



CITY PLANNING COMMISSION

June 3, 2009/Calendar No. 8

N 090318 ZRQ

IN THE MATTER OF an application submitted by the Economic Development Corporation pursuant to Section 201 of the New York City Charter for amendments of the Zoning Resolution of the City of New York, concerning the addition of Article XII, Chapter 6 (Special College Point District) and modifications of related sections, Community District 7, Borough of Queens.

The application for an amendment of the Zoning Resolution was filed by the New York City Economic Development Corporation on February 11, 2009. The requested action, in conjunction with the related zoning map amendment, would facilitate the establishment of the Special College Point District.

RELATED ACTION

In addition to the proposed amendment to the Zoning Resolution, which is the subject of this report (N 090318 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 090319 ZMQ: Amendment to the Zoning Map, rezoning from M3-1 and M1-1 to M2-1 and M1-1 within the proposed mapping of the Special College Point District.

Background

The New York City Economic Development Corporation (EDC) is proposing a zoning text amendment to establish a new Special College Point District consisting of 112 tax blocks (525 acres) in the northern Queens neighborhood of College Point, Community District 7, and rezone all or portions of 94 tax blocks (414 acres) within the proposed Special District from existing M1-1 and M3-1 to M1-1 and M2-1. The rezoning area is

generally bounded by 15th Avenue to the north, the Whitestone Expressway to the east, the Flushing River and Bay to the south, and 130th Street to the west, and which previously constituted the College Point II Industrial Urban Renewal Area.

The actions are intended to maintain the high quality business campus environment of the area as established by the College Point II Industrial Urban Renewal Plan (URP). The EDC has served as the designated manager of the URP and initiated the rezoning study in response to concerns expressed by Community Board 7, the College Point Board of Trade and the College Point Civic and Taxpayer Association regarding the possibility of continuing the development controls of the URP upon its expiration.

In 1961, this previously swampland area was zoned for industrial use as part of the creation of the new Zoning Resolution, and subsequently land filled. In 1969, the area was designated an Urban Renewal Area (URA) by the City, which acquired all but four private properties within the URA. The first plan for the URA (Plan I) was never formally adopted by the City. However, its stated objectives became the foundation for Plan II, which was adopted in May 1971. The objectives of the College Point II Industrial Urban Renewal Plan were to design, market, and develop an industrial park to create a maximum number of jobs to best meet the basic economic development objectives of the City of New York; to put the area to productive use and to strengthen the city's tax base; and to design, plan, and control the development of the industrial park to achieve the optimum environment for future industrial tenants, as well as the larger community. Towards these stated objectives, the College Point II Industrial Urban Renewal Plan

regulated land use and bulk in the Urban Renewal Area until its expiration on April 24, 2009.

The College Point II Industrial Urban Renewal Plan (URP) included several subareas, and regulated the permitted and, in some cases, prohibited uses in each subarea, and established specific yard and landscaping, signage, and parking regulations. The URP subareas included: Industrial Area A, Industrial Area B, a Commercial Areas and Regional Retail Sites.

Industrial Area A, the largest subarea, permitted industrial uses that met M1 performance standards; research and testing laboratories; warehouses including enclosed and screened vehicle or equipment storage; certain public services and utilities; and computer centers and trade schools. Industrial Area B allowed the same uses in addition to uses that met M3 performance standards for noise, vibration, fire and explosive hazards, and heat, humidity and glare. Certain uses, however, were prohibited in both Industrial Subareas: dumps; marine transfer stations for garbage; slag piles; sewage treatment plans; garbage incinerators; explosive storage; junk yards; wholesale produce or meat markets; and stockyards or animal or poultry slaughtering establishments. In the two Industrial Areas, the storage of materials was required to be enclosed within a building or screened so as not to be visible from nearby public streets. The Regional Retail Sites and Commercial Areas allowed for large-scale retail and a wide array of commercial uses.

Throughout the URA, planted front yards were required at a minimum average depth of 20 feet. Except for Regional Retail Sites, a 30-foot front yard was required for sites with

frontage along the Whitestone Expressway. Twenty-foot side yards were also required in Industrial Area A, the Commercial Areas and the Regional Retail Sites. Any parcel abutting a Residence Zoning District required a planted 60-foot yard serving as a buffer, except for parcels southeast of College Point Boulevard where the buffer yard was only required to be 30 feet. Industrial Area A also required landscaping at a rate of 12% for the first 40,000 square feet of lot area and 8% of any remaining lot area.

