employing 3,600 workers.

Recent development trends in the rezoning area include the construction of three new hotels, ranging in height between six and sixteen stories, near Northern Boulevard along 39th and 40th Avenues. Several more hotels are also in various stages of planning and

development throughout Dutch Kills—most of them between nine and twelve stories—and these new, high-rise commercial developments have increased residents’ concern that the current M1-3D zoning allows out-of-scale buildings that dwarf nearby one- to three-story buildings, particularly in the area’s mid-blocks. Recently, there have also been modest enlargements of low-rise commercial buildings usually consisting of one to two additional stories, several new ground floor restaurants and conversion of manufacturing buildings into office buildings, such as a former steel furniture manufacturing structure along 31st Street that is being renovated into offices.

Existing Zoning and Land Use

Dutch Kills is a mixed-use community, although blocks located closer to the center of the rezoning area near 39th Avenue and 28th Street are more residential in character. On these blocks, one- and two-family homes occupy the mid-blocks and multi-family walk-up buildings are scattered along the avenues. Some light industrial and commercial uses occupy one- and two-story buildings interspersed among the residences. Outside the center of the neighborhood more light industrial and fewer residential uses are likely to be found on the same blockfront. Warehouses and automotive uses along with vacant and underutilized land characterize the blocks on the west side of Northern Boulevard. Apartment buildings of up to five stories can be found along the area’s wider streets, such as 37th and 38th Avenues.

The elevated N and W transit lines run above 31st Street, with stations at 36th and 39th Avenues. The E, R, G, and V transit lines anchor the southern and eastern edges of the

rezoning area with stops at Queens Plaza, as well as at Northern Boulevard and 37th Avenue. The F line has a stop located at 21st Street and 41st Avenue, two blocks east of the rezoning area.

Approximately 29 percent of the rezoning area is in residential use. Nearly a quarter of the lot area in the rezoning area is developed with one-and two-family residences or multi-family walk-up buildings. An additional 6 percent of the lot area is occupied by buildings with ground floor commercial uses and upper story residential uses, and 10 percent is occupied by community facilities such as public schools.

Of the remaining 61 percent of the area, 30 percent is used by industrial and manufacturing uses that produce products such as custom-made frames, furniture, signs, fans, paper, lighting and theatrical production equipment, and construction related supplies. Transportation and utility uses and parking and auto-related uses each occupy 7 percent of the total lot area of the rezoning area. The remaining 13 percent of the lot area in non-residential use is occupied by commercial or office uses. Four percent of the total lot area of the rezoning area is vacant.

The rezoning area consists of two zoning districts. An M1-1 District is located in the four-block portion of the rezoning area north of 37th Avenue, adjoining an R5 District to the north and west. The M1-1 District permits industrial and commercial uses at a maximum floor area ratio (FAR) of 1.0 and selected community facility uses at an FAR of 2.4. No new residential uses are allowed. The remaining 36 blocks of the rezoning area

are located in an M1-3D District, which was established in 1989 to make existing residences conforming uses and to allow limited residential developments or enlargements by authorization from the City Planning Commission. M1-D Districts are mapped in Sunset Park, Brooklyn and Ridgewood and Maspeth, Queens.

The M1-3D District allows light manufacturing, commercial and most retail uses as-of-right at a maximum FAR of 5.0. New residential developments or enlargements are permitted only by authorization of the City Planning Commission at a maximum FAR of 1.65, with a 32-foot maximum building height. Residential enlargements are limited to 500 square feet per dwelling unit, with no change in the number of dwelling units permitted on a zoning lot. There has been only one authorization granted by the City Planning Commission in Dutch Kills since the establishment of the M1-3D district in 1989.

PROPOSED ACTIONS

Zoning Text Amendment (N 080428 ZRQ)

The Special Long Island City Mixed-Use District (LIC) text would be amended to add a Dutch Kills Subdistrict. The Dutch Kills Subdistrict would have special use, bulk, and parking provisions that would supplement or supersede the provisions of the proposed zoning districts.

The provisions of Article XII, Chapter 3—Special Mixed Use District (MX District)—would apply to the Dutch Kills Subdistrict. These provisions allow most residential, community facility, commercial, and manufacturing uses as-of-right by pairing an M1

District with a Residence District. The M1 District and the Residence District would determine the use, bulk, and parking regulations for the area, except as modified by the MX regulations. Additional changes are proposed to the Dutch Kills Subdistrict that would modify the MX regulations as described below:

Special Use Provisions

To encourage the development of supermarkets over 10,000 square feet, the special permit normally required for such stores would not be required in the Subdistrict.

Special Bulk Provisions

Residential uses would be subject to all of the bulk provisions of the designated Residence District, except as modified by the proposed Dutch Kills Subdistrict. In the proposed M1-2/R5B District, a maximum FAR of 1.65 and a maximum building height of 33 feet or three stories, whichever is less, would be established for all residential uses. This provision modifies the standard 1.35 FAR and 32 feet maximum building height regulations of an R5B District.

Street Wall and Yard Provisions

The zoning text amendments would modify the street wall requirements throughout the Dutch Kills Subdistrict by requiring the street wall of any new residential or mixed-use building or enlargement to line-up with the street wall of an adjacent building no further than 15 feet from the street line. No side yards are required, but if a side yard were provided for residential buildings other than single or two-family residences, it would be required to have a minimum width of eight feet.

Parking Provisions

The Dutch Kills Subdistrict would establish the following provisions for accessory off-street parking:

- Exempt from the definition of zoning floor area any accessory parking area below 33 feet;
- Uses in Use Groups 6-17 would be subject to the parking provisions of a C8-2 District;
- Uses in Use Group 5 would be subject to the parking provisions of proposed M1 Districts, and the maximum number of spaces that could be waived would be five;
- Curb cuts for residential developments would be allowed on lots less than 40 feet in width within the proposed M1-2/R5B District;
- A 50 percent parking requirement would apply to all residential developments in the proposed M1-3/R7X District, and a waiver of parking would only be permitted for developments that require five or fewer spaces; and

- Parking waivers would not be allowed on subdivided zoning lots within the proposed M1-2/R6A and M1-3/R7X Districts that are subdivided subsequent to the effective date of the proposed text change.

