



CITY PLANNING COMMISSION

March 30, 2011/Calendar No. 11

N 110146 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 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, Community District 12.

This application for an amendment to the Zoning Resolution was filed by the Department of City Planning on November 22, 2010. The proposed text amendment will extend the applicable area of the Food Retail Expansion to Support Health (FRESH) program to Community District 12's commercial corridors.

RELATED ACTION

In addition to the application which is the subject of this report (N 110146 ZRQ), 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 110145 ZMQ Application for an amendment of the Zoning Map to rezone all or portions of 538 blocks in South Jamaica.

BACKGROUND

A full background discussion and description of this application appears in the report on the related application for a zoning map amendment (C 110145 ZMQ).

ENVIRONMENTAL REVIEW

This application (N 110146 ZRQ), in conjunction with the application for the related action (C 110145 ZMQ), was 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 11DCP041Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 29, 2010. The Negative Declaration included (E) designations to avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials impacts. A summary of the environmental review appears in the report on the related application for a zoning map amendment (C 110145 ZMQ).

UNIFORM LAND USE REVIEW

On November 29, 2010 this application (N 110146 ZRQ) was referred to Queens Community Board 12 and the Queens Borough President in accordance with the procedures for non-ULURP matters.

The related action (C 110145 ZMQ) was certified as complete by the Department of City Planning on November 29, 2010, and was duly referred to Community Board 12 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 12 held a public hearing on this application (N 110146 ZRQ), in conjunction with the application for the related action (C 110145 ZMQ), on January 19, 2011 and on that date by a vote of 26 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

The application (N 110146 ZRQ), in conjunction with the application for the related action (C 110145 ZMQ), was considered by the Queens Borough President, who issued a recommendation approving the application on March 1, 2011.

City Planning Commission Public Hearing

On February 16, 2011 (Calendar No. 3), the City Planning Commission scheduled March 2, 2011 for a public hearing on this application (N 110146 ZRQ). The hearing was duly held on March 2, 2011 (Calendar No. 27) in conjunction with the public hearing on the application for the related zoning map change (C 110145 ZMQ). There were no speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (N 110146 ZRQ), in conjunction with the application for the related action (C 110145 ZMQ), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is WRP #10-092.

The action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this amendment to the Zoning Resolution (N 110146 ZRQ) is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for a zoning map amendment (C 110145 ZMQ).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; 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 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 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# or 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, 170th Street, a line 100 feet southeasterly of Liberty Avenue, and a line 100 feet southwesterly of 168th 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 168th Place, a line 150 feet northwesterly of 104th Avenue, and Merrick Boulevard.
- ~~(e)~~(3) The regulations of an M1-1 District shall apply within an area bounded by Liberty Avenue, Sutphin Boulevard, 105th Avenue, a line 50 feet southwesterly of 148th Street, a line 100 feet northwesterly of 105th 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 163rd Street, a line perpendicular to 163rd Street passing through a point distant 109.42 feet as measured along the easterly #street line# of 163rd Street from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of 163rd Street, a line 86 feet northeasterly of 163rd Street, a line perpendicular to 163rd Street passing through a point 146.92 feet distant as measured along the easterly #street line# of 163rd Street from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of 163rd 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 144th Street, a line 100 feet northwesterly of 88th Avenue, a line 100 feet northeasterly of 139th Street, a line 120 feet northwesterly of 88th Avenue, a line 60 feet northeasterly of 139th Street, a line 70 feet southeasterly of Hillside Avenue, and 139th Street; and within an area bounded by Queens Boulevard, Hillside Avenue, 139th Street, a line 100 feet southeasterly of Hillside Avenue, a line midblock between 139th 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.

* * *

Article VI
Special Regulations Applicable to Certain Areas

* * *

Chapter 3
Special Regulations Applying to FRESH Food Stores

* * *

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:

* * *

- (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;

* * *

63-25
Required Accessory Off-street Parking Spaces in Certain Districts

* * *

- (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#.