Throughout the URA, signage was generally regulated by sign regulations applicable to an M1-1 District. In all of the subareas other than Regional Retail Sites, specific signage regulations of the URA prohibited advertising signs, flashing signs and signs facing adjacent residential districts. Signage was further limited to one flat wall sign with a maximum surface area of 150 square feet and one free-standing sign with a maximum surface area of 200 square feet and maximum height of five feet. These signs were only allowed to be indirectly illuminated and were not to exceed a height of 20 feet above curb level.

Parking in the URA was generally required to be provided at a rate of one space per 1,000 square feet for manufacturing uses (or one space per 2.25 peak-shift employees), one space per 200 square feet for wholesale, storage or computer center uses (or one space per 2.25 peak-shift employees), and one space per hotel room. Commercial uses in the Commercial Areas or Regional Retail Sites had more stringent parking requirements. The parking for such commercial uses in these subareas was pursuant to C4-1 District requirements, though this higher parking requirement could be waived to that required by

underlying zoning (M1-1 or M3-1) through City Planning Commission approval. Any open off-street parking or loading area was not permitted to be located within a required front yard and loading areas were required to be screened.

The rezoning area primarily consists of industrial, transportation and utility, and commercial uses, though open space and community facility uses are also present. The most intensive industrial uses are concentrated south and west of College Point Boulevard abutting the Flushing Bay and retail uses predominate north of 20th Avenue and along the Whitestone Expressway. Currently, the College Point Corporate Park has approximately 175 businesses and employs around 5,500 people. Businesses participate in maintaining the College Point Corporate Park by contributing to an improvement fund which would be continued regardless of the proposed actions.

EXISTING ZONING

With the recent expiration of the Urban Renewal Plan, land use is regulated by the underlying zoning which has remained unchanged since 1961. The entire study area is located within two manufacturing districts, which permit industrial, warehousing, commercial and utility uses, according to specific performance standards. Residential uses are not permitted in manufacturing districts.

M1-1

The majority of the rezoning area is zoned M1-1. The M1-1 district encompasses the area north of 28th Avenue and east of Ulmer Street and the former roadbed of 131st Street

where it meets the Whitestone Expressway, and the district extends past the boundaries of the rezoning area. M1-1 districts permit a maximum floor area ratio (FAR) of 1.0 for industrial and manufacturing uses that meet stringent performance standards, as well as commercial and retail uses. The M1-1 District allows a maximum community facility FAR of 2.4. There is a 30-foot maximum street wall building height, beyond which the building envelope is governed by the sky exposure plane. Parking is required in M1-1 districts generally at a rate of 1 space per 1,000 square feet of manufacturing use or 1 space per 300 square feet of commercial use.

M3-1

Much of the area south of 28th Avenue and west of Ulmer Street is zoned M3-1. M3-1 districts permit heavy industrial uses that generate noise, traffic or pollutants. Uses with potential nuisance effects are required to meet minimum performance standards. M3-1 districts permit a maximum FAR of 2.0 for manufacturing and commercial uses. There is a 60-foot maximum street wall building height beyond which the building envelope is governed by the sky exposure plane. Parking is required at the same rates as in the M1-1.

PROPOSED ACTIONS

The applicant is proposing the following actions:

- **Zoning Text Amendment** (N 090318 ZRQ) to establish the Special College Point District.
- **Zoning Map Amendments** (C 090319 ZMQ) to map the Special College Point District and rezone the area.

The objectives of these two actions are to:

- To encourage and retain high performance light manufacturing establishments in New York City.
- To maintain the high quality business campus environment with landscaped yards within College Point.
- Continue development principles of the Urban Renewal Plan and respond to the existing land use pattern that evolved under the URP.

Zoning Text Amendment (N 090318 ZRQ)

The proposed Special College Point District (SCPD) would provide special regulations approximating and updating those of the Urban Renewal Plan pertaining to yards, signage, landscaping, use, bulk and parking, in order to sustain the corporate park environment. The special district regulations would supplement or supersede the underlying zoning districts on all or portions of 112 tax blocks bounded by 15th Avenue and Frank Golden Memorial Park to the north, the Whitestone Expressway to the east, the Flushing Bay to the south, and 120th Street, 127th Street and 130th Street to the west.

Special use provisions would apply in order to maintain the high quality corporate park environment. All uses throughout the Special District would be required to operate at a high level of performance that meet M1 performance standards, and provide enclosure or screening to ensure minimal impacts upon neighboring uses. As originally referred, certain uses that previously were prohibited by the Urban Renewal Plan, would be allowed pursuant to a City Planning Chairperson certification provided those uses, including all storage of material or products are located within a completely enclosed building and comply with the provisions of the Special District. Unlike standard

manufacturing districts, parks and other recreational uses would be allowed as-of-right throughout the Special District to continue the objective of the URP to develop the area in a manner beneficial to the surrounding community.