Inclusionary Housing Program

The proposed Dutch Kills Subdistrict text would make the Inclusionary Housing Program applicable to the M1-3/R7X District proposed along the west side of Northern Boulevard from 37th Avenue to 40th Road. Residential developments not participating in the program would have a maximum FAR of 3.75. Developments would qualify for the maximum allowed 5.0 FAR by providing floor area for low-income households, either on- or off-site, in an amount equal to 20 percent of the residential floor area of the development. Off-site units would be required to be located within Community District 1 or in another community district, if located within one-half mile of the subject development. The affordable units would be developed and administered pursuant to a Lower Income Housing Plan with the Department of Housing, Preservation and Development and would remain affordable in perpetuity. Other city, state, and federal housing finance programs could be used to provide further assistance in the creation of affordable units.

ZONING MAP CHANGES (C 080429 ZMQ)

The rezoning area encompasses 40 blocks generally bounded by 41st Avenue, 23rd Street, 37th Avenue and Northern Boulevard. Four mixed-use, contextual zoning districts and one light manufacturing district are proposed, and the Special Long Island City Mixed-Use District would be established on all but four block portions in the rezoning area.

M1-2/R5B

An M1-2/R5B District is proposed for six mid-block areas throughout the Subdistrict. As previously noted, the maximum FAR for residential uses would be 1.65, with a 33-foot maximum building height, as allowed by the proposed Subdistrict bulk provisions.

Parking would be required for 66 percent of the dwelling units. This proposed zoning will more closely reflect the predominant scale of one- to three- story buildings on the blocks where it would be mapped. .

M1-2/R5D

An M1-2/R5D District is proposed for all or portions of 19 blocks on both sides of 40th and 39th Avenues, most of Crescent Street and portions of 28th and 29th Streets. The proposed zoning district would allow a maximum FAR of 2.0 for all uses and would establish a maximum building height of 40 feet for residential uses. Accessory parking would be required for 66 percent of the dwelling units. This zoning reflects the slightly taller scale of the built fabric of these locations within the rezoning area.

M1-2/R6A

An M1-2/R6A District is proposed for all or portions of 22 blocks on both sides of 38th and 37th Avenues, the north side of 41st Avenue and 31st Street between 39th and 36th Avenues. The maximum FAR would be 3.0 for residential and community facility uses and 2.0 for all other uses. Residential buildings must be developed pursuant to the Quality Housing Program. The minimum and maximum base heights for residential buildings would be 40 and 60 feet, respectively, and the maximum building height would be 70 feet. Parking would be required for 50 percent of the units. This moderate density

district would reinforce the larger multi-family buildings already found in these locations with new development appropriate for wide streets and major transportation corridors such as 31st Street.

M1-3/R7X

An M1-3/R7X District, is proposed for blocks between 40th Road and 37th Avenue along the west side of Northern Boulevard. The maximum FAR for commercial and manufacturing uses would be 5.0. The proposed zoning text amendment would make the Inclusionary Housing Program applicable in this area. The base FAR for residential uses would be 3.75, and a maximum FAR of 5.0 would be achievable if affordable housing amounting to 20 percent of the floor area of the development is provided on- or off-site. The minimum and maximum base heights for residential buildings would be 60 and 85 feet, respectively, and the maximum building height would be 125 feet. Parking would be required for 50 percent of the units. New development allowed under this proposed zoning district would more closely match the scale of the loft buildings on the east side of Northern Boulevard, a wide street, and would be conveniently accessed by several transit lines, including the G, N, R, V and W lines.

M1-2

An M1-2 District is proposed on portions of four blocks on both sides of 24th Street between 40th and 37th Avenues currently zoned M1-3D and outside of the proposed Dutch Kills Subdistrict. There are no residential uses on these blocks. The maximum FAR for light industrial and commercial uses would be reduced from 5.0 to 2.0 FAR

to more closely reflect the scale of the one-and two-story buildings that predominate on these block portions.

ENVIRONMENTAL REVIEW

The applications (N 080428 ZRQ and C 080429 ZMQ) were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DCP021Q. The lead agency is the City Planning Commission (CPC or Commission).

It was determined that the proposed actions may have a significant effect on the environment, and that an environmental impact statement would be required. A Positive Declaration and Draft Scope of Work were issued by the Department of City Planning on October 19, 2007. A public meeting on the Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was held on November 19, 2007. A Final Scope of Work for the DEIS was issued on March 11, 2008.

The Department of City Planning, acting on behalf of the CPC as lead agency, prepared a DEIS and a Notice of Completion for the DEIS was issued on May 16, 2008. Pursuant to the SEQRA regulations and CEQR procedures, a joint public hearing was held on the DEIS on July 23, 2008, in conjunction with the public hearing on this item (N 080429 ZRQ) and the related ULURP item (C 080429 ZMQ). A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion of the FEIS was issued on

August 29, 2008. The FEIS included an alternative, the 3.0 FAR Alternative for Light Industrial Uses. The FEIS identified the following significant impacts and proposed the following mitigation measures:

SIGNIFICANT ADVERSE IMPACTS

OPEN SPACE

The proposed actions would result in a significant adverse impact to open space as a result of an introduction of a substantial number of new residents. Potential measures to mitigate the significant adverse impact on passive open space resources were explored in coordination with the city's Department of Parks and Recreation (DPR). As was noted in the EIS, there is limited City-owned vacant property that is available and suitable for open space creation, so options explored included improvements to existing open spaces, such as the Dutch Kills Playground and Queensbridge Park.

Funding for the improvements has not been programmed, although both DPR and DCP are committed to pursue funding opportunities. However, these improvements would not constitute sufficient mitigation for the proposed actions' significant adverse open space impact. DPR will continue to work with other city agencies to identify sites for long term opportunities for open space improvements in the Dutch Kills area; however, in the absence of the implementation of mitigation measures, unmitigated conditions would remain for the open space impact of the proposed actions.

