

## **CITY PLANNING COMMISSION**

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September 24, 2008/Calendar No. 14

N 080382 ZRQ

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**IN THE MATTER OF** an application submitted by the New York City Economic Development Corporation and the Department of Housing Preservation and Development 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 4 (Special Willets Point District), and modifications of related sections, establishing a special district in Community District 7, Borough of Queens.

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The application for the zoning text amendment was filed by the Economic Development Corporation and the Department of Housing Preservation and Development on April 16, 2008 as part of the City's Willets Point Development Plan, a comprehensive planning, zoning and redevelopment strategy aimed at transforming a largely underutilized 61-acre site with substandard conditions and substantial environmental degradation into a lively, mixed-use, sustainable community and regional destination.

### **RELATED ACTIONS**

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 applications which are being considered concurrently with this application:

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| <b>C 080381ZMQ</b>  | Amendment of the Zoning Map  |
| <b>N 080383 HGQ</b> | Designation of the Willets Point Urban Renewal Area  |
| <b>C 080384 HUQ</b> | The Willets Point Urban Renewal Plan   |
| <b>C 080385 HDQ</b> | Disposition of Property within the Willets Point Urban Renewal Area  |
| <b>C 080221 MMQ</b> | Amendment to the City Map for the elimination, discontinuance and closing of all streets within the Willets Point Urban Renewal Area |

including Willets Point Boulevard; 34th Avenue; 35th Avenue; 36th Avenue; 37th Avenue; 38th Avenue; 39th Avenue; 126th Place; 127th Street and 127th Place.

## **BACKGROUND**

### **Project Description and Objectives**

The Economic Development Corporation (EDC) and the Department of Housing Preservation and Development (HPD) are proposing a comprehensive planning and zoning strategy for Willets Point as part of the City's efforts to implement the Willets Point Development Plan ("Plan"). The requested actions include zoning map and text amendments, the designation and approval of a new Urban Renewal Area and Plan, disposition of city-owned property and a change in the City Map to eliminate 10 existing public streets. The proposed actions would affect approximately 61 acres in northern Queens adjacent to the Mets' new Citi Field stadium, generally bounded on the east by the Van Wyck Expressway and an undeveloped lot owned by the Metropolitan Transportation Authority (MTA), on the south by Roosevelt Avenue, on the west by 126<sup>th</sup> Street, and on the north by Northern Boulevard.

The proposed Plan envisions a total of 8.94 million square feet of development with retail and residential space as the core uses; office, hotel, and convention center uses would complement these uses and enhance Flushing and Corona's roles as regional economic centers. Specifically, the development program calls for 5,500 housing units, 1.7 million square feet of retail space, a 400,000 square-foot convention center and 700-room hotel, 500,000 square feet of office space, and 6,700 parking spaces. To provide quality-of-life amenities for residents and visitors, the program would also include an 850-seat school, 150,000 square feet of community facility space and a minimum of eight acres of public open space.

To be specified in a forthcoming Request for Proposals (RFP) as part of the Plan's implementation, the required amount of affordable housing is currently proposed to be 20

percent of the total number of residential units. The total would include a mix of low- to middle-income levels.

Central to the proposal is the establishment of a new special purpose zoning district: the Special Willets Point District (“Special District”). To create a regional destination and new residential neighborhood in accordance with the Plan, the Special District would allow a wide range of retail, entertainment, commercial, residential and community facility uses including a convention center, hotel and public open space. Moreover, the proposed Special District would include site planning and design provisions determining the location of uses, building heights and setbacks, street layouts, streetscape design and open space amenities to ensure the development of a dynamic, pedestrian-oriented community.

While pursuing the requested actions to implement the Plan, EDC has also been engaging in an ongoing interagency planning and community outreach process. In particular, EDC is in the process of developing plans for new ramps to provide additional access to and from the Van Wyck Expressway in the northeastern area of the Special District. EDC has also been conducting a bicycle and pedestrian connections study to create better connections between Willets Point, Downtown Flushing and Corona. In addition, EDC has engaged various urban design and engineering consultants as well as City agencies to examine the potential for integrating sustainable site planning features and technologies at Willets Point including storm water management strategies and district energy generation.

A critical part of the redevelopment plan for Willets Point is assisting existing businesses and workers. In that regard, EDC has been working with owner-occupied businesses in an attempt to find suitable relocation sites. In addition to carrying out these business relocation efforts, EDC is also organizing a Tenant Communication and Outreach Program involving job training and other services for all impacted workers at Willets Point. Furthermore, a Contracting and Labor Task Force chaired by the Queens Borough President has been set up to create and implement goals that would encourage participation of minority and women owned businesses (MWBES) and

local residents in construction jobs and permanent jobs in connection with the development of Willets Point.

The proposed Plan is an outgrowth of the Downtown Flushing Development Framework (“Framework”). Released in 2004, the Framework set forth a land use and economic planning strategy for the growth of Downtown Flushing, the Flushing River waterfront, and the Willets Point peninsula. The proposed Plan represents a critical step in implementing this development Framework. The Plan is also a major component of the Mayor’s PlaNYC that seeks to create new housing and open space opportunities as well as clean up contaminated land throughout the City.

The Framework was developed between 2002 and 2004 by the Downtown Flushing Task Force, a group of city and state technical agencies, local developers and business owners, community board members, and local elected officials whom the City convened to identify opportunities for growth and improvement in Downtown Flushing, the Flushing River waterfront, and the Willets Point area.

Recognizing the importance of Willets Point to the environmental, economic, and aesthetic welfare of the broader community, the Task Force outlined numerous goals for the Willets Point area that have been incorporated in the proposed Plan. Consistent with the Framework’s overall vision, the proposed Plan and Special District aim to achieve the following specific purposes:

- to transform Willets Point into a diverse and sustainable community that enhances connections to its surroundings through a unique combination of uses;
- to create a retail and entertainment destination that catalyzes future growth and strengthens Flushing’s role as a nexus of economic, social and cultural activity;
- to encourage a mix of uses that complement sporting venues within Flushing Meadows – Corona Park;

- to maximize utilization of mass transit, including the No. 7 transit line and the Long Island Rail Road in an effort to reduce the automobile dependency of the redevelopment;
- to create a walkable, urban streetscape environment with publicly-accessible parks and open spaces for pedestrians;
- to build upon the diversity of Queens as well as the proximity of regional transportation facilities, including the Van Wyck and Whitestone expressways, and LaGuardia and John F. Kennedy (JFK) airports;

### **Historical Context**

The history of the Willets Point area is closely connected to the development history of Queens and New York City in the late 1800s and early 1900s. In 1850, the area was part of a swamp on the banks of the Flushing River, used primarily for recreation. By the early twentieth century, the City's population was pushing farther east, following new roads and railroad lines that made the once remote area accessible to cars and trains. Around 1900, the city leased a large portion of the swamp stretching from the mouth of the Flushing River to what is known today as Forest Hills to a Brooklyn ash removal company. The owner of the company dumped incineration ashes into the tidal marshland estimated to total approximately 50 million cubic yards of ash. The dumping left the area with a layer of ash 30 feet thick on average. By the early 1930s, political opposition to the use of the Willets Point area for dumping began to mount. In response to this opposition, the City cancelled its contract in 1934.

It was also in the mid-1930s that Robert Moses developed his vision of a World's Fair in New York City to be located at the former dumpsite. In the years leading to New York's first World's Fair in 1939, the ash hills were leveled, the Grand Central Parkway was constructed, and the World's Fair complex was built. Although included in Robert Moses' vision, the Willets Point area never became an integral part of the overall World's Fair complex. As part of the World's

Fair construction, however, the street grid in the area, including Willets Point Avenue, was put in place.

It was not until the end of the 1940s that the Willets Point area started to take on its present character, with a mix of auto-related uses operating out of small structures and lots. It was during this time that the district first acquired its nickname of the “Iron Triangle.”

### **Redevelopment Efforts**

Since World War II, there have been several attempts to redevelop Willets Point. Not long after auto repair businesses and junk yards first settled in the area, city officials made their first attempt to steer development in the area in a different direction. In 1960, Robert Moses attempted, but failed, to include Willets Point in the redevelopment plan for New York’s second World’s Fair.

Over the next two decades, the number of auto-related uses in Willets Point greatly increased. An aerial photograph from 1974 indicates that the numerous auto repair shops and related businesses covered the majority of the area, and that the area had almost reached its present day condition.

In the mid 1980s, the area was considered a location for a stadium to house the New Jersey Generals football team. The plan was abandoned when the United States Football League (USFL) ceased to exist and the Generals were dissolved. In the early 1990s, Willets Point was the focus of a planning study prepared by EDC (at that time operating as the New York City Public Development Corporation) that examined a number of redevelopment options for the area, all focused on retaining industrial uses on the site. In 1993, the Queens Borough President’s office released a study entitled “Willets Point—A New Direction,” which proposed the redevelopment of Willets Point into a major commercial center or as an international trade center that would be used to host import/export shows and to provide exhibition and office space for wholesalers and retailers.

Planning efforts related to Willets Point have accelerated since 2000. In 2001, HPD held a design workshop that explored potential redevelopment ideas for Willets Point. The workshop recommended land uses that would connect Willets Point with its neighboring communities and complement the nearby attractions and facilities. Suggested land uses included entertainment facilities such as movie theaters, an international commercial center that would build on the ethnic diversity of the surrounding communities, restaurants and retail shops that would profit from visitors coming to downtown Flushing, Flushing Meadows-Corona Park or Shea Stadium, and hotels servicing nearby LaGuardia and Kennedy Airports.

In 2002, the City created the Downtown Flushing Task Force to undertake a community planning process focused on Downtown Flushing and nearby areas in Queens. As described previously, the Task Force developed the Downtown Flushing Development Framework, which outlined land use and economic goals for the redevelopment of Willets Point.

### **Existing Conditions**

The Willets Point area subject to the proposed actions (“Special District”) is immediately adjacent to the nearly completed Citi Field stadium; the United States Tennis Association (USTA) Billie Jean King National Tennis Center and Flushing Meadows-Corona Park are situated to the south. The neighborhood of Corona is located just west of the existing Shea Stadium, and Downtown Flushing is located to the east across the Flushing River.

The Special District is situated at the intersection of several major arterial highways, bordered to the east by the Van Wyck Expressway and an undeveloped lot owned by MTA, to the south by Roosevelt Avenue, to the west by 126th Street, and to the north by Northern Boulevard. In addition to highway access, the area is served by the Long Island Rail Road (LIRR) and the No. 7 subway line, and is located in close proximity to both LaGuardia and JFK International airports.

The Special District is approximately 61 acres in size, of which approximately 15 acres are mapped public streets; 45 acres are privately owned land. Most of the area is zoned M3-1. A

small portion of the Special District along Northern Boulevard comprising transportation infrastructure lies within an R3-2 zoning district

M3 districts allow heavy industrial uses that generate noise, traffic or pollutants. M3-1 districts allow a maximum floor area ratio (FAR) of 2.0 for commercial and industrial uses, and accessory parking is required. Residential uses are prohibited. R3-2 districts are general residence districts that allow housing development at a maximum 0.6 FAR.

The Special District encompasses 14 blocks containing a total of 127 tax lots and one partial lot. Within the district are approximately 250 businesses — primarily a mixture of automotive repair and auto body shops, junkyards, wholesalers, construction companies, and auto-related retail establishments—that employ an estimated 1,700 workers. The area contains a patchwork of small structures with some larger buildings located on the eastern and northern portions of the site; auto uses are scattered throughout the area.

As set forth in a Neighborhood Conditions study that was completed in Spring 2008, most properties in the Special District are underutilized or underdeveloped compared to existing zoning allowances. Only nine of the 127 tax lots are built to 50 percent or more of the allowable floor area; the remaining 118 lots, or 93 percent, are significantly underutilized. Of these lots, 77 lots (60 percent) are significantly underbuilt, using less than 25 percent of their development potential. Many of these lots are unimproved and are used as open air storage areas for building supplies, junkyards, and waste transfer uses.

Building code violations are common in the area. According to the Department of Building's Business Information System, there were 192 open building code violations in the area as of January 2008, many of which were for Work without a Permit, Occupancy Contrary to Certificate of Occupancy, and Failure to Maintain Building.

Site conditions within the Special District have hindered past redevelopment efforts and present complex challenges to any future redevelopment. The area lacks sanitary and storm sewers, and

its roadways and sidewalks are in poor condition below minimum required grades. Furthermore, much of the land within the area is below the FEMA 100-year floodplain; up to six feet of fill is required to grade and raise the district above the floodplain to install appropriate infrastructure and rebuild the streets and sidewalks at legal grades.

Site contamination is another challenge facing future development in the area. As indicated above, the area's historical use in the early 1900s was as a dumping site for ash. Today, some of the existing automotive repair and service businesses and junkyard operations have continued to add contamination to the area through illegal dumping and poor operational practices. As a result of Willets Point's history and past uses, soil and groundwater have been impacted in varying degrees throughout the area. In 2001, the State Attorney General announced the indictment of 21 junkyards and 35 individuals for violating State environmental laws by dumping motor oil, antifreeze, transmission fluid, and other vehicle fluids onto the ground and into storm drains and Flushing Bay.

Environmental crime investigations and the resulting indictments were a byproduct of a criminal sting operation conducted to battle car theft and the resale of stolen parts. In recent years, law enforcement entities have uncovered criminal activity in the area, and the New York State Attorney General and the New York City Police Department (NYPD) have obtained several indictments for auto theft, insurance fraud, and racketeering.

For all of the above reasons, a comprehensive remediation and redevelopment strategy is needed for Willets Point.

## **PROPOSED ACTIONS**

The following actions are proposed to facilitate the realization of the City's Plan and foster a vibrant, pedestrian-oriented, mixed-use community offering regional attractions and new opportunities for residential development.

### **Zoning Map and Text Amendments (C 080381ZMQ & N 080382 ZRQ)**

The proposed zoning map change would replace the existing M3-1 and R3-2 districts in the area with a C4-4 zoning district and establish the Special District over the entire site. The proposed C4-4 District would allow for the range of residential, commercial, and community facility uses anticipated in the Plan. C4 districts are mapped in regional commercial centers such as Downtown Flushing; they typically comprise medium-density residential uses, as well as specialty and department stores, theaters, and other commercial and office uses. Uses that would disrupt continuous retail frontage, such as home maintenance and auto repair establishments, are not permitted.

#### ***Floor Area***

The maximum floor area ratio (FAR) for the entire Special District would be 3.4, to be apportioned as set forth in the Willets Point Urban Renewal Plan (“URP”) and the Special District text. As described later in the report, the URP would establish a maximum development envelope of 8.94 million square feet in accordance with the Plan, and it would prescribe separate maximum permitted floor areas for residential and commercial uses in the Special District, including 5.85 million square feet for residential uses and 3.16 million square feet for commercial uses. The Special District specifies that development on lots smaller than 200,000 square feet would be limited to R6B regulations (2.0 FAR).