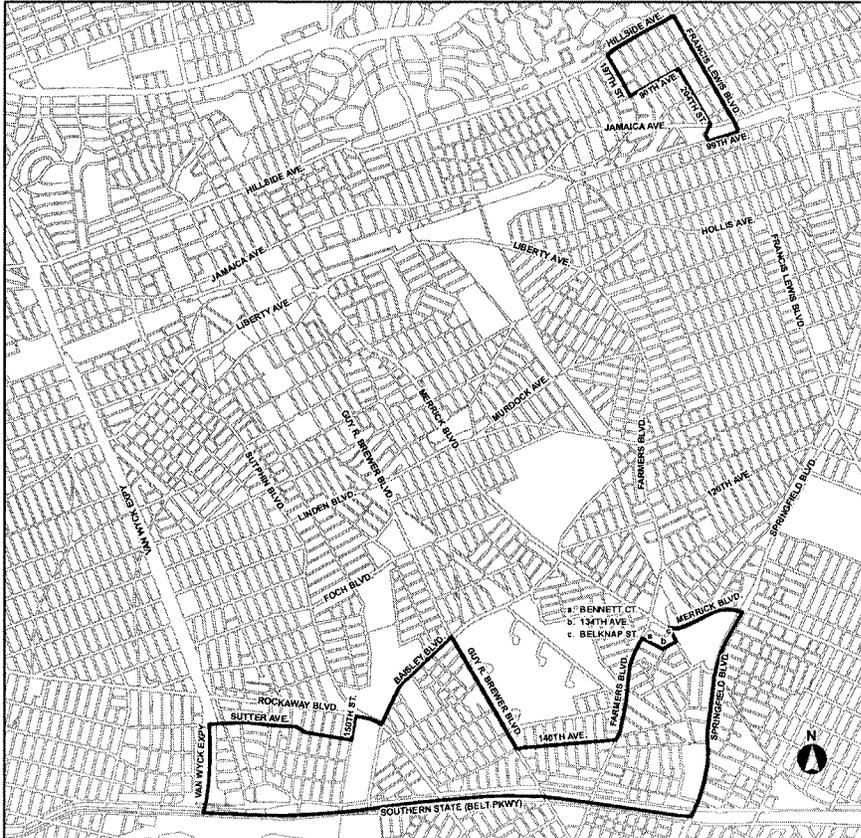
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Appendix A
FRESH Food Store Designated Areas: Excluded Portions

* * *

Map 5.

Excluded portions of Community District 12, Queens



The above resolution (N 110146 ZRQ), duly adopted by the City Planning Commission on March 30, 2011 (Calendar No. 11), is filed with the Office of the Speaker, City Council, and the Queens Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, PE.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, RICHARD W. EADDY,
NATHAN LEVENTHAL, ANNA HAYES LEVIN, KAREN A. PHILLIPS, Commissioners

Queens Borough President Recommendation

APPLICATION: ULURP #110146 ZRQ

COMMUNITY BOARD: Q12

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of NYC Zoning Resolution Sections 63-02 & 63-25 that would extend the applicable of the Food Retail Expansion to Support Health (FRESH) program to South Jamaica's commercial corridors within an area generally bounded by the Van Wyck Expressway, Liberty Avenue, Sutphin Boulevard, 108th Avenue, Union Hall Street, South Road, Merrick Boulevard, Springfield Boulevard, North Conduit Avenue, Guy R. Brewer Boulevard, Baisley Boulevard, Sections Nos. 14d, 18d, 19a and 19b, South Jamaica, Borough of Queens. (Related application ULURP #110145 ZMQ)

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on February 3, 2011 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. The applicant made a presentation. There were four (4) speakers in favor. The hearing was closed.

CONSIDERATION

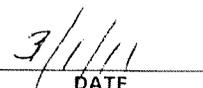
Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Department of City Planning is proposing a zoning text amendment that would allow expansion of the FRESH Program into the South Jamaica rezoning area.;
- The FRESH Program is designed to encourage development of grocery stores, medium sized supermarkets to provide high quality fresh fruit, vegetables meats and other food products in underserved areas. Incentives are offered to promote such development. The incentives include additional floor area, allowance of food stores up to 30,000 sf as of right in M1 Districts, and reduction of parking requirements.;
- Currently, the FRESH Program is only available in Downtown Jamaica in Queens. Extension of the FRESH Program into South Jamaica would benefit the residents who currently have to travel further outside of their neighborhoods to get a full selection of quality food products. Development of quality food stores in South Jamaica would promote healthier eating choices, provide new employment opportunities, and keep disposable income within Queens and all of New York City.;
- Extension of the FRESH Program into South Jamaica also reinforces the proposed revision of existing commercial overlays and establishment of new commercial overlays. The revised and new commercial overlays would be mapped on appropriate streets to reflect existing business activity and to encourage new economic opportunities that provide local residents with goods, services and employment opportunities.;
- The related rezoning application and extension of the FRESH Program responds to the longstanding requests of many Community District 12 residents and civic organizations concerned about responsible development and improvement of the delivery of goods and services.;
- Community Board 12 approved this application by a vote of thirty-two (32) in favor with none (0) opposed or abstaining at a public hearing held on January 19, 2011.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application.


PRESIDENT, BOROUGH OF QUEENS


DATE



Community Board 12

The City of New York

Borough of Queens

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Yvonne Reddick
DISTRICT MANAGER

January 28, 2011

City Planning Commission
22 Reade Street
New York, NY 10007

Community Board 12 Queens members met on Wednesday, January 19, 2011 at the Robert Ross Johnson Family Life Center located at 172-17 Linden Blvd., St. Albans, NY 11433, and held a Public Hearing on Application #110145ZMQ – Zoning Map Change and App. #N110146ZRQ – Zoning Text, South Jamaica Rezoning.

There were 27 members present at the meeting, but only 26 members voted. The vote was as follows: 26 Approved 0 Opposed 0 Abstained.

One board member left before the vote was taken.

Thank you.

A handwritten signature in cursive script that reads 'Yvonne Reddick'.

Yvonne Reddick
District Manager
Community Board 12, Q