TRAFFIC

A total of four signalized intersections (all along Northern Boulevard) would experience significant adverse impacts as a result of project-generated traffic during one or more peak hours. The intersections are: Northern Boulevard at 40th Avenue/31st Street, Northern Boulevard at 39th Avenue/Honeywell Street Bridge, Northern Boulevard at 38th Avenue/35th Street, and Northern Boulevard at Steinway Street/39th Street Bridge. Therefore, a traffic mitigation plan was developed to address these impacts. The mitigation plan consists of changes to signal timing and phasing, and changes to curb side parking regulations in order to increase capacity. The proposed traffic mitigation measures would fully mitigate most of the traffic impacts that would occur as a result of the proposed actions in each peak hour. However, two impacts at the intersection of Northern Boulevard and Steinway Street/39th Street would remain unmitigated in the weekday PM peak hour and, therefore, would be characterized as unavoidable adverse impacts.

HISTORIC RESOURCES

Five lots were identified within the proposed rezoning area that could potentially experience new in ground disturbance and possess the potential for intact archaeological deposits. In the future with the proposed actions, it is anticipated that at least four of these lots would be developed. There are no mechanisms available to require that subsequent private, as-of-right development undertake archaeological field tests to determine the presence of archaeological resources or mitigation for any identified significant resources through avoidance or excavation and data recovery. Therefore, development due to the proposed actions could result in significant adverse impacts to potential archaeological resources through construction; these potential impacts would be unavoidable adverse impacts.

Of the State and National Registers and/or New York City Landmark (NYCL) eligible historic architectural resources located within the study area, only four individual architectural structures are located on development sites or in close enough proximity to the proposed actions' development sites in a manner which could potentially lead to direct and/or indirect significant adverse historic resources impacts.

State and National Register eligibility does not provide restrictions to private property as-of-right use and development, and private owners of properties eligible for, or even listed on, the Registers using private funds can alter or demolish their properties without further review or approval. Privately owned properties that are NYCLs, in New York City Historic Districts, or pending designation as landmarks are protected under the New York City Landmarks Law, which requires New York City Landmarks Preservation Commission (LPC) review and approval before any alteration or demolition can occur, regardless of whether the project is publicly or privately funded. One of the historic architectural resources within the rezoning area is eligible for NYCL designation, which could potentially afford some protection for this architectural resource pending a decision from LPC. However, it has not been calendared for consideration by LPC to date; therefore it is assumed that it would not be designated as such under the proposed actions.

In addition to direct impacts, these four architectural resources could also experience accidental damage from construction activity on adjacent development sites. Although additional protections could be provided through the implementation of construction protection plans that follow the *New York City Department of Buildings (DOB) Technical Policy and Procedure Notice (TPPN) #10/88 (Procedures for the Avoidance of Damage to Historic Structures)* there are no mechanisms for requiring the implementation of such plans for private as-of-right development.

In conclusion, the proposed actions could result in direct and/or indirect significant adverse impacts to the four identified architectural resources noted above and these potential impacts would be unavoidable adverse impacts.

ALTERNATIVES

The Alternatives analysis in the EIS considered a No Action Alternative, a Lower Density Alternative, a No Impact Alternative, and a 3.0 FAR Alternative for Light Industrial Uses. See FEIS, Chapter 22 “Alternatives”. A summary of the FEIS analysis for the 3.0 FAR Alternatives for Light Industrial Uses, adopted herein, is set forth below. The 3.0 FAR Alternative for Light Industrial Uses was developed in response to comments received during the public review process. This alternative examines increasing the maximum light industrial/commercial floor area ratio (FAR) from 2.0 to 3.0 for selected primarily light industrial uses in the proposed M1-2, M1-2/R5B, M1-2/R5D, and M1-2/R6A zoning districts. The 3.0 FAR Alternative is intended to give businesses more flexibility in terms of how they could expand in the future but is not expected to induce new development beyond the amounts anticipated as a result of the proposed actions. Thus, this alternative would not produce a change in overall development and associated impacts beyond those already projected for the proposed actions.

(E) DESIGNATIONS

As part of the ZoningMap amendment, (E) Designations would be mapped for hazardous materials, air quality, and noise. (E) Designations are applied to specific properties that could require remediation or other measures, should an owner want to demolish, excavate, or otherwise develop his/her property. As set forth in the FEIS, (E) designations for Hazardous Materials, Air Quality and Noise would be mapped as part of the proposed rezoning, as detailed below. As set forth in the FEIS, (E) designations for Hazardous Materials, Air Quality and Noise would be mapped as part of the proposed rezoning and 3.0 FAR Alternative For Light Industrial Uses, as detailed below. A complete list of properties requiring (E) designations for hazardous materials, air quality and noise under the 3.0 FAR Alternative for Light Industrial Uses is included in Appendix O of the FEIS.

Hazardous Materials

DCP has identified 40 projected development sites and 192 potential development sites distributed throughout the rezoning area. All projected and potential development sites could reasonably be expected to be affected by hazardous materials due to historical and/or contemporary land use. For these sites, the predominant sources of potential contamination are automobile repair facilities. Other potential sources of contamination include machine shops and metal fabrication shops, petroleum storage tanks, dry cleaning establishments and printing shops. Consequently, the proposed actions would include (E) designations for all projected and potential development sites. Such designation would eliminate the potential for significant adverse impacts from hazardous materials due to implementation of the proposed actions.

Any site that has received an (E) designation for hazardous materials will require that the fee owner of the site conduct a testing and sampling protocol, and develop a remediation plan, where appropriate, to the satisfaction of the New York City Department of

Environmental Protection (DEP) before the issuance of a building permit by the Department of Buildings (pursuant to Section 11-15 of the Zoning Resolution - Environmental Requirements). With the requirements of the (E) designation on development sites, there would be no impact from the potential presence of contaminated materials.

Air Quality

Air quality analyses for heating, ventilation, and air conditioning (HVAC) systems were performed for the EIS. To preclude the potential for significant adverse air quality impacts on other projected and potential developments from HVAC emissions, an (E) designation would be incorporated into the proposed rezoning for each of the affected sites.

Noise

The *CEQR Technical Manual* establishes building noise attenuation requirements, based on exterior (ambient) noise levels. These noise attenuation values are designed to achieve interior noise levels of 45 dBA or lower for residential buildings, based on exterior L₁₀₍₁₎ noise levels for the study area attenuation requirement are as follows: to achieve 30 dBA of building attenuation, double-glazed windows with good sealing properties as well as alternate means of ventilation, such as well sealed through-the-wall air conditioning, are necessary; to achieve 35 dBA of building attenuation, double glazed windows with good sealing properties as well as alternate ventilation such as central air conditioning, are necessary; and to achieve 40 dBA of building attenuation, special design features that go beyond the normal double-glazed window and central air conditioning are necessary, which may include using specially designed windows (e.g., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building insulation. To ensure that interior noise levels for future buildings meet the above requirements, an (E) designation would be placed on properties that require this noise attenuation.