#### ***Uses***

Although the entire Special District would be zoned C4-4, the proposed Special District text would restrict the full range of C4 uses to a regional retail and entertainment zone located within 600 feet east of 126<sup>th</sup> Street; the remainder of the site would be limited to residential, community facility, convention center, and C1 local retail uses. To provide additional flexibility in fostering the City’s Plan, the following uses that currently require special permits from the City Planning Commission (CPC) or Board of Standards and Appeals (BSA) would be allowed as-of-right:

- Convention centers/trade expositions with a capacity in excess of 2,500 persons, up to a maximum floor area of 400,000 square feet

- Accessory parking facilities exceeding 225 spaces (with special design requirements)
- Physical culture or health establishments (gyms); only along 126<sup>th</sup> Street
- Eating and drinking establishments, with a capacity of more than 200 persons; only along 126<sup>th</sup> Street
- Indoor interactive entertainment facilities; only along 126<sup>th</sup> Street
- Amusement arcades; only along 126<sup>th</sup> Street

Accessory off-street parking would be regulated as prescribed by the underlying C4-4 Zoning District; the required number of spaces is determined by the type and amount of a specific use. Generally, off-street parking spaces for 50 percent of the total number of residential units would be required; one space per 1,000 feet of floor area would be required for general retail uses.

The Special District text would also guide site planning and urban design elements within the district, including the types and location of uses, building heights and setbacks, street types and layouts, streetscape design and open space amenities to ensure the development of a dynamic, pedestrian-oriented community. The regulations would guide development for four basic components of the proposed Plan: streets and streetscapes, a regional retail and entertainment zone, a convention center, and a residential neighborhood. The regulations would also include requirements for open space and other measures aimed at creating a sustainable environment.

### ***Street Guidelines***

Under the proposed Plan, all existing streets in the Special District would be demapped. In lieu of mapping a new public street network, the Special District regulations would require four to five intersections at specified locations along 126th Street, and would establish six types of streets: connector streets, a primary retail street, retail streets, residential streets, an eastern perimeter street, and service streets.

The two mandated **connector streets** would be the main access thoroughfares into and through the Special District. One of the connector streets would align with the existing 34th Avenue

west of 126th Street and continue into the Special District. The other would intersect 126<sup>th</sup> Street at the prolongation of Citi Field's southern edge and continue into the Special District. In addition, the two connector streets would be required to connect to each other to ensure optimal traffic circulation within the district.

The Special District would require each connector street to be at least 75 feet wide and no more than 86 feet wide and flanked by two 15-foot-wide sidewalks with street trees on both sides. In addition, two nine-foot-wide lanes would be required along the sidewalks; these could be used either for parking lanes or as a landscaped amenity, which may include seating and walkways. The proposed text would require that each connector street have at least two (and no more than three) travel lanes, which would total between 22 feet and 33 feet in width. A bicycle lane, at least five feet wide, would also be mandated on each connector street.

The mandated **primary retail street** would run parallel to 126th Street; it would be required to be located in close proximity to the nearly completed Citi Field, at least 220 feet and no more than 320 feet east of 126th Street. The Special District text would further require the primary retail street to connect to the two connector streets and two retail streets (described below). As referred, the allowed right-of-way would be 70 feet wide and include 15-foot sidewalks with street trees on each side of the street. The sidewalks would be separated from the roadway by a mandated nine-foot-wide area used for parking, landscaping or a pedestrian amenity zone that may include seating and walkways.

The proposed text would require at least two, and at most three, **retail streets** to be located perpendicularly to 126th Street and to the primary retail street, which would connect them. The maximum permitted 68-foot right-of-way would include two travel lanes totaling 22 feet, and 13-foot-wide sidewalks with street trees on each side of the street. Between the sidewalk and the roadway would be a mandated 10-foot-wide area which could be used as a pedestrian amenity area that may include seating or walkways.

The Special District would require **residential streets** to have a minimum 62-foot-wide to a maximum 64-foot-wide right-of-way and 13-foot-wide sidewalks with street trees on each side would be required. The residential streets would have two travel lanes totaling 20 to 22 feet in width, and two eight-foot lanes, which may be used either for parking or as a landscaped pedestrian amenity, possibly with seating and walkways.

The mandated **eastern perimeter street** would be located within 20 feet of the eastern boundary of the Special District in the portion of the district located between Roosevelt Avenue and the Van Wyck Expressway. The eastern perimeter street right-of-way would required to be at least 62 feet wide and no more than 75 feet wide, with a 13-foot-wide sidewalk with street trees on the western edge and a sidewalk at least five feet wide on the eastern edge. This street would be required to have at least two, but no more than three, travel lanes, which would in total be between 20 and 33 feet wide. Additionally, an eight-foot-wide area would be required between the sidewalks and the travel lanes. This area could be used either for parking or as a landscaped pedestrian amenity, possibly with seating and walkways.

Streets other than those described above would be improved as **service streets**. Service streets would be allowed only bounding blocks intersecting 126<sup>th</sup> Street and Northern Boulevard and Roosevelt Avenue along which a minimum of 50 percent of the ground floor uses comprise non-residential uses. Service streets would each have a required minimum 62-foot-wide to a maximum 64-foot-wide right-of-way flanked by 13-foot-wide sidewalks with street trees on each side. The text would further require that service streets have two travel lanes totaling 20 to 22 feet in width, and two eight-foot lanes, which may be used either for parking or as a landscaped pedestrian amenity, possibly with seating and walkways.

### ***Retail and Entertainment Zone***

The Special District provisions would foster the development of a vibrant, pedestrian-oriented regional retail and entertainment zone with 126<sup>th</sup> Street as the development's premier "front door." Larger restaurant, nightlife and entertainment uses would be encouraged along 126<sup>th</sup> Street, and a more fine-grained fabric of shops and apparel stores would be provided for along

the primary and secondary retail streets. The text would mandate ground floor retail uses with continuous street walls throughout the 600-foot-wide zone parallel to 126<sup>th</sup> Street. The retail and entertainment zone would also allow the tallest buildings in the Special District, with a maximum allowed height of 218 feet, consistent with Federal Aviation Administration and the Port Authority of New York and New Jersey (FAA/PA) requirements.

The Special District would allow two larger blocks anchoring the retail and entertainment zone, one located at the corner of 126th Street and Northern Boulevard, the other at the corner of 126th Street and Roosevelt Avenue. A maximum length of 675 feet would be allowed for the block at the corner of 126th Street and Northern Boulevard, while a maximum length of 575 feet would be allowed for the block at the corner of 126th Street and Roosevelt Avenue. The blocks located between the anchor blocks would have a mandated maximum length of 450 feet to ensure maximum walkability.

The proposed text would also require the development to provide a sidewalk of at least 15 feet in width with street trees and a pedestrian amenity zone of 20 to 35 feet in width along the entire eastern side of 126<sup>th</sup> Street. The pedestrian amenity zone would consist of a linear succession of publicly-accessible open spaces along 126<sup>th</sup> Street. To accommodate the grade change required for the development, the amenity zone would be required to have a minimum five-foot-wide pedestrian circulation space in front of street walls along 126<sup>th</sup> Street.

For the amenity zone, the Special District would prescribe various amenities complying with design and operational standards established in the Zoning Resolution (ZR) related to public plazas and the class of open spaces commonly termed Privately Owned Public Spaces (POPS). Such POPS or plaza amenities include open air cafés, seating, planting beds, accessible lawns and trees. The text would also require ramps at each block that would connect the pedestrian amenity zone to the sidewalk at the existing grade of 126th Street. In addition, the regulations would provide for stairways linking the sidewalk and pedestrian circulation space so that each establishment on blocks with entrances facing 126<sup>th</sup> Street is readily accessible.

As described earlier in the report, the full range of C4 uses would be allowed within the 600-foot-wide retail and entertainment zone. To promote the dynamism of a regional destination, the Special District would allow as-of-right certain entertainment and recreational uses that currently require City Planning Commission (CPC) or BSA special permits, such as eating and drinking establishments with a capacity of more than 200 persons, indoor interactive entertainment facilities, amusement arcades and gyms. To take further advantage of the zone's proximity to public transit (No.7 Willets Point – Shea Stadium subway stop), the regulations would require that if either a movie theater or an office building (over 120 feet in height) were to be built, it would be required to be located within 600 feet of the intersection of 126th Street and Roosevelt Avenue.

Although the mandatory ground floor retail regulations would allow most C4 uses on the ground floors of buildings throughout the zone, the regulations would prohibit certain commercial uses that would inhibit retail activity and pedestrian circulation including offices, auto repair shops, non-commercial clubs, and parking garages. Curb cuts would also be prohibited, as would loading areas on 126th Street and the primary retail street to ensure retail continuity.

A number of other provisions governing ground floor treatments would further promote a varied, engaging retail experience and pedestrian activity. To create transparency at the street level, the text would require 70 percent of the ground floor street wall to be occupied by show windows, glazed transoms or other transparent and translucent materials. Except for the Northern Boulevard anchor block, individual store frontages would be restricted to 110 feet in width along 126<sup>th</sup> Street and 65 feet along the primary and secondary retail streets.

To create continuous street walls, the Special District would require at least 70 percent of their aggregate width to be located within eight feet of the street line or public access area. Additionally, the regulations would require base heights within the retail and entertainment zone to be a minimum of 60 feet with a required setback (15 feet on 126<sup>th</sup> Street and 10 feet on primary and secondary retail streets) provided no higher than 85 feet. After providing the setback, buildings within the retail and entertainment zone could rise up to a maximum height of

218 feet, depending on the location within the Special District, consistent with FAA/PA requirements. On blocks along 126<sup>th</sup> Street opposite Citi Field, the base height could be lowered to 20 feet to allow for second-story restaurant terraces.

In addition to establishing continuous street walls and base heights, the Special District regulations aim to form a varied skyline and streetscape articulation. In particular, the regulations include provisions prescribing a “transition zone” for portions of buildings above base portions starting with the required setback and up to a height of 120 feet; above the 120 feet would be a “tower zone” rising to the maximum allowed height of 218 feet (including bulkheads). Additionally, in the text as referred, tower widths would be limited to a maximum of 170 feet, floor plates would be restricted to 11,000 square feet, and the uppermost story of towers, as referred, would be allowed to cover only 50 to 85 percent of the gross floor area of the story below. To promote energy efficiency and help ensure LEED-Neighborhood Development (ND) certification, in the text as referred, 75 percent of all towers would be required, as referred, to face within 15 degrees of geographical south. In addition, no setbacks would be required for building walls in four locations along 126<sup>th</sup> Street.

### ***Convention Center***

The Special District regulations would allow a convention center as-of-right up to a maximum floor area of 400,000 square feet. A special permit would be required for a larger convention facility. As referred, the Special District text would prescribe two options for siting the convention center. In Option A, the convention center would be allowed within 650 feet of Northern Boulevard and at least 200 feet east of 126<sup>th</sup> Street; in Option B it would be allowed within 1,800 feet of the intersection of Roosevelt Avenue and 126<sup>th</sup> Street. Any portion of a convention center located between 200 feet and 450 feet of 126<sup>th</sup> Street would be limited to no more than 50,000 square feet of floor area.

The regulations governing the convention center would prescribe a minimum 40-foot to a maximum 85-foot base height after which a 10-foot setback would be required. To maintain the pedestrian-friendly nature of the proposed Plan, the regulations would require that the front of the

building be oriented along, and the main entrance located on, a connector street. Spanning the entire frontage of the convention center would be a mandated 15-foot-wide sidewalk with street trees as well as a landscaped public amenity area between 10 and 22 feet wide. This publicly-accessible open space would be required to incorporate plaza amenities including seating, planting beds, accessible lawns and trees. A minimum 50 percent glazing required for the ground floor street wall would prevent a solid, dark street wall. All loading would generally be limited toward the rear of the building at least 100 feet from the connector street.

### ***Residential Neighborhood***

The Special District regulations would encourage the development of a pedestrian-friendly residential neighborhood surrounding a central park east of the retail and entertainment zone. In this portion of the district, commercial uses would generally be limited to the local retail and service activities allowed in C1 districts. This portion would predominantly be comprised of residential and community facility uses, with local retail on the ground floors, but the convention center could also be located along a connector street in this portion. The district's mandated maximum block dimensions (218 feet by 450 feet) would help ensure maximum walkability. The public realm would be further activated by requiring each ground floor dwelling unit on a residential street to have its own entrance directly onto the street.

The text would require building walls on residential streets to be set back at least 4 feet (and no more than eight feet) from the sidewalk; the setback may include plantings, stoops and building entrances. Buildings would be allowed a minimum 40-foot to a maximum 85-foot base height after which a 10-foot setback would be required on connector streets and a 15-foot setback on residential streets. After the setback, most residential buildings could rise variably to a maximum height of up to 120 feet, and up to 218 feet in limited areas, consistent with FAA/PA requirements. Any portion of a residential building above 120 feet would be considered a tower and would be required to follow the aforementioned Special District regulations in terms of bulk, orientation, and massing. Under the Special District regulations, the residential buildings would also be required to have interior courtyards with a minimum width of 60 feet. To maintain the pedestrian character of the area, the Special District would require all off-street parking to be

fully enclosed, either below grade or inside buildings wrapped by active uses, except along parts of Northern Boulevard and the eastern perimeter street where parking would be allowed to be screened instead of wrapped by building walls and active uses.

### ***Open Space and Sustainability***

The Special District regulations would require the development of a minimum of eight acres of publicly-accessible open space. The Special District would require at least one open space area to be located in the interior of the Special District — at least 200 feet from the district boundaries — serving as a central, neighborhood park. A minimum of two acres would be mandated for the park's size; it would be required to be bounded on all sides by streets or a school with frontage on at least one connector street.

In addition to this central public open space, a series of other plazas and pedestrian amenity areas would be required throughout the Special District. The text prescribes various amenities for these publicly-accessible open spaces, including open air cafés, seating, planting beds, accessible lawns and trees.

A 20- to 35-foot-wide pedestrian amenity area would be required along the entire span of blocks with frontages on 126th Street, and a 10- to 22-foot-wide pedestrian amenity area would be required along the entire frontage of the convention center. Such areas would also be required along the north side of blocks bounding Northern Boulevard (eight to 15 feet wide), the south side of blocks bounding Roosevelt Avenue (20 to 45 feet wide), and along the eastern boundary of the eastern perimeter street (eight to 15 feet wide).

In addition, the Special District would require a 60- to 80-foot-wide pedestrian corridor that would run diagonally through the southern anchor block along the existing Willets Point Boulevard right-of-way to accommodate a Department of Environmental Protection (DEP) water line easement. The text would require the pedestrian corridor to be lined with streets trees linking a 7,000 square-foot entry plaza adjacent to the intersection of 126<sup>th</sup> Street and Roosevelt

Avenue and a 20,000 square-foot plaza at the opposite end. The plazas would be required to incorporate selected amenities such as seating.

A number of other provisions would support sustainability measures to facilitate LEED-ND certification for the project. As referred, a minimum of 40 percent of parking structure rooftops larger than 400 square feet are required to be landscaped. To encourage bicycle usage, storage space for them would be required at a ratio of one per thousand square feet of floor area.

Furthermore, a combined heat and power cogeneration plant would be allowed by BSA special permit. Subject to review and approval by the BSA and DEP, the measure would facilitate the development of a state-of-the-art, district-wide energy facility.

