CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

July 11, 2022

City Council
City Hall
New York, NY 10007

Re: 11th Street and 34th Avenue Rezoning
N 210235 ZRQ

Related Applications: C 210234 ZMQ
Borough of Queens

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated June 30, 2022, from the City Council regarding the proposed modification to the above-referenced application submitted by 33-33 11th St. LLC and Lily & John Realty Inc. for a zoning map amendment from an R5 zoning district to an M1-5/R6A zoning district and zoning text amendments to establish a Special Mixed Use District and a new MIH area in Community District 1.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on July 11, 2022, has determined that the City Council's proposed modification does not require additional review of environmental issues or pursuant to Section 197-c of the Charter.

Sincerely yours,

Daniel R. Garodnick

c: A. Wheeler D. DeCerbo J. Resor H. Marcus
S. Amron R. Singer J. Mangin

Daniel R.Garodnick, Chair
City Planning Commission
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THE COUNCIL
THE CITY OF NEW YORK
LAND USE DIVISION
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June 30, 2022

Honorable Dan Garodnick, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Application No. N 210235 ZRQ (Pre. L.U. No. 82)
Related Application No. C 210234 ZMQ (Pre. L.U. No. 81)

11th Street and 34th Avenue Rezoning

Dear Chair Garodnick:

On June 29, 2022 the Land Use Committee of the City Council, by a vote of 13-0-0 for **Application N 210235 ZRQ** recommended modifications of the City Planning Commission's decision in the above-referenced matter.

Pursuant to Section 197-d(d) of the City Charter I hereby file the proposed modifications with the Commission:

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

* * *

ARTICLE XII
SPECIAL PURPOSE DISTRICTS

Chapter 3

Special Mixed Use District (MX)

* * *

123-60
SPECIAL BULK REGULATIONS

* * *

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

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

* * *

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

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

* * *

123-66
Height and Setback Regulations

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

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

[Relocated below]

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

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

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

[Applicability text added for clarity]

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

[Applicability text added for clarity]

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

rules of Section 123-663 (Special rules for certain districts in certain Special Mixed Use Districts).

[Relocated from above]

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

* * *

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

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

(a) Medium and high density non-contextual districts

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

* * *

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

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

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

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

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

(b) Medium and high density contextual districts

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

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height and setback provisions of Section 23-662 shall apply. However, where the #Residence District# designation is an R6A, R6B, R7A, R7D, R8A or R8X District located outside the #Manhattan Core#, for #buildings# with #qualifying ground floors# utilizing the additional heights set forth in paragraph (b) of Section 23-662, the supplemental ground floor provisions set forth in paragraph (b)(2) of such Section shall be modified so that any permitted non-#residential use# in the #Manufacturing District# that is paired with such #Residence District# may be utilized to satisfy the ground floor #use# and depth requirements of Section 26-52 (Ground Floor Use and Depth Requirements). Where the #Residence District# designation is an R10X District, a tower may be provided in accordance with the provisions of Section 23-663. In addition, in all applicable districts, for #buildings# meeting the criteria set forth in paragraph (a) of Section 23-

664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the height and setback provisions of paragraph (b) of Section 23-664 shall apply. Separate maximum #building# heights are set forth within Sections 23-662 and 23-664 for #Quality Housing buildings# with #qualifying ground floors# as well as for those with #non-qualifying ground floors#. ~~In R8X Districts within #Special Mixed Use District# 2, the maximum #building# height for any #development# or #enlargement# that is not predominantly #commercial#, #manufacturing#, or a combination of #commercial# and #manufacturing#, shall be governed by the maximum #building# height and setback regulations applicable to an R8A District. For the purposes of this provision, "predominantly" shall mean at least 75 percent of the #floor area# of a #building#.~~

* * *

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

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

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

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

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

(b) In R7-2 Districts within #Special Mixed Use District# 15:

(1) a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet;