PUBLIC REVIEW

On May 19, 2008, this application (N 080428 ZRQ) was duly referred to Community Board 1 and the Borough President for information and review in accordance with the procedures for non-ULURP matters. The related application (C 080429 ZMQ) was certified as complete by the Department of City Planning on May 19, 2008, and was duly referred to Community Board 1 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Review

Community Board 1 held a public hearing on June 17, 2008 on this application (N 080428 ZRQ), and the related application (C 080429 ZMQ) and on that date June 17, 2008, by a vote of 33 to 0 with 1 abstention, adopted a resolution recommending approval of the application(s) subject to the following conditions:

- The proposed M1-2/R5B and M1-2/R5D zoning districts be changed to M1-2/R6B
- That a light manufacturing component, with a maximum FAR 3.0, be created in the Dutch Kills Special District

Borough President Recommendation

This application (N 080428 ZRQ) and the related application (C 080429 ZMQ) were considered by the Borough President, who issued a recommendation on July 15, 2008 approving the application(s) subject to the following conditions for (N 080428 ZRQ):

- There should be a provision within the text of the new Dutch Kills Subdistrict that would allow existing commercial or industrial property owners up to a maximum Floor Area Ratio of 3.0 for the purposes of expansion or maintaining their business. Several of these property owners have testified that the reduction in FAR from 5.0 to 2.0 would impede their ability to maintain or expand business. They have also expressed concerns that new residential development may inhibit their ongoing business activities.
- Testimony was received that there are fourteen hotels in construction or proposed in the Dutch Kills Area. The new proposed subdistrict should include a use restriction that would preclude new hotels outside of the area to be rezoned M1-3/R7X.

And for the related application (C 080429 ZMQ):

- The residents of 32nd Street between 36th Avenue and 37th Avenue have strongly expressed their concerns about being surrounded by buildings more than twice the allowable height of their homes. Working with these property owners, DCP should reconsider the proposed M1-2/R5B district with another that would allow the

residents a building height that would be more comparable with the heights of the proposed M1-2R6A surrounding them.

- Long Island City is one of the few remaining areas of New York City where manufacturing is thriving. Everything should be done to assure that the remaining light industrial/commercial areas remain viable for businesses and workers in these industries. Consideration should be given to increasing the allowable floor area ratio by the proposed zoning or within the text of the new proposed Dutch Kills Subdistrict.

City Planning Commission Public Hearing

On July 2, 2008 (Calendar No. 9), the City Planning Commission scheduled July 23, 2008, for a public hearing on the application (N 080428 ZRQ). The hearing was duly held on July 23, 2008 (Calendar No. 34), in conjunction with the hearing for the related action (C 080429 ZMQ). There were 15 speakers in favor and 16 speakers in opposition.

Those who spoke in support included members of the Dutch Kills Civic Association; other area residents and light industrial and commercial business owners in Dutch Kills as well as the Director of the New York Industrial Retention Network, and a representative for the Assemblywoman from the 30th District.

Those who spoke in opposition included area residents and business owners; as well as a representative from an arts organization.

The speakers in favor spoke about the importance of protecting the unique physical character of low-scale one-and two-family homes along side streets in Dutch Kills, while citing the need for revitalization and new residential uses to strengthen the area. Several

speakers testified that the rezoning would facilitate much-needed new housing development in Dutch Kills and support the orderly growth of the community. Some light industrial business owners spoke in favor of the plan and their intention to develop residential uses above their business that would be in keeping with the scale of the block. Some commercial property owners spoke in favor of the proposal and stated that the plan would give them a viable opportunity to develop new residential uses as opposed to hotels. Similarly, other residents in Dutch Kills were pleased that the rezoning changes would prevent the further “invasion” of their residential mid-blocks from out-of-scale hotel development. They stressed the need to approve the rezoning as quickly as possible. One speaker requested that a ban on hotels, chicken slaughterhouses and other “noxious uses” should be included in the proposed Dutch Kills Subdistrict. A representative from the Assemblywoman from the 30th District said that the proposal would greatly benefit the Dutch Kills community by lifting the current restrictions on residential development and promote affordable housing. Civic leaders also noted that over the past three years there has been substantial community outreach and press coverage of the rezoning proposal

The Director of the New York Industrial Retention Network testified in support of the rezoning but stated that the plan threatens the growth of industrial businesses. He suggested an increase in light industrial FAR above the currently proposed amount and a zoning text modification to exclude hotels from the Dutch Kills rezoning area.

Several speakers who own residential properties on 32nd Street between 36th and 37th Avenues, an area currently zoned M1-1, requested an increase in residential FAR from a proposed M1-2/R5B district with a maximum residential FAR of 1.65 to an M1-2/R6B district with a maximum residential FAR of 2.0. They feared that their block will become “entryways and exits” to larger buildings on 31st and 33rd Streets which are proposed to be rezoned to an M1-2/R6A District. Finally, they expressed concern that their property values would decrease and that they would be unable to secure loans to rebuild their homes.

Most of the speakers who testified in opposition were existing light industrial and commercial business-owners concerned with the potential impacts that the rezoning would have on future expansion in locations where the proposal would lower the maximum commercial and light industrial FAR from a 5.0 to a 2.0. They said that the proposed rezoning from M1-3D to M1-2 throughout most of Dutch Kills would inhibit their ability to grow their businesses. The owner of a fan company said that he has already built to the proposed maximum FAR of 2.0 and needed needs additional floor area to install new automated machines.

A representative from Flux Factory, an arts organization based in Long Island City said that that the group was interested in purchasing a vacant, two-story light industrial property on 29th Street in Dutch Kills as their permanent new home, as well as develop additional office space for similar cultural and arts organization in the City. They are

opposed to the rezoning because they would not be able to build a five-story office building with art studios under the lower density proposed for that mid-block street.