In addition, special bulk regulations would apply throughout the district. Reflecting the current built fabric of the Corporate Park, a maximum FAR of 1.0 would be allowed for commercial, manufacturing and community facility uses throughout most of the Special District even in portions where the underlying M2-1 zoning would allow a maximum 2.0 FAR. However, sites fronting along portions of the wide thoroughfares of College Point Boulevard or the Whitestone Expressway would be allowed the maximum 2.0 FAR of underlying zoning.

In the tradition of the URP, the Special District proposes generous yard and planting requirements, adding to the aesthetic quality of the Corporate Park, lessening stormwater runoff and buffering adjacent uses one from another. Complementing the surrounding residential neighborhoods, front yards in the Special District would generally be required to have a minimum depth of 15 feet (except along the Whitestone Expressway where they would be required to have a minimum depth of 20 feet) and side yards would be required to have a minimum depth of 10 feet. All front yards in the Special District shall be planted and landscaped. Similarly, buffer areas of 60 feet required at designated locations abutting residential districts, are required to be planted. In a further effort to both encourage an attractive environment and improve storm water management, the parking

lot landscaping regulations of Section 37-90 and the street tree planting requirements of Section 26-41 would apply to all developments throughout the Special District.

Advertising signs and flashing signs would be prohibited throughout the Special District, and signs facing an adjacent residential district would also be restricted, except for signs facing across the Whitestone Expressway where underlying regulations would apply. The Industrial Area B sign standards of the former URP would be maintained in the majority of the Special District within the proposed M2-1 district, allowing only one sign, displayed from the wall of a building, no greater than 150 square feet and no higher than 20 feet above curb height and one sign, not affixed to a building, no greater than 30 square feet and no higher than 5 feet above ground level. Such signs in the underlying M2-1 district may only be non-illuminated or indirectly illuminated.

The Special District would retain higher parking requirements from the former URP for retail uses located in the former Regional Retail Sites and Commercial Area by mandating the C4-1 parking requirements rather than those in the underlying M1-1 district. The City Planning Commission would be able to authorize a 50% reduction in parking upon finding that the reduced amount is sufficient for the use. Hotels would be required to provide one parking space for every two guest rooms or suites and places of assembly would be required to provide one parking space per four persons rated capacity. For all uses, loading areas shall not be located in the front of the building and any open loading berths must be screened from the street. Finally, in order to discourage commercial traffic from routing through the residential neighborhoods to the north, curb

cuts would not be allowed as-of-right along 15th Avenue. Lots that have access only onto 15th Avenue may have curb cuts up to 20 feet in width pursuant to a City Planning Commission certification.

Zoning Map Amendment (C 090319 ZMQ)

The proposed Zoning Map changes would map the Special District over all of the area covered by the former URP except Frank Golden Park and five lots currently zoned R2A. Additionally, 112 tax blocks would be rezoned from M1-1 and M3-1 to M1-1 and M2-1. The proposed zoning district changes closely reflect the existing land use development patterns that have been guided by the former Urban Renewal Plan.

M2-1 (from M3-1 and M1-1)

M2-1 zoning is proposed on all or portions of 93 tax blocks generally bounded by 20th Avenue to the north, a line parallel to and 700' westward of the Whitestone Expressway, the Flushing Bay to the south, and 120th, 127th and 130th Streets to the west. All or portions of 43 tax blocks are proposed to be rezoned from M3-1 and all or portions of 50 tax blocks are proposed to be rezoned from M1-1.

The M2-1 district is a medium manufacturing district. Generally, required performance standards in an M2 district are less restrictive than those in M1 districts, however, the provisions of the Special District will require all uses in the M2-1 district to meet the more stringent M1 performance standards. Whereas M2-1 districts usually permit up to 2.0 FAR for manufacturing and commercial uses and buildings are governed by a sky

exposure plan that begins at a height of 60 feet above the street line, the maximum FAR would be 1.0 in most areas of the M2-1 with a sky exposure plan beginning at a height of 30 feet above the street line. Sites with frontages along portions of College Point Boulevard and the Whitestone Expressway, however, will retain the standard M2-1 bulk allowance.

The M2-1 district would preclude large scale retail development in a substantial part of the Corporate Park currently zoned M1-1, and would prohibit the more noxious industrial uses that are allowed in the M3-1 district with the expiration of the Urban Renewal Plan. Use Groups 6 through 17, with the exception of Use Group 15, are generally permitted. Certain commercial uses are restricted to those that support industrial firms or their employees and are mostly found in non-residential areas. Hotels are not permitted. The Special District would allow Use Group 4 parks and open recreation uses as-of-right in the M2-1 district.