### ***Parking and Curb Cut Regulations***

While the underlying C4-4 District would establish the minimum parking requirements throughout the Special District, the Special District regulations would exempt accessory parking floor space from floor area calculations. The regulations would also require that off-street parking uses be located either underground or inside building portions that are wrapped by active uses so as not to be visible from adjacent sidewalks or open spaces. Areas exempted from this requirement, where parking may be partially visible behind required screening treatments, include blocks facing Northern Boulevard and the eastern perimeter street, and upper level parking along 126<sup>th</sup> Street at heights between 35 feet and 85 feet.

Curb cuts would be prohibited on 126th Street, the primary retail street, the connector streets, and across from any public open space of two acres in size or greater. Curb cuts would also be prohibited for parking facilities or loading berths within 50 feet of any street intersection, except those needed for the convention center or a hotel over 50,000 square feet.

## *Signs*

Sign regulations in the Special District would correlate to predominant uses and activity patterns in each district component. Generally, C4-4 sign regulations would apply in the retail and entertainment zone. As referred, illuminated, flashing, and advertising signs would be allowed along 126<sup>th</sup> Street without surface area limitations provided that they are no higher than 85 feet and comply with certain maximum projection requirements. This would encourage an animated street frontage compatible with Citi Field.

Within the residential neighborhood which begins 600 feet east of 126th Street, C1 sign regulations would apply. Flashing signs would be prohibited within a 150-foot visibility range of the neighborhood park.

## **Willets Point Urban Renewal Area (N 080383 HGO); Willets Point Urban Renewal Plan (C 080384 HUQ); and Disposition of Property (C 080385 HDQ)**

HPD is the applicant for actions relating to the urban renewal designation, an urban renewal plan (URP) and disposition of acquired property within the proposed Willets Point Urban Renewal Area (URA). The URP would authorize the City to purchase parcels within the district and dispose the City-owned properties to selected developer(s). The subject properties are generally underutilized parcels developed with industrial and automotive uses. A prevalence of fragmented ownership further hinders efforts to assemble sites for development. The proposed urban renewal strategy would facilitate site assemblage and redevelopment in accordance with the proposed rezoning and Special District text.

Having a duration of 40 years, the URP would establish a maximum development envelope for the site of 8.94 million square feet, and prescribes separate maximum permitted floor areas for residential and commercial uses in the district, including 5.85 million square feet for residential uses and 3.16 million square feet for commercial uses. The URP would also require a minimum of eight acres of publicly-accessible open space.

The proposed boundaries of the URA are coincident with those of the Special District, which is generally bounded on the east by the Van Wyck Expressway and an undeveloped lot owned by the MTA, on the south by Roosevelt Avenue, on the west by 126th Street, and on the north by Northern Boulevard.

**Amendment to the City Map (C 080221 MMQ)**

EDC is proposing an amendment to the City Map to demap all public streets within the boundaries of the Special District and URA. The streets to be demapped include Willets Point Boulevard; 34th Avenue; 35th Avenue; 36th Avenue; 37th Avenue; 38th Avenue; 39th Avenue; 126th Place; 127th Street and 127th Place.

The City Map amendment would provide flexibility in create a final site plan that meets the goals and design requirements of the City’s Plan and facilitates site assemblage for redevelopment and environmental remediation.

**ENVIRONMENTAL REVIEW**

The applications (C 080381 ZMQ, N 080382 ZRQ, N 080383 HGQ, C 080384 HUQ, C 080385 HDQ, C 080221 MMQ,) 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 07DME014Q. The lead agency is the Office of the Deputy Mayor for Economic Development.

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 was issued on March 30, 2007, and distributed, published and filed. Public meetings on the Draft Scope of Work for the Draft Generic Environmental Impact Statement (DGEIS) were held on

May 1, 2007, from 3:00 PM to 5:00 PM and from 5:30 PM to 7:30 PM, and the Final Scope of Work for the DGEIS was issued on April 16, 2008.

The lead agency prepared a DGEIS, and a Notice of Completion for the DGEIS was issued on April 18, 2008. Pursuant to the SEQRA regulations and CEQR procedures, a joint public hearing was held on the DGEIS on August 13, 2008, in conjunction with the public hearing on this item (N 080382 ZRQ) and the related items (C 080381 ZMQ, N 080383 HGQ, C 080384 HUQ, C 080385 HDQ, C 080221 MMQ).

The Final Generic Environmental Impact Statement (FGEIS) was completed, and a Notice of Completion of the FGEIS was issued on September 12, 2008. Subsequently, a Technical Memorandum assessing the modifications to the Special Willets Point District adopted herein was issued on September 23, 2008. The Technical Memorandum concludes that the modifications would not result in any new or additional significant adverse impacts.

The FGEIS identified the following significant impacts and proposed the following mitigation measures:

### **Historic Resources**

The proposed Plan contemplates demolition of the former Empire Millwork Corporation Building. Demolition of this building would constitute a significant adverse impact on this historic resource. Measures to partially mitigate this impact, which could include archival photo documentation, would be developed in consultation with OPRHP. This impact would not be completely eliminated, however. It would therefore constitute an unavoidable significant adverse impact on this historic resource as a result of the proposed Plan.

### **Traffic**

Out of the 29 intersections analyzed in the traffic study area during the seven peak hours, the majority of locations analyzed under the proposed Plan would be significantly impacted; all significant adverse impacts could be fully mitigated with the following exceptions:

- In the weekday AM peak hour, there would be three partially mitigated intersections—Northern Boulevard at Parsons Boulevard, 34th Avenue at 126th Street, and Sanford Avenue at Parsons Boulevard—and 12 unmitigatable intersections, including: Northern Boulevard at 108th, 114th, 126th, Prince, Main, and Union Streets; Roosevelt Avenue at

114th, 126th, Prince, and Main Streets, and at College Point Boulevard; and 126th Street at the new Willets Point Boulevard.

- In the non-game weekday midday peak hour, the Northern Boulevard intersection at Union Street and Parsons Boulevard would be partially mitigated, and 8 intersections could not be mitigated, including: Northern Boulevard at 126th Street; 34th Avenue at 126th Street; Roosevelt Avenue at 114th, 126th, Prince, and Main Streets, and at College Point Boulevard; and 126th Street at the new Willets Point Boulevard.
- In the non-game weekday PM peak hour, the Parsons Boulevard intersections at Northern Boulevard and Roosevelt Avenue, and at Sanford Avenue would be partially mitigated, and 14 intersections would not be mitigated, including: Northern Boulevard at 108th, 114th, 126th, Prince, Main, and Union Streets; 34th Avenue at 126th Street; Roosevelt Avenue at 114th, 126th, Prince, Main, and Union Streets, and at College Point Boulevard; and 126th Street at the new Willets Point Boulevard.
- In the non-game Saturday midday peak hour, there would be three partially mitigated intersections—Parsons Boulevard at Northern Boulevard, Roosevelt Avenue and Sanford Avenue—and 13 unmitigatable intersections, including: Northern Boulevard at 108th, 126th, Main, Prince, and Union Streets; 34th Avenue at 126th Street; Roosevelt Avenue at 114th, 126th, Prince, Main, and Union Streets, and at College Point Boulevard; and 126th Street at the new Willets Point Boulevard.
- In the weeknight pre-game peak hour, Northern Boulevard at Parsons Boulevard and 34th Avenue at 126th Street could only be partially mitigated, and 14 intersections could not be mitigated, including: Northern Boulevard at 108th, 114th, 126th, Prince, Main, and Union Streets; Roosevelt Avenue at 114th, 126th, Prince, Main, and Union Streets, and at College Point Boulevard; Sanford Avenue at Parsons Boulevard; and 126th Street at the new Willets Point Boulevard.
- In the Saturday pre-game peak hour, Northern Boulevard at Union Street and at Parsons Boulevard, Sanford Avenue at Parsons Boulevard, and 34th Avenue at 126th Street would be partially mitigated, while 13 intersections could not be mitigated at all, including: Northern Boulevard at 108th, 114th, 126th, Prince, and Main Streets; Roosevelt Avenue at 114th, 126th, Prince, Main, and Union Streets, and at College Point Boulevard; College Point Boulevard at the Northern Boulevard service road; and 126th Street at the new Willets Point Boulevard.
- In the Saturday post-game peak hour, there would be three partially mitigated intersections—Northern Boulevard at Parsons Boulevard, Roosevelt Avenue at Parsons Boulevard, and Sanford Avenue at Parsons Boulevard—and 13 intersections could not be mitigated, including: Northern Boulevard at 108th, 114th, 126th, Prince, and Union Streets; 34th Avenue at 126th Street; Roosevelt Avenue at 114th, 126th, Prince, Main, and Union Streets, and at College Point Boulevard; and 126th Street at the new Willets Point Boulevard.

### **Pedestrians**

The significant adverse pedestrian impacts at the north, east, and west crosswalks at the intersection of Roosevelt Avenue and 126th Street, and at the north crosswalk at the newly signalized intersection of Roosevelt Avenue and the Lot B driveway during the weekday midday

peak period, the weekday PM peak period, the weekday pre-game peak period, the Saturday non-game peak period, the Saturday pre-game peak period, and the Saturday post-game period could be mitigated by restriping these crosswalks to achieve wider crossing widths. If such widenings could not be achieved, the projected significant adverse impacts during these time periods would remain unmitigated or partially mitigated.

### **Noise**

Noise levels due to project-generated traffic would result in a significant adverse noise impact during the non-game Saturday midday time period at noise receptor 3 (World's Fair Marina Park). There would be no feasible or practicable measures to mitigate this impact. Noise barriers or berms are impractical at this location due to space constraints. As a result, this would be an unmitigatable significant adverse impact.

## **UNIFORM LAND USE REVIEW**

On April 21, 2008, this application (N 080382 ZRQ) and the application to designate the URA (N 080383 HGQ) were 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 applications (C 080831 ZMQ, C 080384 HUQ, C 080385 HDQ and C 080221 MMQ) were certified as complete by the Department of City Planning on April 21, 2008, and were duly referred to Community Board 7 (CB7) 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 June 30, 2008 on this application (N 080382 ZRQ), and the related applications (C 080831 ZMQ, N 080383 HGQ, C 080384 HUQ, C 080385 HDQ and C 080221 MMQ) and on July 1, 2008, by a vote of 21 to 15 with 2 abstentions, adopted a resolution recommending approval of the applications subject to the following comments, conditions and recommendations:

- Postpone disposition of property the City acquires at Willets Point until a final plan and a developer are chosen to allow CB7 and the Queens Borough Board input and final approval.

- A mitigation fund equal to 10 percent of the development costs, excluding land acquisition costs, must be established.
- The parking requirement for the residential units should be increased to 100 percent.
- The 850-seat K-8 public school must be provided on site and included in the URP.
- CB7 does not approve the use of eminent domain for this redevelopment, but realizes it is a component of the URP.
- CB7 insists that EDC exhaust every means of negotiation, not abuse the method of property acquisition and issue advance notice with supporting documentation to the board prior to any action for eminent domain.
- EDC must keep its promises of unconditional efforts for business relocation, worker relocation, and job retraining.
- The affordable housing component should be increased to a minimum of 30 percent; income eligibility requirements should be less than \$45,000 per year.
- Half of the affordable housing component must be designated for senior housing.
- One-half of the affordable housing component will be allocated to residents in Community District 7; the remaining one-half should be allocated to residents of Community District 3 and Community District 4, which are located directly adjacent to the Willets Point redevelopment.
- The overall site must conform to LEED-ND certification standards.

- 50 percent of the Willets Point redevelopment workforce must include the following priorities:
  - Displaced Willets Point workers
  - Women and minority businesses
  - Queens local businesses
  - Union labor

### **Borough President Recommendation**

This application (N 080382 ZRQ) and the related applications (C 080831 ZMQ, N 080383 HGQ, C 080384 HUQ, C 080385 HDQ and C 080221 MMQ) were considered by the Borough President who issued a recommendation on July 10, 2008 approving the applications subject to the following conditions:

- The Willets Point Advisory Committee comprised of the Queens Borough President, local elected officials, representatives from Community Boards 3, 4 and 7, and other community leaders should be continued for the duration of the project, including during developer selection, construction, implementation and all other phases of Willets Point Development;
- EDC must continue its good faith efforts with the property owners to come to a fair and equitable agreement for the purchase of their land in the Willets Point project area and exhaust every means of negotiations before considering the use of eminent domain;
- EDC must make every effort to help tenant businesses relocate and reestablish themselves as ongoing entities;
- EDC must make every effort to contact and help the current Willets Point workers with enhancement of their employment skills, finding new employment, and provide career counseling and other supportive services to assure that they are not adversely impacted by new development at Willets Point;

- EDC, and upon selection of the developer, must provide project updates to the Willets Point Advisory Committee on the progress of the project on a quarterly basis;
- The entire Willets Point Development Project must proceed comprehensively and must not be phased;
- For the first five years of the development process, beginning with selection of a developer, \$500,000 per year should be dedicated to capacity building that would allow local MWBEs to respond to Requests For Proposals to provide any goods or services that will arise during and after construction is completed; and for an ongoing outreach effort that will inform and promote opportunities available to the community and MWBE firms for the provision of goods and services for the project;
- A convention center with an adjoining hotel must be included in any RFP responses to be eligible for consideration;
- To address the dire need for housing, the development should include a substantial opportunity for home ownership;
- To increase affordability, the development should be 50 percent market rate, 30 percent moderate income and 20 percent affordable;
- City Planning and EDC must work to develop direct connections between Willet Point and Downtown Flushing;
- EDC and the Parks Department must develop additional green space on the Flushing River and extend the Flushing Bay promenade to the Department of Transportation Facility;

- The retail and commercial mix in the Willets Point district should be complementary to the neighboring commercial centers in Downtown Flushing and Corona;
- An initial \$5 million traffic and infrastructure mitigation fund should be established and increased if necessary. The City should monitor the potential impacts on area traffic and infrastructure related to the development and implement appropriate mitigation measures in a timely manner;
- The development should be environmentally sustainable and conform to the highest LEED-ND standards possible.

### **City Planning Commission Public Hearing**

On July 23, 2008 (Calendar No. 12), the City Planning Commission scheduled August 13, 2008, for a public hearing on this application (N 080382 ZRQ). The hearing was duly held on August 13, 2008 (Calendar No. 12), in conjunction with the hearings for the related actions (C 080831 ZMQ, N 080383 HGQ, C 080384 HUQ, C 080385 HDQ and C 080221 MMQ).

There were 40 speakers in favor of the application and related actions and 14 speakers in opposition.

Those who spoke in support included the Borough President; the New York State Senator from the 16<sup>th</sup> District; the Chair, Land Use Co-Chair and members of Community Board 7; and representatives of EDC and HPD and their consultants. Others who spoke on behalf of the proposal included representatives of the Flushing/Willets Point/Corona Local Development Corporation; Queens Chamber of Commerce; Regional Plan Association; Queens Chapter of the American Institute of Architects; Flushing Development Center; Asian American Elderly Housing Corporation; Jamaica Business Resource Center; Partnership for New York City; New Yorkers for Parks; Environmental Defense Fund; New York Hall of Science; New York City Central Labor Council; New York Hotel and Motel Trades Council; Building and Construction

Trades Council of Greater New York; New York City League of Conservation Voters; Women Builders Council; and Mason Tenders' District Council Political Action Committee.