An attorney representing a coalition of about 25 mostly light industrial and commercial businesses asked that the Commission retain the current 5.0 FAR for such uses since the proposed reduction would harm the neighborhood by limiting the ability of small businesses to expand and discouraging small businesses that must be located near Manhattan from relocating to Dutch Kills.

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There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning text amendment (N 080428 ZRQ, as modified herein, along with the related application for changes to the Zoning Map (C 080429 ZMQ), is appropriate.

The Commission notes that the Dutch Kills rezoning builds upon the success of a similar contextual, mixed-use rezoning in Hunter's Point in a nearby portion of Long Island City to the south. Like that rezoning, the Dutch Kills rezoning would provide a much needed and finely-tuned update to the zoning for a vibrant and growing mixed-use area. The Commission notes that the existing zoning in Dutch Kills allows a wide disparity between the scale of new light industrial and commercial developments, which can be built much taller and denser than surrounding residential and mixed-use buildings. The Commission believes that the Dutch Kills rezoning would provide for a broad range of

developments that would more consistently reinforce and more closely match existing building scales and prevent out-of-character development. The Commission believes this is a balanced plan that would respect the varied contexts that comprise the district character of Dutch Kills, while allowing for more predictable growth and development where appropriate.

ZONING TEXT AMENDMENT

The Commission believes the creation of the proposed Dutch Kills Subdistrict within the Special Long Island City Mixed-Use District will support the distinct, mixed-use character of the neighborhood and complement the proposed Zoning Map changes. The Commission notes that the already broad range of uses allowed under the proposed mixed-use zoning districts will be further expanded by special use provisions to allow as-of-right supermarkets of more than 10,000 square feet. The Commission believes that such flexibility for this particular use is important to maximize opportunities for the development of larger food stores to serve the Dutch Kills vicinity. The Commission also notes that the Subdistrict's proposed accessory parking regulations minimize waivers in order to ensure that new developments provide adequate off-street parking to reduce on-street congestion.

The Commission believes that the proposed text changes build upon the City's commitment to provide affordable housing throughout New York City. The Commission notes that it is projected that roughly 190 units could be produced in Dutch Kills within a 10-year time period through the proposed affordable housing program. The Inclusionary Housing Program (IHP) would couple a zoning bonus with housing subsidy programs to

create a strong incentive for affordable housing development in Dutch Kills along Northern Boulevard. The Commission believes that the proposed regulations establish an effective approach to promoting affordable housing development where city-owned land is scarce, and one that would work under a variety of market conditions and for different types of development.

ZONING MAP AMENDMENT

The Commission recognizes that the M1-3D zoning in much of the 40-block rezoning area in Dutch Kills has not changed in nearly twenty years, and that the current M1-1 zone in the four blocks north of 37th Avenue has been in place since 1961. The proposed changes to the Zoning Map represent a significant upgrade in the area's zoning which would allow for more predictable development overall by utilizing the most current contextual and mixed-use zoning practices to provide for orderly growth.

The Commission believes that the proposed M1-2/R5B, M1-2/R5D and M1-2/R6A districts will protect the rezoning area from out-of-character development. In particular, the Commission believes the change from M1-3D and M1-1 districts to an M1-2/R5B district proposed for six mid-block areas throughout Dutch Kills will more closely reflect the predominantly low-rise scale of one- to two-stories for buildings in these mid-blocks by setting a maximum residential building height of 33 feet, one of the lowest of any zoning district. At the same time, Commission notes that the maximum floor area of 1.65 FAR would provide sufficient additional floor area for reinvestment and reasonable enlargements of many of these residential buildings.

Similarly, the Commission believes the proposed zoning changes from M1-3D to M1-2/R5D on most of Crescent Street and portions of 29th Street and 39th and 40th Avenues will generally reflect the existing context of three- to four-story residential and mixed-use buildings on these streets and one-way avenues by establishing a maximum residential building height of 40 feet. The Commission also believes the proposed zoning change from M1-3D and M1-1 districts to M1-2/R6A along 31st Street, as well as 37th, 38th and 41st Avenues will reinforce the scale of five-story multi-family buildings along these wide streets and provide a good transition between lower-scaled and higher-scaled contexts that adjoin some of these locations through mandating a base height range from 40 to 60 feet and a maximum building height of 70 feet.

The Commission believes the proposed M1-3/R7X district on Northern Boulevard will direct future growth to a wide corridor with excellent access to mass transit. The proposed zoning's 60-foot to 85-foot base height and maximum 125-foot building height would match the scale of the loft buildings located on the eastern side of Northern Boulevard, ranging in height from 6- to 12-stories, thereby, ensuring that future residential and mixed-use developments on the west side of the boulevard would reinforce this built fabric. The Commission notes that the R7X district would also provide important incentives for affordable housing.

Lastly, the Commission believes the proposed M1-2 district for four block portions along 24th Street outside the proposed Dutch Kills Subdistrict appropriately reflect the existing low-rise scale of the light industrial uses on these block portions.

The Commission acknowledges the recommendations of Community Board 1 and the Borough President that the proposal should have a commercial and industrial maximum FAR of 3.0, instead of 2.0, for much of the rezoning area. The Commission also notes the testimony from business owners concerned that there be sufficient expansion opportunities for them to grow their operations in their current Dutch Kills locations. The Commission carefully considered such concerns and recommendations and believes that certain adjustments to maximum FAR would address this issue while still achieving the important objective of ensuring that all new development and enlargements complement surrounding contexts. The Commission, therefore, is adopting the following modification to the zoning text amendment: that within the Dutch Kills Subdistrict in areas not zoned M1-3/R7X and within the proposed M1-2 District outside of the Subdistrict, the maximum FAR would be 3.0 for certain uses listed in Use Groups 16A, 16D, 17A and 17B and photographic or motion picture production studios or radio and television stations listed in Use Group 10A. These uses would continue to be subject to the height and setback regulations of an M1-2 District.

The Commission notes that 90 percent of the light industrial and commercial uses in Dutch Kills have an FAR of 1.0 or less and none has utilized the existing maximum 5.0 FAR to expand their operations. Instead, the 5.0 FAR has resulted in teardowns of existing buildings and the construction of high-rise hotels. The Commission believes its modification for a 3.0 FAR maximum for certain use groups will allow reasonable expansion opportunities to production oriented businesses that have traditionally been part of the mixed-use character of Dutch Kills, and it would allow them to build under a

flexible envelope of up to 60 feet before setback for the purposes of expansion or maintaining their business.