Proposed M1-1 (from M3-1)

M1-1 zoning is proposed on one block currently zoned M3-1 on 31st Avenue abutting the existing M1-1 zone.

The M1 district is light manufacturing district that often serves as a buffer between heavier manufacturing uses and adjacent residential or commercial districts. M1-1 districts allow a maximum 1.0 FAR for commercial and manufacturing uses and 2.4 FAR for community facility use, however, the proposed Special District prescribes a maximum

FAR of 1.0 for all uses except for those with frontage along certain portions of College Point Boulevard or the Whitestone Expressway. Buildings in M1-1 districts are governed by a sky exposure plan that begins at a height of 60 feet above the street line.

The extension of the M1-1 district to include this one block, would allow the house of worship currently located on the block to be brought into conformance with zoning. Use Groups 5 through 17, with the exception of Use Group 15, are generally permitted in addition to certain community facility uses listed in Use Groups 3 and 4. The broad range of uses allowed in M1 areas include all industrial uses that meet M1 performance standards, as well as offices and most retail uses. Certain community facilities, such as hospitals, are allowed in M1 districts only by special permit but houses of worship are allowed as-of-right.

ENVIRONMENTAL REVIEW

This application (N 090318 ZRQ) in conjunction with the related application (C 090319 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 09DME007Q. The lead is the Office of the Deputy Mayor for Economic Development.

After a study of the potential environmental impacts of the proposed action, a negative declaration was issued on February 3, 2009. Subsequent to the issuance of the Negative Declaration, the City Planning Commission modified the application, as discussed in the Consideration section below. The modifications were analyzed and a corrected negative declaration was issued on June 10, 2009.

PUBLIC REVIEW

On February 17, 2009, this application (N 090318 ZRQ) was duly referred to Community Board 7 and the Borough President for information and review in accordance with the procedures for non-ULURP matters. The related application (C 090319 ZMQ) was certified as complete by the Department of City Planning on February 17, 2009, and was duly referred to Community Board 7 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 7 held a public hearing on the applications (N 090318 ZRQ and C 090319 ZMQ) on March 9, 2009, and on that date, by a vote of 34 in favor, 0 opposed and 1 abstaining, adopted a resolution recommending approval of this application with the following conditions:

- Limit the permitted use for the former Flushing Airport site to park and soft recreation use

- Modify the process to approve any new use prohibited by the Urban Renewal Plan to include advisory approval of both Community Board 7 and the Queens Borough President and a final approval by the full City Planning Commission
- Eliminate “Radioactive Waste Disposal Services Involving the Handling or Storage of Radioactive Waste” from Use Group 18A

Borough President Recommendation

The applications (N 090318 ZRQ and C 090319 ZMQ) were considered by the Borough President, who issued a recommendation approving the applications on March 24, 2009, with the following condition:

- The proposed provision in the Special College Point District regarding review of uses prohibited by the existing urban renewal plan should be amended to include the Queens Borough President concurrently with the Community Board 7 in the 30-day review period in addition to review and approval by the full City Planning Commission.

City Planning Commission Public Hearing

On March 18, 2009 (Calendar No. 3), the City Planning Commission scheduled April 1, 2009 for a public hearing on the application (N 090318 ZRQ). The hearing was duly held on April 1, 2009 (Calendar No. 24), in conjunction with the hearing for the related action (C 090319 ZMQ). There were two speakers in favor.

A representative of the applicant spoke in favor of the proposal. He stated the close coordination with the community in formulating the provisions of the Special College Point District and the pressing need for the District with the imminent expiration of the Urban Renewal Plan.

The Vice-Chairperson of Community Board 7 and Co-Chairperson of the board's College Point Corporate Park Task Force Committee spoke in favor of the proposal with three modifications. He reiterated the community concern that the former Flushing Airport be reserved for soft recreation and that all uses that had prohibited under the Urban Renewal Plan receive review by the Community Board, Borough President, and the full City Planning Commission. He also suggested that language be added to the Special District text to clarify that the specific uses requiring certification were uses previously prohibited by the Urban Renewal Plan.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application in conjunction with the application for the related action (C 090319 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 09-007. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The City Planning Commission believes that the proposed amendment to the Zoning Resolution (N 090318 ZRQ) as modified herein, in conjunction with the proposed amendment to the Zoning Map (C 090319 ZMQ) as modified, is appropriate.

The Commission believes that the proposed zoning changes would maintain an appropriate setting for and support the development of high performance manufacturing and commercial establishments within the area known as the College Point Corporate Park. The Commission notes that the proposal reinforces the corporate park environment though specific regulations pertaining to yards, signage, parking, and bulk that are derived in large measure from the requirements of the former College Point II Industrial Urban Renewal Plan (URP) that successfully guided the transformation of the area over the past 40 years.