Those who spoke in opposition included business and property owners and members of the Willets Point Industry and Realty Association (WPIRA); WPIRA's environmental counsel and consulting engineers; local workers; and an area resident. Other opponents who spoke on the proposal were representatives of the Public Advocate; Asian Americans for Equality (AAFE); and Association of Community Organizations for Reform Now (ACORN).

The elected officials, city representatives, local development organizations, and environmental advocacy group representatives speaking in favor highlighted the physical, social and economic benefits offered by the Plan. In describing her ongoing involvement in the planning efforts for redevelopment at Willets Point with the Downtown Flushing Task Force and the Willets Point Advisory Committee (WPAC), the Borough President praised the Plan as a catalyst for economic growth for Queens and New York City. The New York State Senator reinforced the Borough President's support for the Plan, emphasizing the anticipated economic benefits of investment in the area and the much-needed clean up of the contaminated site.

The President of the Flushing/Willets Point/Corona Local Development Corporation (and former Borough President) described the timeliness and necessity of redeveloping Willets Point to create local employment and business opportunities, improve the environment and overall quality of life for local residents, and promote the development of new housing. The President of the Queens Chamber of Commerce further stressed the importance of providing a convention center and hotel to generate jobs and stimulate the local economy. Citing her organization's record of investment in Queens, the President of the Partnership for New York also endorsed the Plan as an important stimulus for economic growth, community revitalization and environmental remediation.

Representatives of the Regional Plan Association, Environmental Defense Fund, New Yorkers for Parks, and the New York Hall of Science spoke favorably about the area-wide environmental

and cultural benefits of the Plan. In particular, the representative from the Environmental Defense Fund pointed to the opportunity for the City to create a sustainable community from the ground up at Willets Point. The representative of the New York Hall of Science expressed support for the Plan and its potential for enhancing recent investments in nearby recreational and cultural facilities in Flushing Meadows-Corona Park and Downtown Flushing to create a regional draw for tourism and recreation.

A number of union leaders also testified in support of the Plan. The representatives of the New York City Labor Council and several other union organizations under its umbrella spoke in favor of the Plan's multi-use development program that would result in the creation of construction jobs and permanent employment in a diverse array of sectors including retail, office, entertainment, restaurant, and hospitality. In addition, the union representatives applauded the agreements made with the City to require the selected developer and contractors to hire union workers from State-certified apprentice programs and pay prevailing wages. The President of the Women Builders Council commended the Borough President and Deputy Mayor for their commitments to ensuring MWBE participation in the project's development.

Most of the speakers who testified in support of the Plan echoed the concerns of the Borough President about the welfare of the existing businesses and workers at Willets Point. While citing the physical, environmental, economic and social benefits of redevelopment, proponents urged the City to continue negotiations with the property owners, assist businesses with relocation, and stand behind commitments to provide job training to workers displaced by the project.

Many of the speakers who testified in opposition were concerned with issues regarding eminent domain. An owner of an ironworks concern and member of WPIRA contended that the City's characterization of the area as blighted and underutilized is a misrepresentation as there are numerous non-automotive-related firms currently operating in the area employing hundreds of employees in well-paying jobs. Another owner of a large-scale, construction and solid waste management business operating at Willets Point who is also a member of WPIRA stated that the lack of the sanitary sewers and degraded infrastructure and other site conditions are a result of

public, rather than private, neglect. He further contended that the proposed Plan is ill-conceived and insufficiently developed, and that the intended public and environmental benefits do not justify the City's use of eminent domain and consequent discontinuance of thriving manufacturing concerns.

In their testimony in opposition to the project, WPIRA's environmental counsel and engineering consultants questioned assumptions made in the DGEIS regarding traffic impacts and mitigation measures as well as hazardous materials impacts to surface and groundwater resources. Citing the significant traffic impacts disclosed in the DGEIS, the traffic engineering consultants noted in particular the document's conclusion that current traffic congestion on baseball game days would be worsened as a result of the project, and that some of these impacts would be unmitigated. WPIRA's environmental counsel raised questions regarding the proposed new ramps to and from the Van Wyck Expressway, asserting that the eventual National Environmental Policy Act (NEPA) process for the ramps might result in a determination that they are infeasible, thereby, invalidating the DGEIS traffic analysis. WPIRA's environmental engineer raised a concern regarding the use of fill to raise the site above the 100-year floodplain, contending that adding that much material would inject contamination into the underlying aquifer.

Several area workers expressed concerns over losing their livelihood as a result of the City's use of eminent domain for the benefit of developers; an area resident decried the City's placement of its commercial interests over individual property rights. Speaking generally in opposition to the current proposal, the representative of the Public Advocate urged for adequate time to develop a more informed and all-encompassing plan that would ensure that all stakeholders' concerns are sufficiently addressed.

Many speakers addressed the issue of affordable housing. An HPD representative noted that 1,100 out of the proposed total of 5,500 dwelling units would be targeted for low-, moderate- and middle-income households. While agreeing with the project's aim to promote new housing, a representative of AAFE spoke in opposition to the current percentage of affordable units to be

provided (20 percent) and targeted income levels qualifying for affordable units; the representative recommended that a third of the planned units be allocated for low income families. A representative of ACORN also presented testimony in opposition to the project on the grounds that not enough affordable units are planned, especially for low-income families.

There were no other speakers and the hearing was closed.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (N 080382 ZRQ), in conjunction with the application for the related actions (C 080831 ZMQ, N 080383 HGQ, C 080384 HUQ, C 080385 HDQ and C 080221 MMQ) 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 08-015.

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

### **CONSIDERATION**

The Commission believes that the proposed amendment to the Zoning Resolution (N 080382 ZRQ), as modified herein, in conjunction with the related applications C 080381 ZMQ, N 080383 HGQ, C 080384 HUQ as modified, C 080385 HDQ, and C 080221 MMQ, is appropriate.

The Commission supports the City's far-reaching planning and zoning strategy aimed at transforming Willets Point into a vibrant, mixed-use, regional destination and sustainable neighborhood. The Commission recognizes that the proposed Plan represents a critical step in

implementing the Downtown Flushing Development Framework’s land use and economic development strategies for north central Queens. The Plan, the Commission also notes, capitalizes on the opportunities in the Willets Point area that make it positioned for growth, including its access and proximity to airports, public transit and area-wide sports, recreational and cultural attractions as well as the burgeoning adjacent communities of Flushing and Corona. The Commission acknowledges that the Plan is also a central component of the Mayor’s PlaNYC initiative which aims to create new housing and open space opportunities as well as clean up contaminated land throughout the City.

The Commission notes that the Special District, together with the zoning map change, urban renewal plan and other related actions, would set the stage for the development of 8.94 million square feet comprising retail and entertainment offerings, a hotel and convention center, thousands of mixed-income residential units and new public open spaces and other community amenities. The Commission further notes that the Special District text offers finely-tuned zoning tools designed to guide site planning, urban design and publicly-accessible open space elements to ensure the development of a sustainable, pedestrian-oriented neighborhood. The Commission believes that the proposed actions represent a significant upgrade in the area’s zoning and regulatory controls, utilizing the most up-to-date planning and design practices to provide for growth.

The Commission believes that the proposed zoning change from a predominately manufacturing M3-1 District to a C4-4 District would provide for the appropriate mix of commercial, residential, and community facility uses essential to establishing a regional center and self-sustaining neighborhood. The Commission further believes that the overall density established in the Special District text (3.4 FAR), in conjunction with the URP’s maximum development envelope of 8.94 million square feet, would promote new development commensurate with the site’s strategic significance in the region. Furthermore, the Commission believes that the apportioning of 3.16 million square feet of commercial space and 5.85 million square feet of residential floor area, as set forth in the URP, would ensure development of a regional

destination offering intensive retail and entertainment attractions while providing significant amounts of new and affordable housing.

The Commission believes that the Special District provisions, which regulate the types and location of uses, street layout, streetscape design, open space amenities and building heights and setbacks, would achieve the Plan's goals of creating a new urban fabric that fittingly combines retail and housing in distinctive areas and maximizes the utilization of mass transit. The Commission further believes that the zoning text utilizes numerous strategies to encourage the pedestrian orientation of ground floor uses and promotes a continuous, vibrant and walkable streetscape environment with landscaped sidewalks, parks and open spaces for both residents and visitors.

The Commission notes that the proposed zoning text would promote active retail uses at the ground-floor level throughout the 600-foot-wide retail and entertainment zone and restrict less pedestrian-oriented uses such as offices and auto repair shops. To further encourage pedestrian orientation of ground floor uses, the Commission is herein modifying the Special District provisions governing the northern and southern anchor blocks on 126<sup>th</sup> Street to ensure more retail continuity. In particular, the requirement for retail continuity would be expanded to the ground floor fronting the pedestrian corridor and plazas that would be created by the required DEP easement on Willets Point Boulevard within the southern anchor block. In reviewing the design requirements for the main southern anchor plaza further, the Commission was also concerned about the lack of planting requirements; therefore, the Commission is modifying the Special District text to require that 15 percent of the plaza is to be planted.

The Commission believes that the proposed street widths and design parameters suitably accommodate the needs of pedestrians, bicycles, vehicles, and potential traffic mitigation measures that may be required in the future. In recognizing the importance of the streetscape design called for in the Special District, the Commission is herein modifying the text to ensure that all sidewalks would have a minimum dimension of 15 feet on wider streets such as 126<sup>th</sup> Street, the primary retail street and the connector streets, and 13 feet on all other streets measured

from the curb, even where changes in grade occur. Specifically, at intersections along 126<sup>th</sup> Street where a grade change has to be accommodated, the text would require a combination of 15-foot-wide tree-lined sidewalks with a nine-foot amenity area for connector streets and 13-foot-wide tree-lined sidewalks with a 10-foot amenity area for retail streets.

The Commission notes that the zoning text requires at least eight acres of publicly-accessible open space at Willets Point, including a neighborhood park comprising a minimum of two acres. The Commission, however, was concerned about the programming and vegetative cover of the park, and as a consequence, it is modifying the provisions for the park to require a minimum of 50 percent of the park is to be planted, including planted beds as well as accessible lawns that may be used for playing fields, with a provision that this planting requirement may be reduced from 50 to 40 percent if a playground is provided. Additionally, the Commission's modification will require that an active recreational area of at least one-half acre must be provided as part of the development in any one of the locations specified in the text.

With regard to building bulk, form and design, the Commission believes that, while providing appropriate flexibility of architectural design, it is very important that the Special District provisions ensure the construction of pedestrian-scaled building bases, varying tower shapes and sizes with articulated tops, and components for sustainable building elements such as landscaped roofs. To ensure better articulation of the building tops of towers and form a more varied skyline, the Commission is modifying the text so that the three top floors of towers rising above 120 feet would be limited to a maximum coverage of 80 percent of the floors below. In addition, the setbacks of these top three floors would now have to be provided on all building sides. In recognizing the further need for variety of building arrangements and articulation, the Commission is also modifying the text to stipulate that only one building per block would be allowed to be exempt from providing setbacks above its base portion and that these 'sheer tower buildings' could only occur within the four prescribed locations along 126<sup>th</sup> Street.

The Commission has given further consideration to the unique provisions that would enhance the 126<sup>th</sup> Street corridor and establish it as the development's premier "front door" address. To

better reflect the form and uses of Citi Field and create a cohesive “container” of entertainment activity, the Commission is modifying two use provisions in the Special District. First, enclosed sidewalk cafes would not be allowed anywhere in the Special District. Second, physical culture establishments (gyms) would not be allowed to occupy the open terrace portion of buildings along 126<sup>th</sup> Street opposite Citi Field where a building setback is provided at a minimum 20-foot height. As a result, only eating and drinking establishments would be allowed to occupy these second-story, 15-foot-wide (minimum) open terraces.

The Commission recognizes that the sign and screening regulations on 126<sup>th</sup> Street would encourage creative visual elements and illuminated and flashing signs similar to those that will be installed at Citi Field and believes these provisions would, thereby, complement the neighboring Citi Field and solidify the area’s regional retail and entertainment appeal. Nonetheless, the Commission recognizes that allowing advertising signs in this area, particularly at locations proximate to arterial highways, would not be consistent with prevailing sign regulations. The Commission is, therefore, modifying the Special District text so that only accessory illuminated and flashing business signs would be allowed on 126<sup>th</sup> Street. The Commission is further modifying the text to ensure that no sign attached to a building would extend above the parapet wall or roof of the building.

The Commission acknowledges the significant contribution of the convention center to the City’s Plan and the desirability of locating the facility in close proximity to the district’s entertainment and retail core, as well as convenient to both mass transit and area highways. The Commission recognizes that during the environmental review process, DEP stipulated that a 40-foot-wide easement must be mapped along the existing Willets Point Boulevard right-of-way to provide continued access to an existing 72” water main running beneath the boulevard. The Commission notes that this requirement makes it impractical for the southeasterly alternate location for the convention center (Option B) to continue to be considered even though it would have been closer to 126<sup>th</sup> Street and the #7 transit line. The Commission, therefore, is modifying the zoning text amendment to eliminate the Option B location; the convention center would now only be located in the northerly portion of the site generally within 650’ of Northern Boulevard (Option A). The

Commission believes the prescribed location to be suitably situated in close proximity to the planned Van Wyck access ramps and the retail and entertainment zone, as well as within a 15-minute walking distance of the #7 transit line.

The Commission notes that the Special District regulations would set maximum block dimensions of 218 feet by 450 feet to ensure overall maximum walkability. The Commission also acknowledges the challenges posed by the design of the new Van Wyck ramps and recognizes the necessity of allowing more design flexibility in the northeastern portion of the district. The Commission is, therefore, modifying the distance from 126<sup>th</sup> Street after which an exemption of the 218-foot maximum block dimension would apply on connector streets. The Commission is also creating an additional allowance for one exception to the block dimension regulation if pedestrian access around a building on a block (at a distance of 218' from intersection) is provided through a public access area.

The Commission acknowledges that during its consideration of the application, EDC has engaged various urban design and engineering consultants and city agencies in an ongoing planning and design process to identify optimal sustainability measures that will facilitate LEED-ND certification. In that regard, the Commission is modifying the text to allow up to five percent required off-street parking spaces for residential units to be reserved for rental car share spaces without counting toward zoning floor area. The Commission notes that this provision would contribute to reducing private vehicle ownership while still meeting the transportation and mobility needs of residents.

In further support of sustainable planning and design measures, the Commission is also adopting the following modifications to the zoning text amendment:

- Increase the maximum right-of-way for the Primary Retail Street from 70 feet to 80 feet. This increase would be allowed only if a 10-foot central median for storm water management was provided.