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

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

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

* * *

123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED

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

* * *

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

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

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

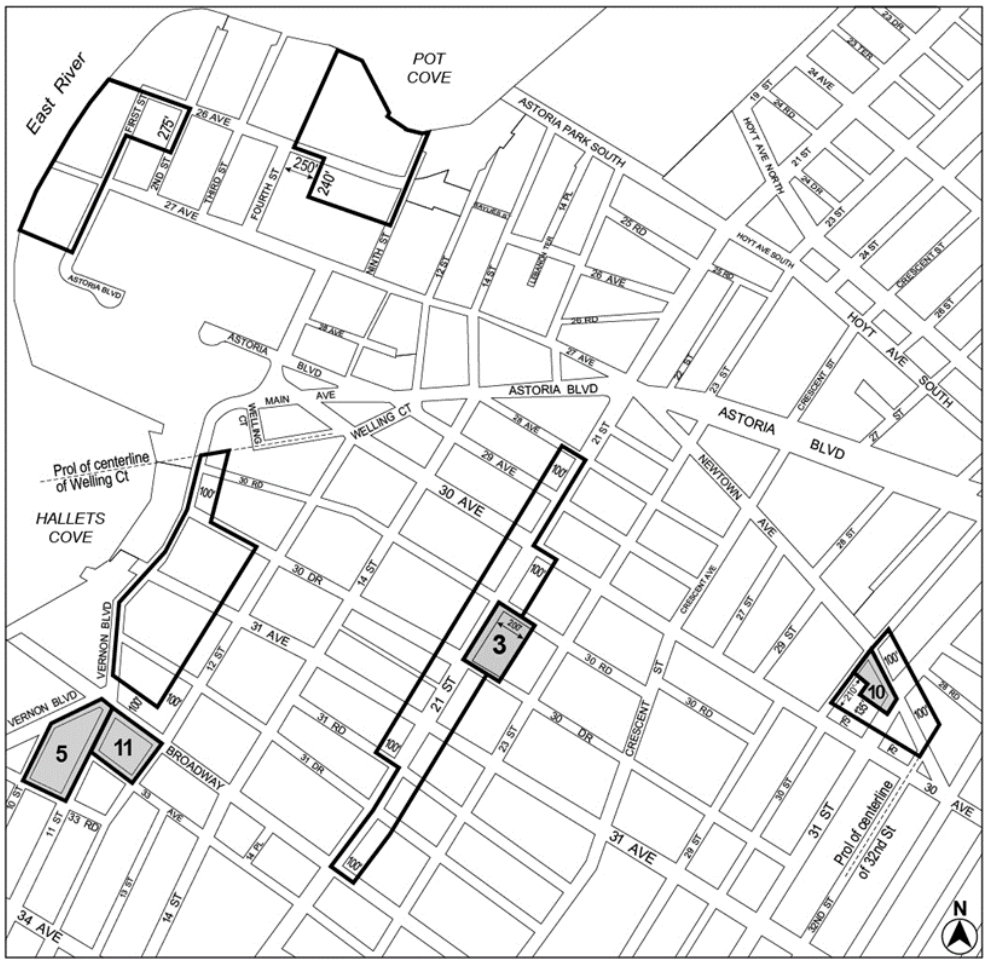
QUEENS

* * *

Queens Community District 1

* * *

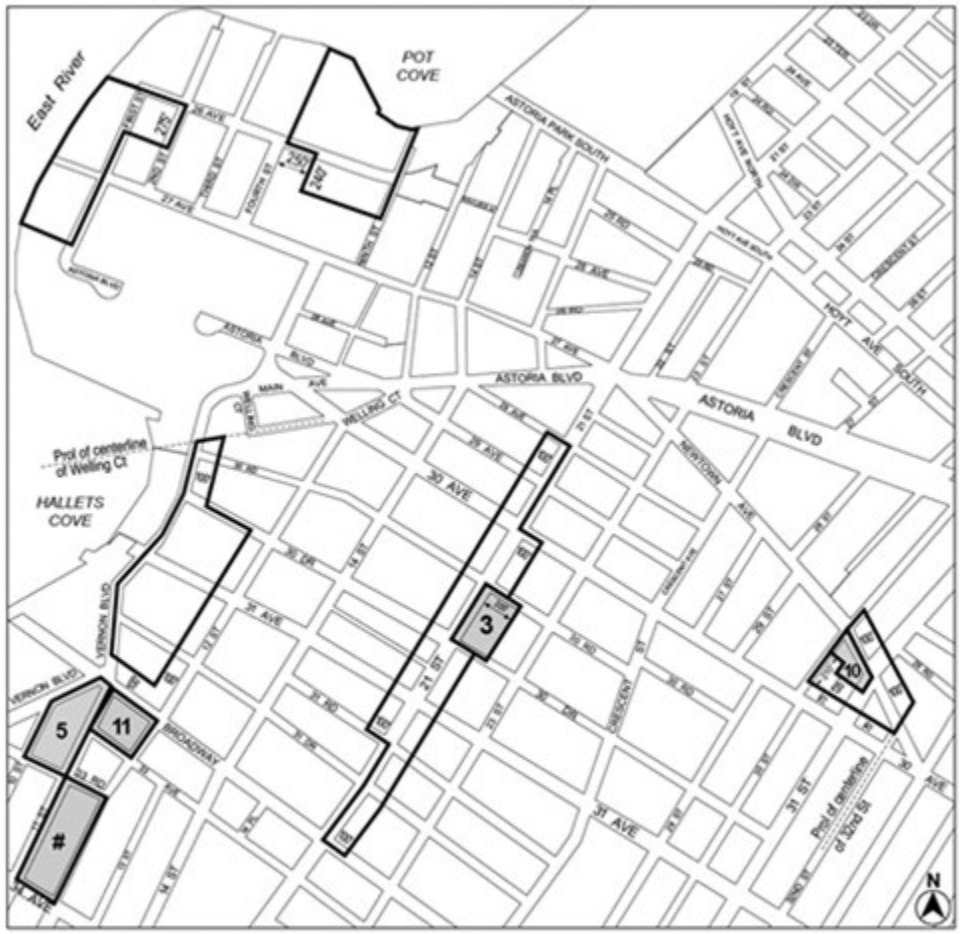
Map 1 – ~~(10/17/19)~~ [date of adoption]



Inclusionary Housing designated area

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

[PROPOSED MAP]



Portion of Community District 1, Queens

* * *

Please feel free to contact me at AHuh@council.nyc.gov if you or your staff have any questions in this regard.

Sincerely,

Arthur Huh,
Assistant General Counsel

AH:sfn

C: Members, City Planning Commission
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Chelsea Kelley, Land Use Division Deputy Director
Jeff Campagna, Deputy General Counsel
Angelina Martinez-Rubio, Deputy General Counsel
James Cottone, Project Manager
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File