The Commission believes the proposed Special College Point District provisions, which include regulations that will require front and side yards, restrict signage and loading locations, and set higher parking requirements for certain commercial uses, are needed to maintain an attractive, well-functioning business park setting and to ensure that the

business uses will have minimal effects on adjacent residential blocks in College Point. Furthermore, the Commission believes that the Special District requirements for front yard planting, parking lot landscaping and street tree installation will provide for additional storm water absorption consistent with plaNYC objectives.

The Commission believes the proposed zoning map amendments from M3-1 to M1-1 and M3-1 and M1-1 to M2-1 will provide a good zoning framework for reinforcing land use patterns in the area. The Commission notes that retail and commercial uses predominate in the areas along the west side of the Whitestone Expressway and north of 20th Avenue where M1-1 zoning would be retained and extended to cover one block developed with a large community facility use. The Commission further notes that a range of more industrial uses predominates in the area where M2-1 zoning is proposed to replace M3-1 and M1-1 zoning. Also, the Commission notes that certain uses normally allowed by the proposed manufacturing zoning will be allowed only in fully enclosed buildings by City Planning Commission certification.

The Commission acknowledges that this proposal is the result of a series of meetings with Community Board 7, the College Point Corporate Park Task Force, elected officials and property owners, and the Commission appreciates that EDC worked closely with the community and department staff in developing it.

In response to the recommendations made by Community Board 7 and the Borough President relating to the approval process for specific uses listed in Section 126-131, the

Commission is modifying the text of the proposed Special District to change the proposed Chair certification to a Commission certification. In addition, the Commission has modified the certification process to include referral to the Borough President as well as Community Board 7. The text is further modified by the inclusion of language indicating that the specific uses requiring certification were previously prohibited under the Urban Renewal Plan.

The Commission notes the proposed modification submitted by Community Board 7 to limit use on the former Flushing Airport site to open space or soft recreation, but notes that the request is outside of the scope of the proposal.

The Commission is modifying the screening regulations in Sections 126-135 and 126-136 of the Special District to clarify that the signage requirements of the Special District also apply to signs on any required screening, thereby, strengthening the objective of minimizing visual clutter.

The Commission is also modifying the provisions of Section 126-32 pertaining to curb cut restrictions on 15th Avenue. Recognizing that this prohibition may create difficulties on certain sites, the Commission is modifying the text by creating a City Planning Commission authorization that would allow loading berths in front of buildings if the Commission finds that they can not be located at a permitted location and are adequately screened and enclosed.

The Commission is modifying the Zoning Map application to clarify that the proposed boundary of the Special College Point District is to be located along a line 100 feet south of 29th Avenue between 119th Street and the Flushing Bay, rather than in centerline of 29th Avenue as shown in the certified application. The modified boundary line is coincident with the former URA boundary.

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, that 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 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 underlined is new, to be added;

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

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

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

* * *

11-12
Establishment of Districts

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Establishment of the Special Clinton District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 6, the #Special Clinton District# is hereby established.

Establishment of the Special College Point District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 6, the #Special College Point District# is hereby established.

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12-10
DEFINITIONS

* * *

Special Clinton District

The "Special Clinton District" is a Special Purpose District designated by the letters "CL" in which special regulations set forth in Article IX, Chapter 6, apply. The #Special Clinton District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or supersede those of the districts on which it is superimposed.

Special College Point District

The "Special College Point District" is a Special Purpose District designated by the letters "CP" in which special regulations set forth in Article XII, Chapter 6, apply. The #Special College Point District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or supersede those of the districts on which it is superimposed.

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All text is new; it is not underlined

Article XII - Special Purpose Districts

Chapter 6 Special College Point District

126-00 GENERAL PURPOSES

The "Special College Point District" established in this Resolution is designed to promote and protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) encourage and retain high performance manufacturing establishments in New York City;
- (b) maintain the high quality business campus environment with landscaped yards within the area known as the College Point Corporate Park; and
- (c) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

126-01 General Provisions

The provisions of this Chapter shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special College Point District#. 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.

126-02 District Plan and Map

The District Map is located within Appendix A of this Chapter and is hereby incorporated and made part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

126-03

Applicability of Article I, Chapter 1

Within the #Special College Point 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 hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

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

126-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying district are modified as set forth in this Section, inclusive.

126-11

Recreational Uses

The regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall be modified to allow the following uses as-of-right within the #Special College Point District#:

From Use Group 4A:

Non-commercial recreation centers

From Use Group 4B:

Golf courses

Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residential zoning lots#.

#Public parks#, playgrounds or private parks

From Use Group 4C:

#Accessory uses#

126-12 Performance Standards

Section 42-20 (PERFORMANCE STANDARDS) shall be modified so that the performance standards of an M1 District apply throughout the #Special College Point District#.