- To optimize the feasibility of solar-oriented placement of tower portions of buildings, 75 percent of the total number of towers would be required to face within 25 degrees (instead of 15 degrees) of geographical south.
- To facilitate the development of a combined heat and power cogeneration plant, the CPC special permit currently set forth in the special district text would be changed to a BSA special permit with a commensurate change in the required findings.
- Create a BSA special permit to allow a bio-reactor wastewater treatment plant to serve district-wide needs.
- Increase the minimum landscaping requirement for parking garage rooftops from 40 percent to 50 percent. The Commission believes this change will help reduce storm water runoff and improve the rooftop aesthetics without compromising the need to locate required mechanical equipment.

The Commission acknowledges the recommendations of CB 7 and Borough President and the large amount of testimony regarding the City's business assistance and relocation efforts. The Commission notes that, in tandem with the planning and approvals process, EDC launched the Willets Point Business Assistance Program to further address the needs of those affected by the redevelopment efforts, including owner-occupant businesses, property owners, tenant businesses and Willets Point workers. The Commission notes that EDC has been working on negotiating private acquisition and relocation agreements with owner-occupant business and property owners in the district. The Commission further notes that according to EDC, to date, five agreements have been reached. The Commission urges EDC to continue actively negotiating with all willing owner-occupant businesses and property owners to achieve additional acquisition agreements in the future.

The Commission recognizes that, at this time, tenant businesses cannot be offered relocation sites as such negotiations would interfere with the tenant/landlord relationship. The Commission notes, however, that consultants have been retained to serve as the project's tenant outreach consultants, providing project information to tenant businesses and surveying to understand businesses' needs. Furthermore, the Commission notes that EDC has recently contracted an additional consultant to provide real estate and relocation services to all the impacted businesses of Willet Point upon project approval.

During the CPC public hearing, the Commission raised questions regarding the feasibility of relocating the area's similar and complementary businesses together in another single location. The Commission acknowledges subsequent assurances from EDC that the City will attempt to facilitate such a co-relocation effort, should there be businesses that are both interested in and have the capacity to co-locate.

With regard to affordable housing, the Commission recognizes the City's housing needs extend to low, moderate and middle income families and acknowledges the difficulty of finding additional opportunities for meeting the future housing needs of the City. The Commission is pleased to note that the Plan builds upon the City's long-standing commitment to provide affordable housing. Currently, it is projected that 20 percent of the total number of residential units, or 1,100 units, would be required to be developed as affordable housing pursuant to the terms of a forthcoming RFP. The Commission further notes correspondence from HPD following the public hearing which indicates that the affordable housing will include a broad range of low-, moderate and middle-income levels (60% of HUD income index, or \$46,080 for a family of 4, to 130% of HUD income index, or \$99,840 for a family of 4). The Commission encourages HPD to further develop the income mix and continue to explore creative alternatives to meet the growing demand for affordable housing at Willets Point and throughout the City.

The Commission acknowledges testimony raising concerns regarding the project's traffic impacts, the feasibility of the planned highway connections to the Van Wyck Expressway and on-site geotechnical constraints. In response, the Commission acknowledges public hearing

testimony presented by EDC stating that it has worked closely with the Department of Transportation (DOT) to ensure that all possible mitigation measures have been explored and included in the FGEIS to minimize any potential congestion issues. In addition, the Commission notes that EDC has agreed to the implementation of a detailed traffic monitoring program once the project has been built out.

With regard to questions raised over the feasibility of the proposed new Van Wyck Expressway ramps, the Commission notes that the review process for the new ramps is well under way, with preliminary review from SDOT and initial data collection completed. The Commission further notes that no new buildings would be allowed to be occupied before the ramps are completed without appropriate environmental analyses to confirm that no new significant adverse impacts would arise as a result.

In response to the concern that was raised at the hearing regarding possible contamination into the underlying aquifer as a result of using fill to raise the site above the 100-year floodplain, the Commission acknowledges public hearing testimony and subsequent correspondence from EDC that, based on geotechnical investigations of the area, it is unlikely that the filling of the development parcel will have any significant affect on the groundwater table. The Commission further acknowledges assurances from the City's engineering consultant that migration of contaminants through these layers to the aquifer, located 200 feet below the surface, is considered highly unlikely.

The Commission appreciates the outreach and coordination that has been conducted so far by the project's applicants in developing the project, and it urges these agencies to continue their collaborative efforts as the project is implemented. In particular, the Commission acknowledges the time and effort that Community Board 7 has spent in its review of the project during many public meetings it conducted since referral and certification.

### **Urban Renewal Plan and the Disposition of City-Owned Property**

The Commission believes that the objectives of the Plan cannot be realized absent assemblage of property and redevelopment pursuant to disposition under the URP. The Commission understands that ongoing negotiations with affected businesses may facilitate such assemblages without use of eminent domain and expresses its hope that EDC and private property owners in the area will reach agreement concerning these matters. At the same time, the Commission believes that, should the City determine, following extensive efforts at negotiated resolution, to exercise eminent domain under the URP, doing so would serve a public purpose in allowing for realization of the public benefits of the Plan.

In response to Community Board 7's recommendations, the Commission is approving the URP with the modification that a public school containing a minimum of 650 seats would be required to meet the needs of the new residential population. The design of the school will be subject to review and approval by the School Construction Authority and the Department of Education.

### **Amendment to the City Map**

The Commission understands that demapping all public streets within the Special District is necessary for providing suitable site plan flexibility for the development of the project. The Commission believes that the proposed street layouts and streetscape design elements required and provided for in the Special District will ensure that the Plan meets its objective of integrating the new development within a well-designed circulation network that addresses the multiple needs of pedestrians, bicycles, and vehicles.

The Commission notes that an interagency conference was held on January 25, 2008 and no objection was raised from any of the city agencies concerning this proposed action.

### **RESOLUTION**

**RESOLVED**, that having considered the Final Generic Environmental Impact Statement (FGEIS), for which a Notice of Completion was issued on September 12, 2008, with respect to

this application (CEQR No. 07DME014Q) and the Technical Memorandum dated September 23, 2008 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 FGEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FGEIS, 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**, 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 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 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 West Chelsea District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 8, the #Special West Chelsea District# is hereby established.

#### Establishment of the Special Willets Point District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 4, the #Special Willets Point District# is hereby established.

\* \* \*

## 12-10

### DEFINITIONS

\* \* \*

#### Special West Chelsea District

\* \* \*

#### Special Willets Point District

The “Special Willets Point District” is a Special Purpose District designated by the letters “WP” in which special regulations set forth in Article XII, Chapter 4, apply. The #Special Willets 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.

Story

\* \* \*

**14-44**

**Special Zoning Districts Where Certain Sidewalk Cafes are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

\* \* \*

Queens	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Downtown Jamaica District	No	Yes
<u>Special Willets Point District</u>	<u>No</u>	<u>Yes</u>

\* \* \*

*All text is new; it is not underlined*

**Article XII - Special Purpose Districts**

**Chapter 4**

**Special Willets Point District**

**124-00**

**GENERAL PURPOSES**

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

- (a) to transform Willets Point into a diverse and sustainable community that enhances connections to its surroundings through a unique combination of uses;

- (b) to create a retail and entertainment destination that catalyzes future growth and strengthens Flushing’s role as a nexus of economic, social and cultural activity;
- (c) to encourage a mix of uses that complement sporting venues within Flushing Meadows – Corona Park;
- (d) to maximize utilization of mass transit, reducing the automobile dependency of the redevelopment;
- (e) to create a livable community combining housing, retail and other uses throughout the district;
- (f) to create a walkable, urban streetscape environment with publicly accessible open spaces;
- (g) to encourage the pedestrian orientation of ground floor uses;
- (h) to build upon the diversity of Queens as well as the proximity of regional transportation facilities, including the Van Wyck and Whitestone expressways, LaGuardia and JFK Airports and the Long Island Railroad;
- (i) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and
- (j) to promote the most desirable use of land and building development in accordance with the District Plan and Urban Renewal Plan for Willets Point and thus improve the value of land and buildings and thereby improve the City’s tax revenues.

**124-01  
General Provisions**

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

**124-02  
Definitions**

**Connector street**

A “connector street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31 (Standards for Streets and Blocks), inclusive.

### **Eastern perimeter street**

The “eastern perimeter street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31 (Standards for Streets and Blocks), inclusive.

### **Primary retail street**

The “primary retail street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31 (Standards for Streets and Blocks) , inclusive.

### **Residential street**

A “residential street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31 (Standards for Streets and Blocks) , inclusive.

### **Retail street**

A “retail street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31 (Standards for Streets and Blocks) , inclusive.

### **Service street**

A “service street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31 (Standards for Streets and Blocks) , inclusive.

## **124-021**

### **Modification of “Street”**

For the purposes of establishing #blocks# and applying the #use#, #signage#, #street# tree, height and setback, #court#, publicly accessible open space regulations and curb cut regulations of this Chapter, #connector streets#, the #eastern perimeter street#, the #primary retail street#, #residential streets#, #retail streets# and #service streets# shall be considered #streets#, and their boundaries shall be treated as #street lines#.

## **124-03**

### **District Plan and Maps**

District Maps are located within Appendix A of this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

The District Plan includes the following five maps:

- Map 1 - District Plan
- Map 2 - Mandatory Intersections
- Map 3 - Location Requirements
- Map 4 - Height Limits
- Map 5 - Locations of Tower Walls without Setbacks

**124-04**  
**Applicability of District Regulations**

**124-041**  
**Applicability of Chapter 1 of Article I**

Within the #Special Willets 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 tax lot or #zoning lot# that has an (E) designation(s) for hazardous material contamination, noise or air quality, 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 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.

**124-042**  
**Applicability of Chapter 3 of Article VII**

The following special permit by the Board of Standards and Appeals shall not be applicable:

Section 73-16 (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Willets Point District# upon authorization of the City Planning Commission, pursuant to Section 124-16 (Authorization for Electrical Utility Substations)

### 124-043

#### Applicability of Chapter 4 of Article VII

The following special permit by the City Planning Commission shall not be applicable:

Section 74-61 (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Willets Point District# upon authorization of the City Planning Commission, pursuant to Section 124-16 (Authorization for Electrical Utility Substations)

### 124-05

#### Certification for Large Developments

The requirements of this Section shall apply to #zoning lots# of at least 200,000 square feet of #lot area#, containing #developments# or #enlargements# resulting in at least 100,000 square feet of #floor area# on such #zoning lots#.

No building permit shall be issued until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #developments# or #enlargements# comply with the provisions of this Section.

A set of drawings of sufficient scope and detail shall be submitted showing that:

- (a) all #streets# and private streets within or abutting the proposed #development# or #enlargement# comply with the provisions of Section 124-31 (Standards for Streets and Blocks), inclusive;
- (b) all #streets# and private streets within or abutting the proposed #development# or #enlargement# are constructed to grades acceptable to the Commissioner of Buildings and the Commissioner of Transportation;
- (c) all publicly accessible open areas within or abutting the proposed #development# or #enlargement# comply with the provisions of Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS), inclusive; and
- (d) for any portion of the #Special Willets Point District# not within the proposed #development# or #enlargement# and for which a certification pursuant to this Section has not been obtained, plans shall be submitted showing that the #development# or #enlargement# that is the subject of this certification will not preclude such portions of the #Special Willets Point District# from complying with the provisions of Section 124-31 and 124-40 under future certifications pursuant to this Section.

The Chairperson may allow for phased #development# upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any private streets and publicly accessible open spaces that are integral to the #development# of a #building# or #buildings# within each phase.

The Chairperson shall modify the provisions of Section 124-31 (Standards for Streets and Blocks), inclusive, to the minimum extent necessary in the event that the Fire Department determines in writing that such modifications are required under law or regulation governing adequate fire access.

All required private streets and publicly accessible open areas, once certified in accordance with the provisions of this Section, shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance and operation agreement, indexed against the property, binding the owners, successors and assigns to provide such private streets and publicly accessible open areas and public access thereto in accordance with the plans certified by the Chairperson of the City Planning Commission. Such declaration or maintenance and operation agreement shall require that a bond be posted that would ensure that the private streets and public access areas are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the private streets and publicly accessible open areas integral to the #development# or #enlargement# of a #building# or #buildings# shall be recorded on the certificate of occupancy for such #building# or #buildings# by the Department of Buildings and shall be a condition of issuance of such certificate of occupancy.

## **124-10 SPECIAL USE REGULATIONS**

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

## **124-11 Regulation of Residential Uses**

### **124-111 Location of residential use within buildings**

The provisions of Section 32-422 (Location of floors occupied by non-residential uses) shall be modified to permit #residential uses# on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #residences# and provided any non-#residential uses# are not located directly over any #residential uses#. However, such non-

#residential uses# may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

#### **124-112**

##### **Residential entrances on residential streets**

Each ground floor #dwelling unit# on a #residential street# shall be directly accessible from such #residential street#. No more than one entrance to a #residential street# shall be required for any one ground floor #dwelling unit#.

#### **124-12**

##### **Regulation of Commercial Uses in Area B**

- (a) Within Area B, #commercial# and special permit #uses# shall be limited to those #uses# permitted in a C1-4 District and physical culture or health establishments pursuant to Section 73-36, provided that #commercial uses# shall be located no more than 100 feet from a #connector street#, 34<sup>th</sup> Avenue, Willets Point Boulevard or Area A.
- (b) Within Area B, #uses# permitted in the underlying district shall be permitted within an area east and south of Willets Point Boulevard and contiguous with Area A, provided that such area shall be limited to 115,000 square feet in land area.

#### **124-13**

##### **Uses Permitted As-of-Right**

The following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right as described below:

Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) shall not apply for trade expositions with a capacity in excess of 2,500 persons provided that the facility has a #floor area# of no more than 400,000 square feet.

(Section 73-482 (In Commercial or Manufacturing Districts) shall not apply for group parking facilities exceeding 225 spaces, provided such facilities comply with the regulations set forth in Section 124-50 (OFF-STREET PARKING REGULATIONS), inclusive.

In #buildings# with frontage on 126<sup>th</sup> Street, the following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:

Section 73-244 (In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts and the Special Tribeca Mixed Use District) shall not apply for eating and drinking

establishments with a capacity of more than 200 persons, which shall be permitted as-of-right within 100 feet of a #Residence District# boundary.

Section 73-36 (Physical Culture or Health Establishments)

Section 74-46 (Indoor Interactive Entertainment Facilities)

Sections 73-35 (Amusement Arcades) and 74-47 (Amusement Arcades)

## **124-14**

### **Retail Continuity**

The following regulations shall apply within Area A to all portions of #buildings# with frontage on 126<sup>th</sup> Street, the #primary retail street#, the #retail streets#, #connector streets#, and, in the event that a utility easement is retained on the #block# bounded by Roosevelt Avenue and 126<sup>th</sup> Street, along the frontage of the publicly accessible open space required by paragraph (d) of Section 124-42.

(a) Ground floor #uses#

#Uses# located on the ground floor level or within five feet of #base flood elevation# shall be limited to #commercial uses# permitted by the underlying district, but not including #uses# listed in Use Groups 6B, 6E, 8C, 8D, 9B, 10B or 12D. A building's frontage shall be allocated exclusively to such #uses#, except for lobby space or entryways, parking where permitted pursuant to Section 124-50, inclusive, and vehicular access where permitted pursuant to Section 124-53 (Curb Cut restrictions). Such #uses# shall have a minimum depth of 50 feet measured from any #street wall# facing 126<sup>th</sup> Street, the #primary retail street# or #connector streets#.