The Commission recognizes that Community Board 1 also recommended that the proposed M1-2/R5B and M1-2/R5D zoning districts be changed to an M1-2/R6B district, which would have a maximum 2.0 FAR and a maximum building height of 50 feet. The Commission notes that this recommendation to allow taller and denser development than that which is contemplated under the rezoning is beyond the scope of changes that can be implemented and believes it would result in buildings that would not closely match the scale of existing buildings in the areas where the M1-2/R5B and M1-2/R5D districts are proposed.

Similarly, the Commission also acknowledges the Borough President's recommendation and the testimony of property owners and residents that a zoning district with a density higher than the proposed 1.65 FAR allowed by the M1-2/R5B district should be designated for the portion of 32nd Street between 36th and 37th Avenues. The Commission notes that this request is also beyond the scope of changes that it can implement.

Furthermore, the Commission notes that the average FAR in this mid-block area is well below the proposed 1.65 FAR maximum and that enlargements and residential improvements can be made under this FAR maximum to upgrade existing homes. The Commission is concerned that allowing higher density may result in tear downs and replacement of existing structures with out-of-character buildings in this mid-block location.

With regard to the Borough President's recommendation that the proposed text change include a ban on hotels outside of the proposed M1-3/R7X district, the Commission believes that the proposed reduction in maximum floor area ratio from 5.0 to 2.0, the establishment of building height limits and the removal of residential use restrictions will provide sufficient land use controls to limit out-of-character developments, including hotels, in these locations. The Commission believes that such a restriction would have implications beyond the Dutch Kills rezoning and would require further study.

Finally, the Commission heard testimony from residents who requested that the text be changed to ban chicken slaughterhouses. This is outside the scope of this action and the Commission understands that this use can have nuisance effects but believes it is adequately governed under the proposed mixed-use zoning and other existing regulations. The Commission also believes the effect of recent State legislation to restrict the location of such uses needs to be evaluated before implementing further land use controls.

The Commission believes that with the modification described herein, the Dutch Kills rezoning responds to community concerns and achieves a balanced plan that will protect the neighborhood and provide a blueprint to guide future growth in an orderly and predictable manner where it can be best accommodated.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 29, 2008, with respect to this application (CEQR No. 08DCP021Q), prepared with respect to the further modifications

adopted by the City Planning Commission herein, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts disclosed 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.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration and findings described in this report, 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

12-10

DEFINITIONS

* * *

Special Long Island City Mixed Use District

The "Special Long Island City Mixed Use District" is a Special Purpose District designated with the letters "LIC" in which regulations set forth in Article XI, Chapter 7, apply. There are ~~three~~ four special subdistricts within the #Special Long Island City Mixed Use District#: the Hunters Point Subdistrict, the Court Square Subdistrict, ~~and~~ the Queens Plaza Subdistrict and the Dutch Kills Subdistrict. The #Special Long Island City Mixed Use District# and its regulations supplement, modify and supersede those of the districts on which it is superimposed.

Special Lower Manhattan District

* * *

~~10/17/06~~

43-12

Maximum Floor Area Ratio

M1 M2 M3

In all districts, as indicated, for any #building# on any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table, except as otherwise provided in the following Sections:

* * *

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Maximum Permitted #Floor Area Ratio#	Districts
1.00	M1-1
2.00	M1-2* M1-4 M2-1 M2-3 M3
5.00	M1-3 M1-5 M2-2 M2-4
10.00	M1-6

* In Community District 1, in the Borough of Queens, in the M1-2 District bounded by a line 100 feet southwesterly of 37th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 39th Avenue, 24th Street, and a line 100 feet northeasterly of 40th Avenue, 23rd Street, 39th Avenue and 24th Street, the maximum #floor area ratio# shall be increased to 3.0 provided that such additional #floor area# is limited to the following #uses#: photographic or motion picture production studios and radio or television studios listed in Use Group 10A, and #uses# listed in Use Groups 16A, 16D, 17A and 17B as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), except for automobile, motorcycle, trailer or boat sales, motorcycle or motor scooter rental establishments, poultry or rabbit killing establishments, riding academies, stables for horses and trade schools for adults.

In ~~buildings~~ used partly for ~~community facility use~~ and partly for ~~manufacturing~~ or ~~commercial use~~, the total ~~floor area~~ used for ~~manufacturing~~ or ~~commercial use~~ shall not exceed the amount permitted in the preceding table or by the bonus provisions in Sections 43-13 or 43-14.

Notwithstanding any other provisions of this Resolution, the maximum ~~floor area ratio~~ in an M1-6 District shall not exceed 12.0.

* * *

~~7/26/01~~

Article XI - Special Purpose Districts

Chapter 7

Special Long Island City Mixed Use District

~~7/26/01~~

117-00

GENERAL PURPOSES

The "Special Long Island City Mixed Use District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Long Island City community. These general goals include, among others, the following specific purposes, to:

- (a) ~~to~~ support the continuing growth of ~~a~~ mixed residential, commercial and industrial neighborhoods by permitting expansion and new development of residential,

- commercial, community facility and light manufacturing uses where adequate environmental standards are assured;
- (b) ~~to~~ encourage the development of moderate to high density commercial uses within a compact transit-oriented area;
 - (c) ~~to~~ strengthen traditional retail streets in Hunters Point by allowing the development of new residential and retail uses;
 - (d) encourage the development of affordable housing;
 - (~~d~~ e) ~~to~~ promote the opportunity for people to work in the vicinity of their residences;
 - (~~e~~ f) ~~to~~ retain jobs within New York City;
 - (~~f~~ g) ~~to~~ provide an opportunity for the improvement of Long Island City; and
 - (~~g~~ h) ~~to~~ promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect City tax revenues.

7/26/01

117-01

Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Section 12-10 (DEFINITIONS).

Mixed use, building or development

For the purposes of this Chapter, a "mixed use building" or a "mixed use development" shall be any #building# or #development# used partly for #residential use# and partly for #community facility#, #commercial# or #manufacturing use#.