126-13 Enclosure Regulations

The following provisions supersede Sections 42-41 (Enclosure of Commercial or Manufacturing Activities) and 42-42 (Enclosure or Screening of Storage).

All #commercial# or #manufacturing uses# established by a #development#, #enlargement#, #extension#, or change of #use#, including storage of materials or products, shall be subject to the provisions of this Section, inclusive. With respect to the #enlargement# or #extension# of an existing #use# or storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such #use# or storage.

However, these provisions shall not apply to open parking and loading areas as specifically provided in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-Street Loading Berths).

126-131 Special enclosure regulations for specific uses previously prohibited under the former College Point Urban Renewal Plan

The following #uses#, including all storage of materials or products, shall be located within a #completely enclosed building#:

From Use Group 17 A:

Produce or meat markets, wholesale

From Use Group 18A:

Incineration or reduction of garbage, offal or dead animals

Radioactive waste disposal services involving the handling or storage of radioactive waste

Sewage disposal plants

Stock yards or slaughtering of animals or poultry

Dumps, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

From Use Group 18B:

Explosives storage, when not prohibited by other ordinances

Junk or salvage establishments, including auto wrecking or similar establishments

Scrap metal, junk, paper or rags storage, sorting, or baling

All #commercial# or #manufacturing uses# specified in this Section 126-131 shall be permitted, provided the City Planning Commission certifies that such #uses# comply with the provisions of this Chapter. A site plan indicating the distribution of #bulk#, #uses#, planting areas and planting types shall be submitted to the Commission. Such submission shall be referred to the applicable Community Board and Borough President for review and comment for a period of no less than 45 days prior to such certification.

126-132

Enclosure regulations in the M1-1 district

All #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#; however, #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-133

Enclosure regulations in the M2-1 district near residence districts

All #uses#, except storage of materials or products, within 300 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#; however, #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-134

Enclosure of storage in the M1-1 district near residence districts

All storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

126-135

Screening of storage in the M2-1 district near residence districts

Within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

In addition, such solid wall or fence:

- (a) shall not be located within a #front yard#;
- (b) shall be maintained in good condition at all times; and
- (c) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs) and Section 126-14 (Sign Regulations), inclusive.

126-136

Screening of storage

At a distance greater than 200 feet from a #Residence District# boundary, the open storage of materials or products, where permitted, shall be screened from all adjoining #zoning lots#, including #zoning lots# situated across a #street#, by either:

- (a) a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (b) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening provided pursuant to paragraphs (a) or (b):

- (1) shall not be located within a #front yard#;
- (2) shall be maintained in good condition at all times;
- (3) may be interrupted by normal entrances or exits; and
- (4) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs) and Section 126-14 (Sign Regulations), inclusive.

**126-14
Sign Regulations**

Within the #Special College Point District#, no #advertising signs# shall be permitted. #Signs# may be #illuminated# but not #flashing#. The provisions of Section 32-67 (Special Provisions Applying Along District Boundaries) shall not apply for #zoning lots# with frontage on the Whitestone Expressway.

No #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, and no #signs# shall be permitted on the roof of any #building#.

**126-141
Special sign regulations in the M2-1 district**

In the M2-1 District, only non-#illuminated signs# and #signs with indirect illumination# are permitted. The surface area of all #signs# on a #zoning lot# shall be limited to:

- (a) one #sign# displayed from the wall of a #building# limited to 1.5 square feet of #surface area# for each linear foot of #street wall# or 150 square feet, whichever

is less, and further provided that such #signs# shall not exceed a height of 8 feet, and shall not extend to a height greater than 20 feet above #curb level#; and

- (b) one #sign# not affixed to a #building# limited to one square foot of #surface area# for each 200 square feet of #street wall# or 30 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of five feet above #curb level#.

126-20 SPECIAL BULK REGULATIONS

The #bulk# regulations of the underlying district are modified as set forth in this Section, inclusive.

126-21 Street Tree Planting

Within the #Special College Point District#, all #developments#, or #enlargements# of 20 percent or more in #floor area#, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is converted from a #manufacturing use# to a #commercial# or #community facility use# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C, 16D, 17 and 18.

126-22 Floor Area Ratio

Within the #Special College Point District#, the #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 1.0.

However, within the M2-1 District south of 30th Avenue and its prolongation:

- (a) for portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard, or
- (b) for #zoning lots# with frontage on the Whitestone Expressway, the maximum #floor area ratio# for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be as permitted in the underlying district.