In no event shall the length of such frontage occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the building's frontage, whichever is less, except that the width of a lobby need not be less than 20 feet.

(b) Maximum length of establishments facing 126<sup>th</sup> Street and the #primary retail street#

The length of ground floor frontage occupied by any establishment shall not exceed 110 feet along 126<sup>th</sup> Street and 65 feet along the #primary retail street#. Such maximum lengths shall apply within 50 feet of any #street wall# facing 126<sup>th</sup> Street and the #primary retail street#. However, the provisions of this paragraph, (b), shall not apply within 300 feet of Northern Boulevard.

(c) Access

Access to each ground floor establishment shall be provided directly from a #street#.

(d) Transparency

For any new #development# or #enlargement#, each ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such glazed area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

However, in locations where such ground floor #street wall# above the level of the adjoining sidewalk or public access area is below #base flood elevation#, the required glazed area shall occupy an area measured from #base flood elevation# to a height 10 feet above #base flood elevation#.

## 124-15 Modification of Sign Regulations

The height of all #signs# shall be measured from #base flood elevation#. The underlying #sign# regulations shall apply, except as set forth in this Section.

- (a) Within Area A, the #sign# regulations of a C4 District shall apply, except for #street walls# facing Roosevelt Avenue, Northern Boulevard and 126<sup>th</sup> Street.
- (b) Within Area B, the #sign# regulations of a C1 District shall apply, except that within the area described in paragraph (b) of Section 124-12, the sign regulations of a C4 district shall apply.
- (c) Within Area A, for #street walls# facing Roosevelt Avenue or Northern Boulevard, the #sign# regulations of a C4 District shall apply, except that #signs# shall be limited to 85 feet in height.
- (d) For #street walls# facing 126<sup>th</sup> Street to a height of 35 feet, the #sign# regulations of a C4 District shall apply, provided that the maximum projection of any #sign# from the exterior wall of a #building# shall be four feet, and the transparency requirements of paragraph (d) of Section 124-14 are met.
- (e) For #street walls# facing 126<sup>th</sup> Street above 35 feet in height, the #sign# regulations of a C4 District shall apply except that all permitted #signs#, including #illuminated signs# and #flashing signs#, shall be permitted without limitation on #surface area#, provided that:
  - (1) no such #signs# are higher than 85 feet;

- (2) the maximum projection of any #sign# from the exterior wall of a #building# shall be four feet, except that projections not exceeding six feet are permitted, provided that such projections beyond four feet shall comprise not more than 20 percent of the #surface area# of all such #signs# on the establishment; and
- (3) no #sign# attached to a #building or other structure# shall extend above any parapet wall or roof of such #building or other structure#.
- (f) Within 150 feet of the neighborhood park required pursuant to Section 124-40 paragraph (a), #flashing signs# whose message is visible from such park shall not be permitted.
- (g) The provisions of Section 32-67 (Special Provisions Applying Along District Boundaries) shall not apply in the #Special Willets Point District#.

#### **124-16 Authorization for Electrical Utility Substations**

The City Planning Commission may authorize electrical utility substations in the #Special Willets Point District# in order to serve the needs of the Special District, and the regulations thereof shall be modified as necessary to accommodate the operational needs of the substation, upon authorization of the City Planning Commission, provided the Commission finds that:

- (a) the architectural and landscaping treatment of such #use# will blend harmoniously with the abutting area to the extent reasonably permitted by the operational needs of the substation; and
- (b) if the site proposed for such #use# is within Area A, that there are difficulties in locating such #use# within Area B.

The City Planning Commission may, consistent with cost-effective operations and capital planning, and the operational needs of the substation, prescribe appropriate conditions and safeguards on matters necessary to effectuate the provisions of paragraph (a) of this Section which are not regulated by other applicable codes, laws, rules or regulations. The applicant shall provide the Department of City Planning with a general description of such codes, laws, rules or regulations and a certification that the proposed substation shall comply therewith.

#### **124-17 Special Permit for Cogeneration Power Plant**

The Board of Standards and Appeals may permit a combined heat and power cogeneration plant not to exceed 100,000 square feet in #floor area#, provided that:

- (a) the power plant is designed to maximize both electric and thermal cogeneration system efficiency to the greatest extent feasible;
- (b) a detailed energy analysis is submitted to the Board demonstrating that the system as designed will operate with maximum efficiency and perform more effectively than a traditional, power-purchased-from-grid, system; and
- (c) the power plant is designed primarily to serve the #Special Willets Point District#.

In addition, the Board shall refer such application to the Department of Environmental Protection for a report to ensure that the power plant is designed to maximize cogeneration efficiency to the greatest extent feasible and that the system as designed will operate with maximum efficiency and perform more effectively than a traditional, power-purchased-from-grid system.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices, emissions limits, and the concealment of such use with building enclosures, landscaping, buffer zones or other methods.

**124-18  
Special Permit for Wastewater Treatment Plant**

The Board of Standards and Appeals may permit an enclosed membrane bio-reactor wastewater treatment plant not to exceed 100,000 square feet in #floor area# on a site not to exceed 40,000 square feet in area, provided that the following findings are made:

- (a) that in all cases the proposed plant promotes and protects the public health, safety and general welfare;
- (b) the proposed plant will be adequate for anticipated #development# in the area to be served;
- (c) the proposed plant is designed primarily to serve the #Special Willets Point District#;
- (d) the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development, and to minimize the interruption of the continuity of retail frontage;
- (e) the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and
- (f) that such #use# will conform to the performance standards applicable to M1 Districts.

In addition, the Board shall refer such application to the Department of Health and the Department of Environmental Protection for a report to ensure that the site-specific design of the

enclosed, membrane bio-reactor waste water treatment plant meets all city and state health and effluent standards.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including requirements for soundproofing, safety devices, and the concealment of such #use# with building enclosures, landscaping, buffer zones or other methods.

## **124-19** **Location and Other Requirements for Specific Uses**

### **124-191** **Convention center**

A trade exposition center, hereinafter referred to as a convention center, is permitted in the #Special Willets Point District# only in accordance with this Section and shall be located on a #connector street#. A convention center may only be located in the area as depicted on Map 3 (Location Requirements), being entirely within 650 feet of Northern Boulevard.

Furthermore, a convention center may not be located within 200 feet of 126<sup>th</sup> Street, and any portion of a convention center located between 200 feet and 450 feet of 126<sup>th</sup> Street shall be limited to no more than 50,000 square feet of #floor area#.

Section 124-14 (Retail Continuity) shall not be applicable to a convention center. In lieu thereof, the transparency requirements of this Section shall apply to the #street wall# of the convention center facing a #connector street#. Such #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of such #street wall#, measured to a height of 15 feet above the level of the adjoining sidewalk or public access area. Not less than 40 percent of such area shall be glazed with transparent materials.

The main entrance(s) of such convention center shall be on a #connector street#.

### **124-192** **Location of theaters**

Theaters comprising over 10,000 square feet in #floor area# shall be located entirely within 600 feet of the intersection of Roosevelt Avenue and 126th Street.

### **124-193** **Location of office uses in towers**

Use Group 6B office #uses# located on any #story# entirely above 120 feet in height shall be located entirely within 600 feet of the intersection of Roosevelt Avenue and 126th Street.

**124-20**  
**BULK REGULATIONS**

In the #Special Willets Point District#, bulk regulations shall be as set forth in this Section, inclusive.

**124-21**  
**Floor Area Regulations**

#Zoning lots# containing less than 200,000 square feet of #lot area# shall not exceed a #floor area ratio# of 2.0.

#Zoning lots# containing at least 200,000 square feet of #lot area# shall have a maximum #floor area ratio# as follows:

- (a) Within Area A:
  - (1) #Zoning lots# of at least 28 acres of #lot area# shall have a maximum #commercial floor area ratio# of 2.0 and a maximum total #floor area ratio# of 4.6.
  - (2) For #zoning lots# less than 28 acres:
    - (i) North of the centerline of 34<sup>th</sup> Avenue, now or formerly, the maximum #commercial floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 3.4.
    - (ii) South of the centerline of 34<sup>th</sup> Avenue, now or formerly, the maximum #commercial floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 5.0.
- (b) Within Area B:
  - (1) #Zoning lots# of at least 33 acres of #lot area# shall have a maximum #commercial floor area ratio# of 2.0 and a maximum total #floor area ratio# of 2.25.
  - (2) For #zoning lots# less than 33 acres:

- (i) North of the centerline of 34<sup>th</sup> Avenue, now or formerly, the #floor area ratio# shall not exceed 2.0.
- (ii) South of the centerline of 34<sup>th</sup> Avenue, now or formerly, and north and west of the centerline of Willets Point Boulevard, now or formerly, the maximum #commercial floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 3.0.
- (iii) South and east of the centerline of Willets Point Boulevard, now or formerly, the maximum #commercial floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 4.0.

## **124-22 Height and Setback Regulations**

The height and setback regulations of this Section shall apply throughout the #Special Willets Point District#, except that #developments# or #enlargements# that result in less than 100,000 square feet of #floor area# on #zoning lots# of less than 200,000 square feet shall be limited to the height and setback regulations of an R6B District. The height of all #buildings or other structures# shall be measured from the level of the adjoining sidewalk or other publicly accessible open area. For the purposes of this Section, 34<sup>th</sup> Avenue and Willets Point Boulevard shall be considered to be #connector streets#, 127<sup>th</sup> Street shall be considered to be a #residential street#, and public access areas provided pursuant to paragraph (d) of Section 124-42 (Types and Standards of Publicly Accessible Open Space) shall be considered a #connector street#.

### **(a) Street Wall Location and Base Heights**

- (1) Except along 126<sup>th</sup> Street, Northern Boulevard and #residential streets#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# or public access area and shall extend without setback to at least a minimum base height of 60 feet or the height of the building, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. However, the minimum base height of a convention center shall be 40 feet or the height of the #building#, whichever is less.
- (2) Along 126<sup>th</sup> Street, at least 80 percent of the #aggregate width of street walls# shall be located within 60 feet of the #street line# of 126<sup>th</sup> Street and shall extend to at least a minimum base height of 60 feet, or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. However, for #buildings# directly opposite Citifield Stadium, a setback lower than 60 feet shall be permitted provided that:

- (i) for #buildings# greater than 85 feet in height, an additional setback is provided between a height of 60 and 85 feet; and
    - (ii) eating and drinking establishments with outdoor seating on terraces overlooking 126<sup>th</sup> Street are provided on the second #story#. Such terraces shall be located on the roof level above the ground floor level of the #building#, at a height not lower than 20 feet or higher than 30 feet above the level of the sidewalk fronting the 126<sup>th</sup> #street wall# of the #building#, and shall have a minimum depth of 15 feet.
  - (3) Along #residential streets#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# or public access area and shall extend without setback to at least a minimum base height of 40 feet or the height of the building, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. Where #street walls# facing #residential streets# contain ground floor #dwelling units#, such #street walls# shall be set back at least four feet from the #street line#. The #building# may project into the required setback area provided that:
    - (i) any such projection does not exceed 20 feet in width;
    - (ii) any such projection does not exceed 25 feet in height;
    - (iii) the aggregate width of all such projections at the level of any #story# shall not exceed 50 percent of the width of the #street wall# of the #building#; and
    - (iv) all such projections are at least 10 feet apart.
  - (4) Along Northern Boulevard, no portion of a #street wall# shall be located closer to Northern Boulevard than eight feet. At least 70 percent of the #aggregate width of street walls# shall be located between eight and 15 feet of the Northern Boulevard #street line# and shall extend without setback to at least a minimum base height of 60 feet or the height of the #building#, whichever is less, The maximum height of a #building or other structure# before setback shall be 85 feet.
  - (5) Wherever an open area is provided between the #street wall# of a #building# and the #streetline#, such area shall be planted, except at entrances to and exits from the #building#, and except where non-#residential uses# are provided at the ground floor level of the #building#.
- (b) Required setbacks and maximum building height

Except as provided in paragraph (c)(6) of this Section, setbacks are required for all portions of #buildings# that exceed a height of 85 feet. Such setbacks shall be provided at

a height not lower than 60 feet. The depth of the required setback shall be at least 10 feet measured from any required #street wall# fronting on a #wide street#, and at least 15 feet from any required #street wall# fronting on a #narrow street#. Where portions of #buildings# that exceed a height of 85 feet are not located above a required #street wall#, such portions shall be set back at least ten feet from a #wide street line# and at least 15 feet from a #narrow street line#. However, dormers may penetrate a height of 85 feet in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts). Within the area shown on Map 4 as limited to 232 feet above mean sea level, no portion of a #building# shall exceed a height of 120 feet except in accordance with the tower provisions of paragraph (c) of this Section.

(c) Towers

Within the area shown on Map 4 as limited to 232 feet above mean sea level, any #story# of a #building# located above a height of 120 feet shall comply with the provisions of this paragraph, (c). Such portions of a #building# are hereinafter referred to as “towers.”

(1) Maximum tower size

Each #residential story# of a tower located entirely above a height of 120 feet shall not exceed a gross area of 11,000 square feet.

(2) Maximum tower length

The maximum length of any #residential story# located entirely above a height of 120 feet shall not exceed 170 feet. Such length shall be measured by inscribing within a rectangle the outermost walls of the tower at the level of each #story# entirely above a height of 120 feet. No side of such rectangle shall exceed a length of 170 feet.

(3) Orientation

The length of any #residential story# located entirely above a height of 120 feet shall be at least 1.5 times its width and oriented so that the long side of such tower faces within 25 degrees of geographical south. Such length shall be measured by inscribing within a rectangle the outermost walls of the tower at the level of each #story# entirely above a height of 120 feet. The orientation provisions of this paragraph, (3), need not apply if at least 75 percent of all towers in the #Special Willets Point District# for which building permits have been issued comply with such provisions.

(4) Tower top articulation

For towers containing #residences#, the highest three #stories#, or as many #stories# as are located entirely above a height of 120 feet, whichever is less, shall

have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(5) Distance between towers

The minimum distance between all towers shall be 60 feet.

(6) Tower walls without setbacks

To permit a #building# to rise from grade to a tower portion without setback, the setback provisions of paragraph (b) of this Section shall not apply to any portion of a #building# located within the tower wall location areas shown on Map 5, provided that this exception from paragraph (b) of this Section shall not apply to more than one tower for each #block#.

(d) Maximum total height

The maximum height of any #building or other structure# shall be as depicted on Map 4 (Height Limits). The height limits established in Map 4 include reference points for two airport referenced imaginary surfaces, as defined in Section 61-30, that are continuous planes, and one area with a maximum height limitation of 232 feet above mean sea level. The coordinates of the points are as follows:

Point 1	73°50'42.9"W	40°45'38.1"N
Point 2	73°50'36.8"W	40°45'45.6"N
Point 3	73°50'26.6"W	40°45'39.3"N
Point 4	73°50'33.6"W	40°45'30.7"N

The height limits hereby established supersede the height limits described in Article VI, Chapter 1 (SPECIAL REGULATIONS APPLYING AROUND MAJOR AIRPORTS). Application may be made to the Board of Standards and Appeals pursuant to Section 73-66 (Height Regulations around Airports) for a permit to construct a #building or other structure# in excess of what is permitted pursuant to this paragraph, (d), provided that such application is also referred to the Port Authority of New York and New Jersey.