~~Special Long Island City Mixed Use District~~

~~(repeated from Section 12-10)~~

~~The "Special Long Island City Mixed Use District" is a Special Purpose District designated with the letters "LIC" in which regulations set forth in Article XI, Chapter 7, apply. There are three special subdistricts within the #Special Long Island City Mixed Use District#: the Hunters Point Subdistrict, the Court Square Subdistrict, and the Queens Plaza Subdistrict. The #Special Long Island City Mixed Use District# and its regulations supplement, modify and supersede those of the districts on which it is superimposed.~~

~~7/26/01~~

117-02

General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of the #Special Long Island City Mixed Use District# shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special Long Island City Mixed Use 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.

- (a) Notwithstanding the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS), when a #building# that existed on October 25, 1995, within the Hunters Point or Court Square Subdistricts, is damaged or demolished by any means, it may be reconstructed to its #bulk# prior to such damage or destruction or to the #bulk# permitted by this Chapter, whichever is greater.
- (b) For #developments# or #enlargements# containing both #residential# and non-#residential uses#, or for changes in #use# that would result in a #building# occupied by #residential# and non-#residential uses#, the #residential use# shall be located on a #story# or #stories# above the highest #story# occupied, in whole or in part, by a non-#residential use#. Non-#residential uses# may, however, be located on the same #story#, or on a #story# higher than that occupied by #residential uses#, provided that the non-#residential uses#:
- (1) are located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
 - (2) are not located directly over any portion of the #building# containing #dwelling units#.
- (c) Regulations relating to #accessory# parking facilities, #public parking lots# and #public parking garages# within the ~~#Special Long Island City Mixed Use District#~~ Hunters Point Subdistrict, the Court Square Subdistrict and the Queens Plaza Subdistrict are set forth in Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and in Portions of Community Districts 1 and 2 in the Borough of Queens).

- (d) In the granting of special permits or authorizations within the #Special Long Island City Mixed Use District#, the City Planning Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding uses.
- (e) Where references are made to #block# numbers within this Chapter, such numbers are to be found on the maps appended to this Chapter.
- (f) In areas within the #Special Long Island City Mixed Use District# that are not within a Subdistrict, the regulations of the underlying zoning district shall apply.

~~7/26/01~~

117-03

District Plan and Maps

The regulations of this Chapter implement the #Special Long Island City Mixed Use District# Plan.

The District Plan includes the following maps in Appendices A, B and C:

- Appendix A Map of the #Special Long Island City Mixed Use District# and Subdistricts
- Appendix B Court Square Subdistrict Plan Map and Description of Improvements
- Appendix C Queens Plaza Subdistrict Plan Maps:

Map 1 - Designated Districts within the Queens Plaza
Subdistrict

Map 2 - Ground Floor Use and Frontage

Map 3 - Sidewalk Widening, Street Wall Location and
Ground Floor Use.

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

8/12/04

117-04

Subdistricts

In order to carry out the purposes and provisions of this Chapter, ~~three~~ four subdistricts are established within the #Special Long Island City Mixed Use District#. In each of these subdistricts ~~certain~~ special regulations apply that do not apply elsewhere within the ~~remainder~~ of the #Special Long Island City Mixed Use District# and supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive. ~~The Special District and Subdistricts are shown in Appendix A of this Chapter.~~

~~Special regulations set forth in~~ Sections 117-10 through 117-30, inclusive, shall apply to the Hunters Point Subdistrict ~~and shall supplement or supersede the provisions of~~ Sections ~~117-00 through 117-03, inclusive.~~

~~The Court Square Subdistrict Plan Map is shown in Appendix B of this Chapter. Special regulations set forth in~~ Sections 117-40 through 117-45, inclusive, shall apply to the

~~Court Square Subdistrict and shall supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive.~~

~~The Queens Plaza Subdistrict Plan Maps are included in Appendix C of this Chapter. Special regulations set forth in Sections 117-50 through 117-57, inclusive, shall apply to the Queens Plaza Subdistrict and shall supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive.~~

Sections 117-60 through 117- 64, inclusive, shall apply to the Dutch Kills Subdistrict.

117-05

Applicability of Article I, Chapter 1

Within the #Special Long Island City Mixed Use 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 potential hazardous material contamination, or noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) in the case of an (E) designation for potential 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 impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

* * *

117-60

DUTCH KILLS SUBDISTRICT

In the #Special Long Island City Mixed Use District#, the special regulations of Sections 117-60 through 117-64, inclusive, shall apply within the Dutch Kills Subdistrict.

117-61

General Provisions

In specified areas of the Dutch Kills Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired with a #Residence District#. For the purposes of Section 117-60, inclusive, regulating the Dutch Kills Subdistrict , such #Residence# and M1 Districts are referred to as the “designated districts.” The designated districts within the Dutch Kills Subdistrict are indicated on the #zoning map# and are as follows:

M1-2/R5B

M1-2/R5D

M1-2/R6A

M1-3/R7X

The special provisions of Article XII, Chapter III, of the #Special Mixed Use District# shall apply to the designated districts within the Dutch Kills Subdistrict except where modified by the provisions of the Subdistrict , and shall supplement or supersede the provisions of the underlying designated #Residence# or M1 District, as applicable.

117-62

Special Use Regulations

In the Dutch Kills Subdistrict, the provisions of 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) shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.

117-63

Special Bulk Regulations in the Designated Districts

Maximum #floor area ratio#, #lot coverage# and #street wall# provisions in the designated districts are modified as set forth in Sections 117-631 through 117- 633, inclusive.

117-631

Floor area ratio and lot coverage modifications

(a) In the Dutch Kills Subdistrict, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#, in any #building#, except where such floor space used for #accessory parking# is contained within a #public parking garage#.

(b) Maximum floor area ratio and lot coverage for residential uses

(1) M1-2/R5B Designated District

The maximum #floor area ratio# for #residential use# shall be 1.65.

The maximum #lot coverage# for a #residential building# shall be 60 percent on an #interior lot# or #through lot# and 80 percent on a #corner lot#.

(2) M1-3/R7X Designated District

(i) Inclusionary Housing Program

Where the designated district is M1-3/R7X within the Dutch Kills Subdistrict, such district shall be an #Inclusionary Housing designated area# 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.

(ii) Maximum floor area ratio

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #building# containing a #residential use# shall not exceed the base #floor area ratio# of 3.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 5.0 as 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).