126-23

Modification of Yard Regulations

126-231

Minimum required front yards

#Front yards# shall be provided with a depth of 15 feet, except for:

- (a) #zoning lots# with frontage along the Whitestone Expressway, where #front yards# shall be provided with a depth of 20 feet; and
- (b) #corner lots#, where one front yard may have a depth of 10 feet.

126-232

Minimum required side yards

#Side yards# shall be provided with a width of 10 feet.

126-233

Special provisions along district boundaries

The following regulations shall supplement the provisions of Section 43-30 (Special Provisions Applying along District Boundaries).

- (a) Sections 43-301 (Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District) shall be modified so that an open area not higher than #curb level# and at least 20 feet wide shall be provided within the #Manufacturing District# on any #zoning lot# which is within 25 feet of a #residence district#.
- (b) Within the areas depicted on the Special College Point District Map as 60-foot buffer areas, an open area not higher than #curb level# and at least 60 feet wide, or where such open area is adjacent to a #street#, a #front yard# not higher than #curb level# at least 60 feet in depth, shall be provided within the #Manufacturing District#. Such open area shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.
- (c) All open areas required pursuant to this Section and Section 43-30 shall be planted, except at entrances to and exits from the #building# and except for access

driveways to #accessory# parking and loading areas. In addition, except within #front yards#, there shall be a planting strip at least four feet wide, along the portion of the #lot line# adjoining the #Residence District#, complying with the provisions applicable to Section 126-136 (Screening of storage), provided that paragraph (b) of Section 126-136 shall not be a permitted form of screening.

126-234

Planting requirement in front yards

#Front yards# shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. #Front yards# shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

126-235

Storage of materials within yards

Within #side# and #rear yards#, the maximum height of the open storage of materials, where permitted, shall be 12 feet.

126-24

Height and Setback Regulations

Within the #Special College Point District#, the height and setback regulations of an M1-1 district shall apply.

However, within the M2-1 district south of 30th Avenue and its prolongation:

- (a) for portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard, or
- (b) for #zoning lots# with frontage on the Whitestone Expressway, the height and setback regulations shall be as permitted in the underlying district.

126-30

SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

The off-street parking and loading regulations of the underlying district are modified as set forth in this Section, inclusive.

126-31

Parking Regulations

- (a) #Accessory# off-street parking shall not be permitted within a required #front yard#.
- (b) The provisions of Section 44-21 (General Provisions) pertaining to #accessory# off-street parking spaces for #commercial uses# shall be modified as follows:

Hotels, for the #floor area# used for sleeping accommodations shall be required to provide one parking space per two guest rooms or suites, and for the #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios shall be required to provide one parking space per four persons rated capacity

Places of Assembly, for #uses# in parking requirement category D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit, shall be required to provide one parking space per four persons rated capacity

- (c) For #commercial uses# within the Commercial Areas identified on the Special College Point District Map, the parking requirements of a C4-1 district shall apply.
- (d) Section 37-90 (Parking Lots) shall apply to all #developments# and #enlargements#, as defined in that Section, that provide an open parking area #accessory# to #manufacturing uses# in Use Group 17. Perimeter landscaping required pursuant to Section 37-921 may overlap with required #yards# provided pursuant to Section 126-23 (Modification of Yard Regulations).
- (e) The provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on (date of adoption) and on the date of application for a building permit.

126-32

Loading Regulations

- (a) Off-street loading berths shall not be permitted between a #street wall# and a #street line#. However, the City Planning Commission may authorize off-street loading berths located between a #street wall# and a #street line#, provided that the Commission finds that such loading berths can not be located elsewhere on

the #zoning lot# and that such loading berths shall be enclosed or screened to the greatest extent practicable.

- (b) All open off-street loading berths shall be screened from all adjoining #zoning lots# pursuant to the standards of Section 44-585 (Screening).

126-33
Curb Cut Restrictions on 15th Avenue

Within the #Special College Point District#, curb cuts shall be prohibited on 15th Avenue.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access to the #street# only through such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

126-40
SPECIAL APPROVALS

126-41
Modification of Planting Requirements

The requirements of Section 126-234 (Planting requirement) and paragraph (c) of Section 126-233 (Special provisions along district boundaries) may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are unfeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, or a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

126-42
Authorization for Reduction of Required Parking

Within the Commercial Areas identified on the Special College Point District Map, the Commission may authorize a reduction of the parking requirement of Section 44-21

(General Provisions) and paragraphs (b) and (c) of Section 126-31 (Parking Regulations) by an amount not to exceed 50 percent, provided that the Commission finds that the proposed parking is sufficient for the #use# proposed.