**124-30**  
**MANDATORY IMPROVEMENTS**

**124-31**  
**Standards for Streets and Blocks**

#Developments# or #enlargements# that result in a total of at least 100,000 square feet of #floor area# on #zoning lots# of at least 200,000 square feet, shall front upon #streets# that comply with the requirements of this Section, inclusive.

**124-311**  
**Maximum length of blocks**

The maximum length of a #block# shall be 450 feet, except that:

- (a) where a #block# includes a convention center, such length shall be unlimited;
- (b) where a #block# bounds the intersection of 126<sup>th</sup> Street and Northern Boulevard, such length shall be limited to 675 feet;
- (c) where a #block# bounds the intersection of 126<sup>th</sup> Street and Roosevelt Avenue, such length shall be limited to 575 feet; and
- (d) #blocks# or portions of #blocks# east of a line 600 feet east of and parallel to 126<sup>th</sup> Street and west of a line 1,350 feet east of and parallel to 126<sup>th</sup> Street shall have a maximum distance between intersections on a #connector street# of 218 feet, except where a #block# includes a convention center or the minimum two-acre park required pursuant to Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS). Where public pedestrian access between a #connector street# and another #street# on the same #block# is located no less than 218 feet from both intersections on a #connector street# through provision of open space pursuant to Section 124-40, inclusive, such #block# or a portion of a #block# east of a line 600 feet east of and parallel to 126<sup>th</sup> Street and west of a line 1,350 feet east of and parallel to 126<sup>th</sup> Street may have a maximum distance between intersections on a #connector street# that does not exceed 400 feet, provided that there is only one such #block# in the Special District.

**124-312**  
**New streets**

The provisions of this Section shall apply to all private streets constructed after (effective date of amendment):

(a) #Primary retail street#

One #primary retail street# shall be provided parallel to, or generally parallel to, 126<sup>th</sup> Street, and comply with the following requirements:

- (1) The western boundary of such #street# shall be not less than 220 feet and not more than 320 feet from 126<sup>th</sup> Street.
- (2) Such #street# shall intersect two #retail streets# and two #connector streets#.
- (3) The width of such #street# shall be a minimum of 70 feet and a maximum of 80 feet, comprised of:
  - (i) two 15 foot wide sidewalks, one adjacent to each curb;
  - (ii) two nine foot wide strips, one adjacent to each sidewalk that can be used as either parking lanes or pedestrian amenity areas that may include landscaping, seating and walkways;
  - (iii) two travel lanes in the center of the #street# totaling 22 feet in width; and
  - (iv) one optional eight to 10 foot wide landscaped median located on the centerline of the #street# between the two travel lanes provided that the #street# width shall not exceed 72 feet without such median.

(b) #Connector streets#

Two #connector streets# shall be provided as follows:

- (1) One #connector street# shall intersect 126<sup>th</sup> Street opposite 34<sup>th</sup> Avenue within the area shown on Map 2.
- (2) One #connector street# shall intersect 126<sup>th</sup> Street opposite the south side of Citifield Stadium within the area shown on Map 2.
- (3) Both #connector streets# shall intersect with the #primary retail street# and with each other at a point east of the #primary retail street#.
- (4) The width of each #connector street# shall be at least 75 feet and no more than 86 feet, comprised of:
  - (i) two 15 foot wide sidewalks, one adjacent to each curb;

- (ii) two nine foot wide strips, one adjacent to each sidewalk that can be used as either parking lanes or pedestrian amenity areas that may include landscaping, seating and walkways; and
  - (iii) at least two travel lanes and not more than three travel lanes totaling at least 22 feet and not more than 33 feet in width, and one bike lane at least five feet wide.
- (5) Where a convention center fronts upon a #connector street#, the requirements set forth in this paragraph, (b), shall be modified to eliminate the nine foot wide strip and, in lieu thereof, require a 12 foot wide drop off lane that, in the aggregate, shall not exceed 300 feet.

(c) #Retail streets#

A minimum of two and maximum of three #retail streets# shall be provided as follows:

- (1) One #retail street# shall intersect 126<sup>th</sup> Street opposite the entrance to Citifield stadium, within the area shown on Map 2;
- (2) One #retail street# shall intersect 126<sup>th</sup> Street opposite the north side of Citifield Stadium within the area shown on Map 2;
- (3) Two #retail streets# shall intersect with the #primary retail street#;
- (4) The width of each #retail street# shall be no more than 68 feet wide, comprised of:
  - (i) two 13 foot wide sidewalks, one adjacent to each curb;
  - (ii) two ten foot wide strips, one adjacent to each sidewalk that can be used as pedestrian amenity areas that may include landscaping, seating and walkways; and
  - (iii) two travel lanes totaling at least 22 feet in width.

(d) #Eastern perimeter street#

One #eastern perimeter street# shall be provided as follows:

- (1) The eastern boundary of such #street# shall be within 20 feet of the eastern boundary of the #Special Willets Point District#, extending between Roosevelt Avenue and a #connector street#;

- (2) The width of such #street# shall be at least 62 feet and no more than 75 feet, comprised of:
- (i) a 13 foot wide sidewalk along its western boundary and a sidewalk at least five feet wide along its eastern boundary;
  - (ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and
  - (iii) at least two and no more than three travel lanes totaling at least 20 feet and not more than 33 feet in width.

(e) #Residential street#

All #streets#, other than those listed in paragraphs (a) through (d) of this Section, that have one or more ground floor #dwelling units# fronting on the #street# shall be considered #residential streets#, except where such #street# is designated a #service street# pursuant to paragraph (f) of this Section. #Residential streets# shall be provided as follows:

- (1) A #residential street# shall be a minimum of 62 feet wide and a maximum of 64 feet wide, comprised of:
- (i) two 13 foot wide sidewalks, one adjacent to each curb;
  - (ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and
  - (iii) two travel lanes totaling between 20 and 22 feet in width.

(f) #Service street#

All newly constructed #streets#, other than those listed in paragraphs (a) through (e) of this Section, shall be improved as a #service street#. A minimum of 50 percent of the #uses# located on the ground floor level or within five feet of #base flood elevation# fronting a #service street# shall contain non-#residential uses#. #Service streets# shall be provided as follows:

- (1) A #service street# may only be located as one of the #streets# bounding:
- (i) a #block# that bounds the intersection of 126<sup>th</sup> Street and Northern Boulevard; and

- (ii) a #block# that bounds the intersection of 126<sup>th</sup> Street and Roosevelt Avenue.
- (2) A #service street# shall be a minimum of 62 feet wide and a maximum of 64 feet wide, comprised of:
  - (i) Two 13 foot wide sidewalks, one adjacent to each curb;
  - (ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and
  - (iii) two travel lanes totaling between 20 and 22 feet in width.

### **124-32 Street Tree Planting**

All new #developments# or #enlargements# shall provide and maintain trees of not less than three-inch caliper at the time of planting in the sidewalk adjacent to the #building# on the side of the sidewalk closest to the travel lane. All such trees shall be provided for the entire length of the frontage of the #building#, for every 25 feet of such frontage, except where curb cuts or utilities make such planting infeasible. Species shall be selected, installed and maintained in accordance with specifications established by the Department of Parks and Recreation. However, street trees need not be provided where such trees may interfere with truck movements in the loading area for a convention center.

### **124-33 Mandatory Sidewalk Widening**

In the event that 34<sup>th</sup> Avenue remains a mapped street, all #developments# or #enlargements# on 34<sup>th</sup> Avenue shall provide a sidewalk widening of no less than 13 feet in width. No obstructions shall be permitted from the lowest level to the sky except for those permitted pursuant to Section 37-53, paragraph(f)(3). When one end of the sidewalk widening abuts an existing building, the special design treatment specified in Section 37-53, paragraph (f)(5) shall be required.

### **124-34 Roof Design Requirements**

Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is fully enclosed, except that openings in such enclosure shall be permitted only to the extent

necessary for ventilation and exhaust, and that it is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 50 percent of such roof area.

#### **124-40**

#### **PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS**

Publicly accessible open spaces shall be provided as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

#### **124-41**

#### **Amount of Publicly Accessible Open Space**

Publicly accessible open space within the #Special Willets Point District# shall total not less than eight acres. Such required amounts shall be open to the sky and shall not include any sidewalks required pursuant to this Section or sidewalk widenings pursuant to Section 124-33.

For #developments# or #enlargements# that result in a total of at least 100,000 square feet of #floor area# on #zoning lots# of at least 200,000 square feet, the following amount of publicly accessible open space shall be provided for each 1,000 square feet of #floor area#:

- Within Area A: 30 square feet
- Within Area B: 50 square feet.

Such publicly accessible open space may be transferred from the #zoning lot# containing the #development# or #enlargement# to any other #zoning lot# in the #Special Willets Point District# provided that such publicly accessible open space meets the requirements of Section 124-42, inclusive.

#### **124-42**

#### **Types and Standards of Publicly Accessible Open Space**

The following types and standards of publicly accessible open space shall apply:

- (a) Park

At least one park not less than two acres in area shall be provided. Such park shall be bounded on all sides by #streets# or a #school#, and at least one of the #streets# bounding

the park shall be a #connector street#. No portion of such park shall be closer than 200 feet from the boundaries of the #Special Willets Point District#. Up to five percent of the area of such outdoor park may be covered by a #building or other structure#. A minimum of fifty percent of such park shall be planted, except that the planted area may be reduced to forty percent if a playground acceptable to the Department of Parks and Recreation is provided within such park.

(b) 126<sup>th</sup> Street

The provisions of this paragraph, (b), shall apply along the western boundary of #blocks# bounding 126<sup>th</sup> Street:

- (1) A sidewalk with a minimum width of 15 feet shall be located adjacent to the curb, and have an elevation not higher than one foot above the level of the road bed.
- (2) A pedestrian amenity area at least 20 feet wide and no more than 35 feet wide shall be located between such sidewalk and the #street wall# of any #building# fronting upon 126<sup>th</sup> Street. Pedestrian circulation space at least five feet wide shall be provided within such area within 1.5 feet of the #ground floor elevation# of such #street walls# to allow pedestrian movement in a direction parallel with the #street# and connecting with sidewalks of #streets# intersecting 126<sup>th</sup> Street;
- (3) On each such #block# there shall be a minimum of two ramps connecting the sidewalk along 126<sup>th</sup> Street and the pedestrian circulation space. In addition, stairways shall be provided linking the sidewalk and pedestrian circulation space so that each establishment on the #block# with entrances facing 126<sup>th</sup> Street is readily accessible by such stairs or ramps; and
- (4) All publicly accessible open spaces shall comply with the provisions of Sections 37-725 (Steps), 37-726 (Permitted obstructions), 37-728 (Standards of accessibility for persons with disabilities), 37-73 (Kiosks and Open Air Cafes) and 37-74 (Amenities) except for the following modifications:
  - (i) Section 37-73, paragraph (b) shall be modified to permit open air cafes to be at a different elevation from adjoining public access areas and from adjoining sidewalks.
  - (ii) Section 37-73, paragraphs (c)(4) and (d) shall not apply to the certification of open air cafes in the Special District, and the filing of plans for open air cafes in the Borough Office of the City Register shall not be required.
  - (iii) For publicly accessible open space on the western boundary of #blocks# facing Citifield Stadium, Section 37-73, paragraph (b) shall be modified to limit the aggregate area of open air cafes to no more than 50 percent of the

public access area, and to allow open air cafes to occupy up to 75 percent of #street# frontage.

- (iv) In Section 37-741, the requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply.
- (v) For public access areas on the western boundary of #blocks# facing Citifield Stadium, Section 37-741 shall be modified so that seating for open air cafes may count toward the seating requirement, in the category of movable seating, provided that 25 percent of the linear seating capacity is provided through other seating types.
- (vi) For publicly accessible open space not on the western boundary of #blocks# facing Citifield Stadium, Section 37-742 shall be modified to require planters, planting beds and accessible lawns at a rate of 200 square feet for every 1,000 square feet of publicly accessible open space.
- (vii) Section 37-747 (Public space signage) shall not apply; in lieu thereof, paragraph (i) (Hours of Access) of this Section shall apply.

(c) Roosevelt Avenue

Along the south side of #blocks# bounding Roosevelt Avenue, the following provisions shall apply:

- (1) A bike lane with a minimum width of five feet shall be located no more than 16 feet from the curb line;
- (2) A pedestrian amenity area at least 20 feet in width and not more than 45 feet in width shall be provided between the bike lane and the #street wall# of a #building#; and
- (3) Within the pedestrian amenity area, there shall be a sidewalk with a minimum width of 13 feet, generally parallel to Roosevelt Avenue, linking the sidewalk along 126<sup>th</sup> Street to either a sidewalk along the #eastern perimeter street#, if built, or the sidewalk leading to the Roosevelt Avenue Bridge.
- (4) A minimum of 50 percent of the pedestrian amenity area shall be planted.

(d) #Block# at Roosevelt Avenue and 126<sup>th</sup> Street

In the event that a utility easement is retained on the #block# bounded by Roosevelt Avenue and 126<sup>th</sup> Street, the following improvements shall be provided:

- (1) An entry plaza of at least 7,000 square feet shall be provided adjacent to the intersection of 126<sup>th</sup> Street and Roosevelt Avenue, as follows:
  - (i) the plaza shall include no less than 60 feet and no more than 80 feet of frontage along 126<sup>th</sup> Street;
  - (ii) each #use# or establishment with frontage on the plaza shall include at least one entrance to such plaza;
  - (iii) at least two amenities shall be provided from among those listed in Section 37-748, except that a kiosk that provides information instead of food service shall also be permitted; and
  - (iv) the area of such plaza does not overlap with the requirements of paragraph (c) of this Section for Roosevelt Avenue.
  
- (2) A central plaza of at least 20,000 square feet shall be provided as follows:
  - (i) the plaza shall have at least 100 feet of frontage on a #connector street#;
  - (ii) the prolongation of the centerline of the #primary retail street# shall intersect with such plaza; and
  - (iii) such plaza shall meet the pedestrian amenity standards of paragraph (b)(4) of this Section for 126<sup>th</sup> Street.
  - (iv) a minimum of 15 percent of such plaza shall be planted.
  
- (3) A pedestrian corridor area shall be provided linking the entry plaza required pursuant to paragraph (d)(1) of this Section and the central plaza required pursuant to paragraph (d)(2) of this Section, as follows:
  - (i) such corridor shall be at least 60 feet in width and include, within such width, a 40 foot utility easement;
  - (ii) such corridor shall be at least 150 feet in length;
  - (iii) each #use# or establishment with frontage on such corridor shall include at least one entrance to such corridor; and
  - (iv) each side of such corridor area shall be planted with street trees of not less than three-inch caliper at the time of planting for the entire length of such corridor, at a rate of one tree for every 25 feet of the length of each side of such corridor.