(c) Maximum floor area ratio for certain commercial and manufacturing uses

In M1-2 designated districts, the maximum #floor area ratio# shall be increased to 3.0 provided that such additional #floor area# is limited to the following #uses: photographic or motion picture production studios and radio or television studios listed in Use Group 10A, and #uses# listed in Use Groups 16A, 16D, 17A and 17B as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), except for automobile, motorcycle, trailer or boat sales, motorcycle or motor scooter rental establishments, poultry or rabbit killing establishments, riding academies, stables for horses and trade schools for adults.

117-632

Street wall location

In the Dutch Kills Subdistrict, the #street wall# of any #residential# or #mixed use development# or #enlargement# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#. For all #zoning lots#, the #street wall# of a #building# need not be located further from the #street line# than 15 feet.

117-633

Maximum street wall height

In M1-2/R5B designated districts, for #residential buildings#, the maximum height of a #street wall# above the #base plane# shall be 33 feet or three #stories#, whichever is less.

117-634

Maximum building height for mixed use buildings in designated R5 Districts

The provisions regarding the maximum height of #mixed use buildings# within 25 feet of a #street line#, as set forth in Section 123-661 (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations), shall be modified in the Dutch Kills Subdistrict, where the designated Residence District is an R5 District, as follows:

- (a) In designated R5B Districts, no #building or other structure# shall exceed a height of 33 feet within 25 feet of a #street line#;
- (b) In designated R5D Districts, no #building or other structure# shall exceed a height of 40 feet within 25 feet of a #street line#.

117-64

Special Parking Regulations

The provisions of Section 123-70 (Parking and Loading) and the underlying #accessory# off-street parking and loading regulations for the designated districts, are modified as follows:

(a) Commercial and community facility uses

(1) The #accessory# off- street parking and loading requirements of a C8-2 District, as set forth in Article III, Chapter 6, shall apply to all #commercial# and #community facility uses#, except that this modification shall not apply to #uses# listed in Use Group 5. The #accessory# off- street parking and loading requirements applicable to the designated M1 District set forth in Article IV, Chapter 4, and Section 123-70 shall apply to Use Group 5.

(2) For Use Group 5 #uses#, the provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall be modified as follows: the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be 5 spaces.

(b) Residential uses

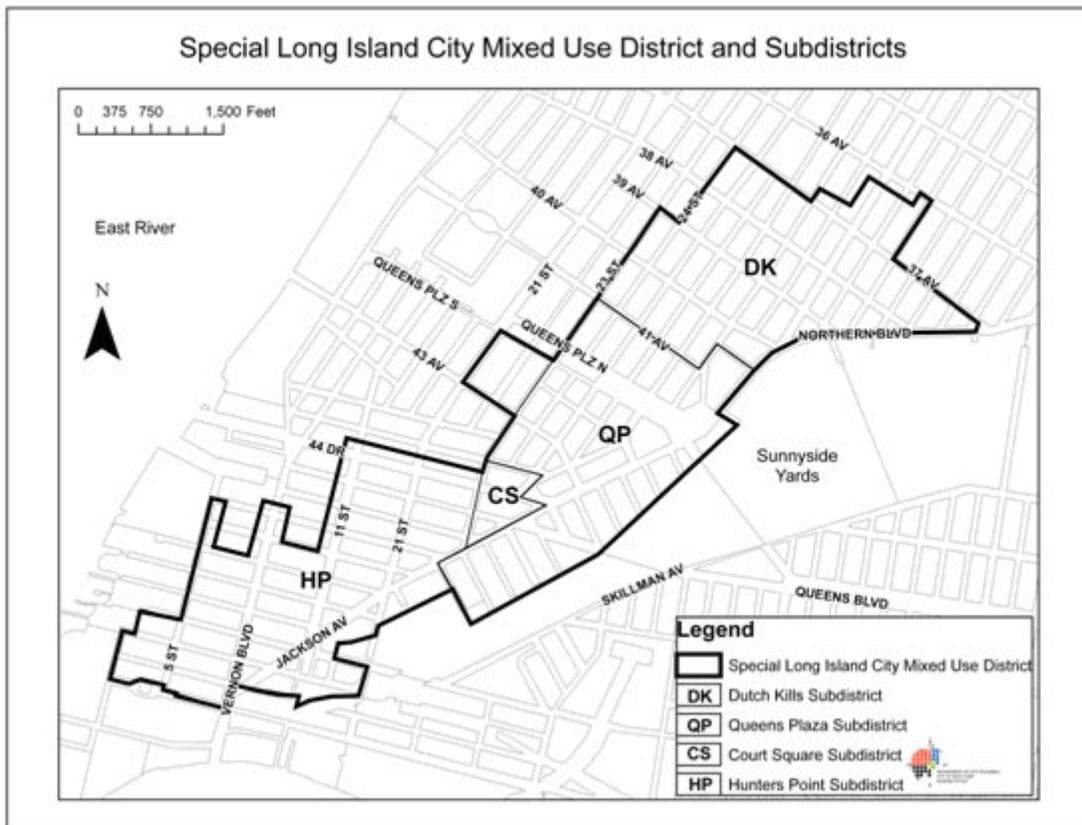
(1) The provisions of Section 25-241 (Reduced requirements) shall not apply in the designated M1-3/R7X District.

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

- i) in the designated M1-2/R6A and M1-3/R7X Districts, the provisions of Section 25-26 shall only apply to #zoning lots# existing both on (date of amendment adoption) and on the date of application for a building permit.
 - ii) for all new #residential developments# or #enlargements# in the designated M1-3/R7X District, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.
- (3) Where the designated district is a M1-2/R5B District, the provisions of Section 25-633 (Prohibition of curb cuts in certain districts) shall not apply.

APPENDIX A

Special Long Island City Mixed Use District and Subdistricts



The above resolution (N 080428 ZRQ), duly adopted by the City Planning Commission on September 8, 2008 (Calendar No. 1), is filed with the Office of the Speaker, City Council and the Queens Borough President, pursuant to Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, AIA, ALFRED C. CERULLO, III, BETTY CHEN,
MARIA M. DEL TORO, NATHAN LEVENTHAL, SHIRLEY A. MCRAE,
JOHN MEROLO, KAREN A. PHILLIPS, Commissioners