126-43

Special Permit to Modify Use or Bulk Regulations

For any #development#, #enlargement#, alteration or change of #use# on a #zoning lot# within the #Special College Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

- (a) modification will aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification is necessary for, and the only practicable way to achieve, the programmatic requirements of the #development#;
- (c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;
- (d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) #development# or #enlargement# will relate harmoniously to the character of the surrounding area.

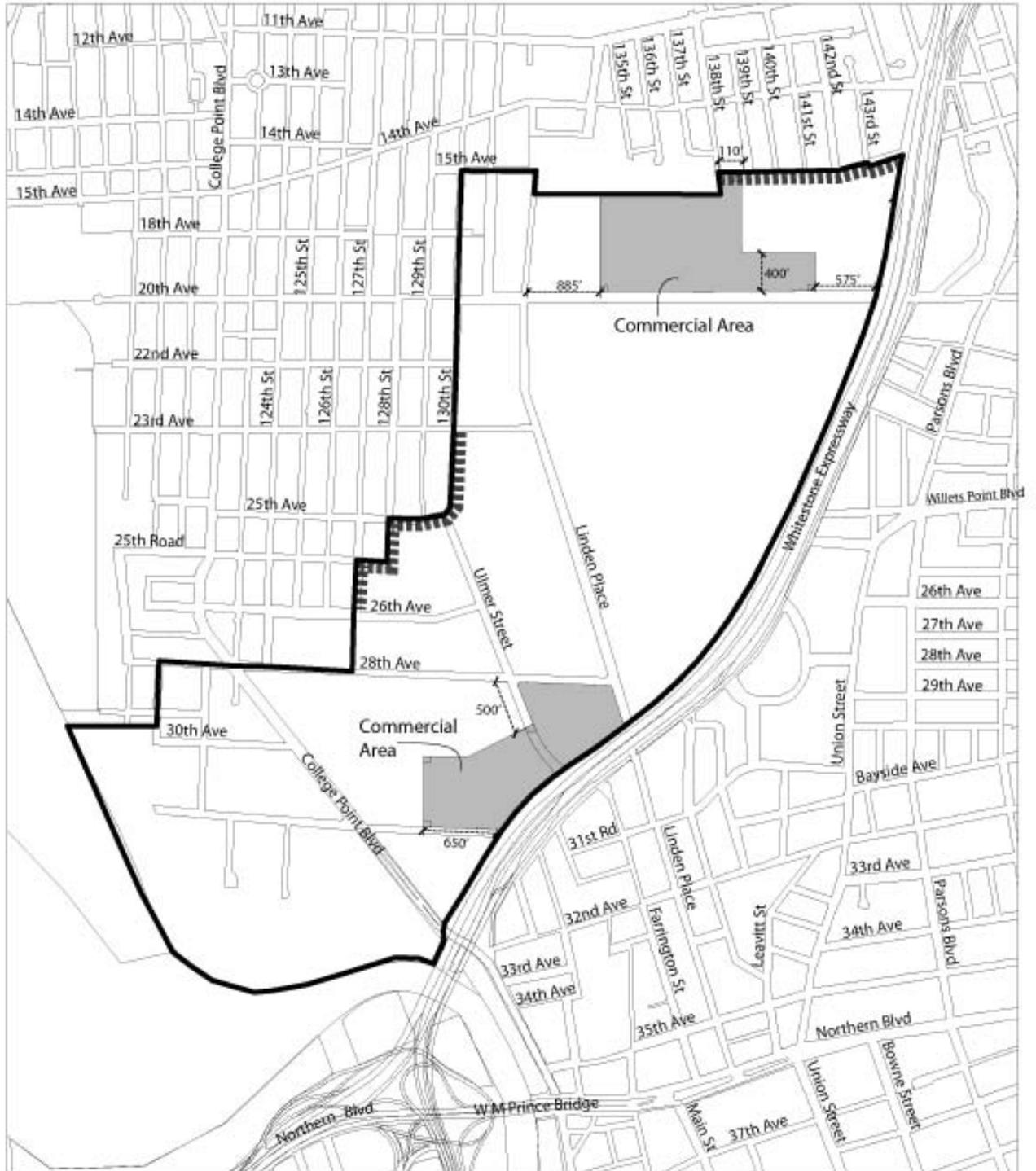
The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Appendix A Special College Point District Map

Appendix : Special College Point District

— Special College Point District

▬▬▬▬ 60' wide buffer



The above resolution (N 090318 ZRQ), duly adopted, by the City Planning Commission on June 3, 2009 (Calendar No.8), is filed with the Office of the Speaker, City Council, and the 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
IRWIN G. CANTOR, P.E., ANGELA R.CAVALUZZI, AIA,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. McRAE,
KAREN A. PHILLIPS, Commissioners

RAYANN BESSER, Commissioner, Abstained