(e) Northern Boulevard

Along the north side of #blocks# bounding Northern Boulevard, the following provisions shall apply:

- (1) A sidewalk with a minimum width of 13 feet shall be located adjacent to the curb and have an elevation not higher than one foot above the road bed of Northern Boulevard;
- (2) An open area at least eight feet wide and no more than 15 feet wide shall be located between the sidewalk and the #street wall# of a #building#, except that such area need not be provided where such areas may interfere with truck movements in the loading area for a convention center located on any such #block#; and
- (3) A minimum of 70 percent of such open area shall be planted.

(f) #Eastern perimeter street#

Along the #eastern perimeter street# between the required sidewalk and the eastern boundary of the #Special Willets Point District#, an open area with a minimum depth of eight feet and a maximum depth of 15 feet shall be provided. At least 70 percent of such open area shall be planted.

(g) Convention center

If a convention center is provided, a pedestrian amenity area shall be required between the #street line# and the #street wall# of the convention center. The pedestrian amenity area shall have a depth of at least 10 feet and not more than 22 feet and shall meet the standards of paragraph (b)(4) of this Section for 126<sup>th</sup> Street.

(h) Standards for additional areas

If the amount of public access areas required pursuant to paragraphs (a) through (g) of this Section does not total eight acres, the difference shall be provided in the form of one or more public access areas located not closer than 100 feet to the boundary of the #Special Willets Point District#.

(i) Hours of Access

All publicly accessible open space shall be accessible to the public from sunrise to one hour after sunset. Entry plaques for public access areas over one-half acre in size shall be provided as described in paragraph (a) of Section 37-751, except that the number of such plaques shall be provided so that one such plaque is located at each point of entry to such publicly accessible open space, and lettering at least one inch in height shall be provided

stating the words, "Open to the public:" followed by hours permitted pursuant to this paragraph (i).

(j) Active Recreation

A minimum of one-half acre of public access area shall be designed for active recreational use. This area may be located anywhere within the eight acres of publicly accessible open space required within the #Special Willets Point District#. Such area may include rooftop areas, provided that adequate public access is provided to the general public and that, regardless of the size of such rooftop area, entry plaques are provided for each point of entry pursuant to paragraph (i) of this Section. Access to such areas shall comply with the Americans with Disabilities Act of 1990.

**124-50**

**OFF-STREET PARKING REGULATIONS**

Off-street parking shall be provided for all required parking spaces and loading as specified by the underlying district, except as modified by the special regulations of this Section, inclusive.

**124-51**

**Use and Location of Parking Facilities**

The provisions of this Section shall apply to all off-street parking spaces within the #Special Willets Point District#.

Floor space used for parking shall be exempt from the definition of #floor area#.

Parking facilities with over 225 parking spaces shall provide adequate reservoir space at the vehicular entrances to accommodate either ten automobiles or five percent of the total parking spaces provided in such facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles.

- (a) All off-street parking spaces shall be located within facilities that, except for entrances and exits, meet the following standards:
  - (1) are located entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
  - (2) are located in a #cellar# no more than four feet above grade within Area B, provided that the #street wall# is set back at least four feet from the #street line# except for projections permitted pursuant to Section 124-22, paragraph (a)(3) and planted areas are provided pursuant to Section 124-22, paragraph (a)(5) and

further provided that 50 percent of such #street wall# with adjacent parking spaces consists of opaque materials; or

- (3) are located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# at least 25 feet from any #street wall# or public access area; or
- (4) are located above-grade and adjacent to a #street wall# or public access area, provided that any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view and opaque materials are located in the exterior building wall between the bottom of the floor of each parking deck and no less than three feet above such deck and a total of at least 50 percent of such #street wall# with adjacent parking spaces consists of opaque materials. A parking structure so screened shall be permitted only in the following locations:
  - (i) Except within #blocks# that bound the intersection of 126<sup>th</sup> Street and Northern Boulevard or 126<sup>th</sup> Street and Roosevelt Avenue, a parking facility may be located adjacent to a #street wall# facing 126<sup>th</sup> Street above a height of 35 feet and limited to a height of 85 feet, provided that no less than 60 percent and no more than 70 percent of the surface area of the portion of such #street wall# with adjacent parking spaces consists of one or more of the following: #signs#, graphic or sculptural art, or living plant material. At least 25 feet of #commercial#, #community facility# or #residential floor area# shall separate such parking spaces from any other adjacent #street#;
  - (ii) A parking facility may be located adjacent to a #street wall# limited to a height of 85 feet on a #block# that bounds the intersection of 126<sup>th</sup> Street and Northern Boulevard provided that such #street wall# is on Northern Boulevard and is more than 100 feet from 126<sup>th</sup> Street, and provided that no less than 60 percent and no more than 70 percent of the surface area of the portion of such #street wall# with adjacent parking spaces consists of one or more of the following: #signs#, graphic or sculptural art, or living plant material. At least 25 feet of #commercial#, #community facility# or #residential floor area# shall separate such parking spaces from adjacent #residential#, #connector#, or #primary retail streets#;
  - (iii) A parking facility not on a #block# that bounds the intersection of 126<sup>th</sup> Street and Northern Boulevard may be located adjacent to a #street wall# limited to a height of 40 feet facing Northern Boulevard, provided that such #street wall# with adjacent parking spaces is on Northern Boulevard and is more than 100 feet from 126<sup>th</sup> Street. At least 25 feet of #commercial#, #community facility# or #residential floor area# shall separate such parking spaces from any other adjacent #street#;

- (iv) A parking facility may be located adjacent to a #street wall# on a #block# that bounds the intersection of 126<sup>th</sup> Street and Roosevelt Avenue, provided that such #street wall# with adjacent parking spaces is more than 100 feet from 126<sup>th</sup> Street, Roosevelt Avenue and at least 25 feet from any #connector street#;
  - (v) A parking facility may be located adjacent to a #street wall# limited to a height of 40 feet facing the eastern boundary of the #Special Willets Point District#, within 200 feet of such eastern boundary, so that such parking facility is not visible from a #connector street#. At least 25 feet of #commercial#, #community facility# or #residential floor area# shall separate such parking spaces from adjacent #residential# and #connector streets#.
  - (vi) A parking facility may be located adjacent to a #street wall# where such #street wall# is on a #service street#, provided that at least 25 feet of #commercial#, #community facility# or #residential floor area# shall separate such parking spaces from adjacent #residential#, #connector#, #retail# or #primary retail streets#;
- (b) All parking facilities with parking spaces adjacent to an exterior building wall that is not a #street wall# shall provide screening of such exterior wall so that any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view and opaque materials are located in the exterior building wall between the bottom of the floor of each parking deck and no less than three feet above such deck and a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials.
  - (c) All parking facilities shall not be open to the sky, and all parking facilities shall have a roof that meets the design requirements of Section 124-34.
  - (d) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# and public parking spaces are provided on the same #block#, all such spaces shall be located within the same parking facility.
  - (e) A maximum of five percent of required #accessory residential# off-street parking spaces may be made available as car share spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one space. These spaces shall be #used# by motor vehicles that are provided by a certified car share operator, in accordance with the provisions of this paragraph, for rental on an hourly basis. Car share spaces shall be located at unstaffed, self-service locations (except if located within a facility that includes attended parking spaces), and the certified car share operator shall not, with the exception of leased parking spaces, maintain a place of business on the

#zoning lot#, have any employees located there, or erect any #sign# on any portion thereof, except that one #sign# with an area not exceeding one square foot shall be permitted. Car share spaces shall be for vehicles that are generally be available for pick-up 24 hours per day. Car share spaces in accordance with the provisions of this paragraph, (e), shall not be considered #commercial uses# and shall be exempt from the definition of #floor area#. The provisions of Section 36-46 (Restrictions on Use of Accessory Off-Street Parking Spaces) shall not apply to such car share spaces. The Buildings Commissioner shall permit car share spaces only if the Chair of the City Planning Commission, in consultation with the Commissioner of Transportation, has certified that:

- (1) the proposed car share operator is engaged in the business of providing car share services to the general public;
  - (2) the owner of the #accessory# off-street parking facility has signed an agreement with such car share operator limiting any car share spaces to permitted car sharing #use#; and
  - (3) the number of proposed car share spaces is in compliance with this paragraph (e).
- (f) All #accessory# off-street parking spaces may be provided within parking facilities in #buildings# other than the same #building# as the #uses# to which they are #accessory#, provided that:
- (1) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #building#; and
  - (2) such parking facilities are located within the #Special Willets Point District#; or
  - (3) such parking facilities are located within distances specified by Sections 36-421 (Maximum distance from zoning lot) and 36-43 (Off-site spaces for Commercial or Community Facility Uses), as applicable.

## **124-52 Loading Restrictions**

Loading areas shall not be permitted within 75 feet of 126<sup>th</sup> Street or within 50 feet of the #primary retail street#. Loading areas for a convention center #use# shall not be permitted within 100 feet of a #connector street#.

## 124-53

### Curb Cut Restrictions

No driveway curb cuts for parking facilities or loading berths shall be permitted along 126<sup>th</sup> Street, the #primary retail street#, the #connector streets#, across from public open space of two or more acres, and within 50 feet of the intersection of any #streets#, , except for a convention center or a #transient hotel# with a minimum of 50,000 square feet of #floor area#, and except that the City Planning Commission may authorize curb cuts, provided the Commission finds that such curb cuts are needed, do not unduly inhibit surface traffic or pedestrian flow and do not impair the essential character of the surrounding area.

Where permitted, the maximum aggregate width of curb cuts on any frontage shall be limited to 24 feet for #residential streets# and 60 feet for all other #streets#, except that the maximum shall be 100 feet for #blocks# that bound the intersection of 126<sup>th</sup> Street and Northern Boulevard or 126<sup>th</sup> Street and Roosevelt Avenue and for #blocks# that contain a #transient hotel# with a minimum of 50,000 square feet of #floor area#. For a convention center, the maximum aggregate width of curb cuts on any frontage shall be limited to 100 feet, except that curb cuts shall be unlimited when located directly adjacent to the loading area of the convention center. All curb cuts shall be achieved with minimal reduction to the grade of the sidewalk over which they pass.

## 124-54

### Indoor Bicycle Parking

Within the #Special Willets Point District#, a designated area for #accessory# bicycle parking shall be provided for all #developments# or #enlargements#. Such designated area shall be enclosed, accessible and secure, and excluded from the definition of #floor area#. #Accessory# facilities, such as lockers, showers and circulation space shall also be excluded from the definition of #floor area#.

- (a) For #residential buildings# with ten or more #dwelling units#, one bicycle parking space shall be provided for every two #dwelling units#, up to a maximum of 200 bicycle parking spaces.
- (b) For #developments# or #enlargements# with at least 10,000 square feet of Use Group 6B office #use#, one bicycle parking space shall be provided for every 5,000 square feet of such office #use#, up to a maximum of 200 bicycle parking spaces.
- (c) For #developments# or #enlargements# with at least 10,000 square feet of Use Group 6A or 6C retail #use#, one bicycle parking space shall be provided for every 10,000 square feet of such #use#, up to a maximum of 100 bicycle parking spaces.

**124-60**

**SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS**

For any #development#, #enlargement#, alteration or change of #use# within the #Special Willets 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 will encourage a lively pedestrian environment along the street, or 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# within the Special District;
- (d) #bulk# modifications will permit adequate access of light and air to surrounding streets; and
- (e) #development# or #enlargement# will relate harmoniously to the character of the surrounding area.

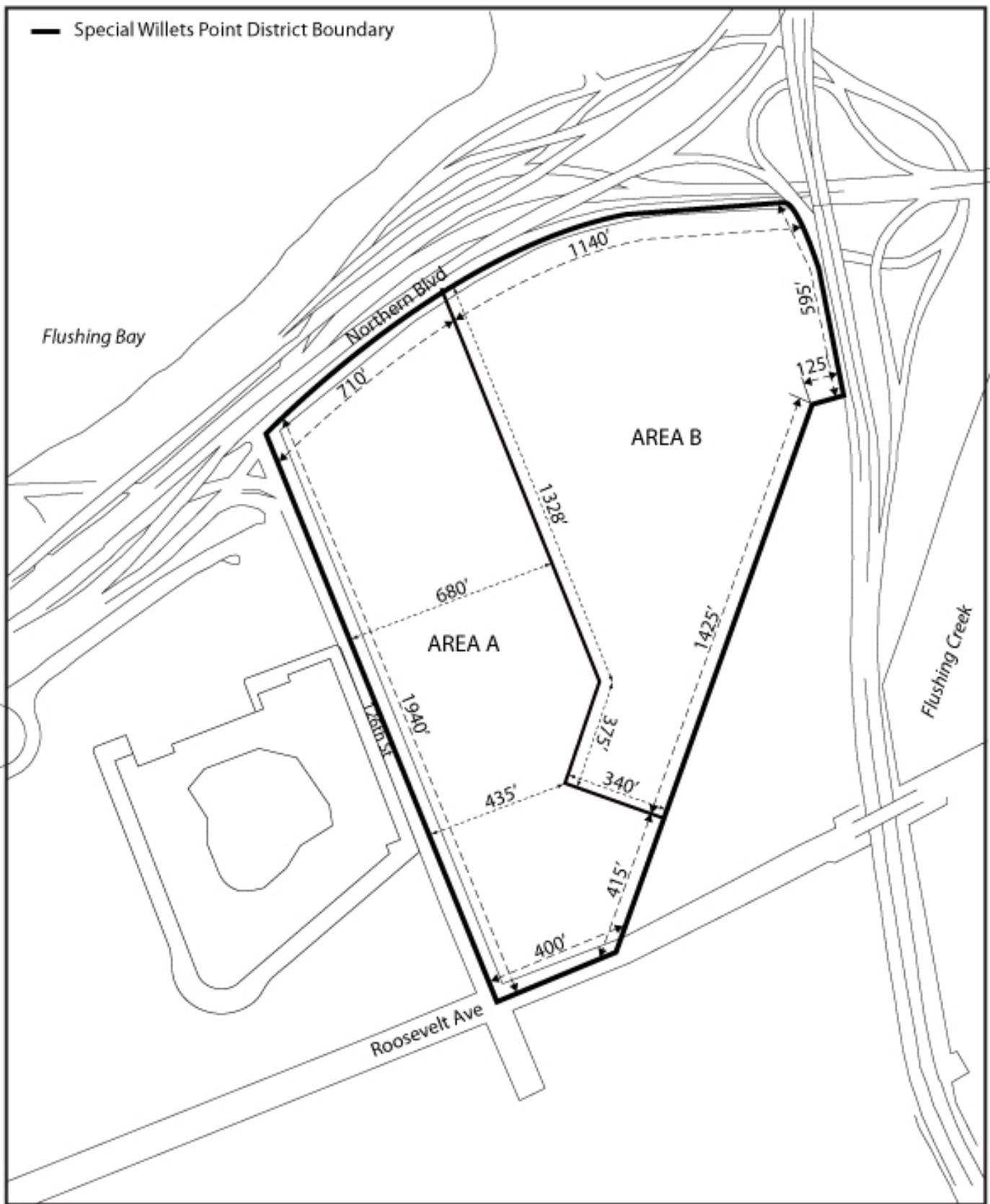
The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**Appendix A**  
**Special Willets Point District**

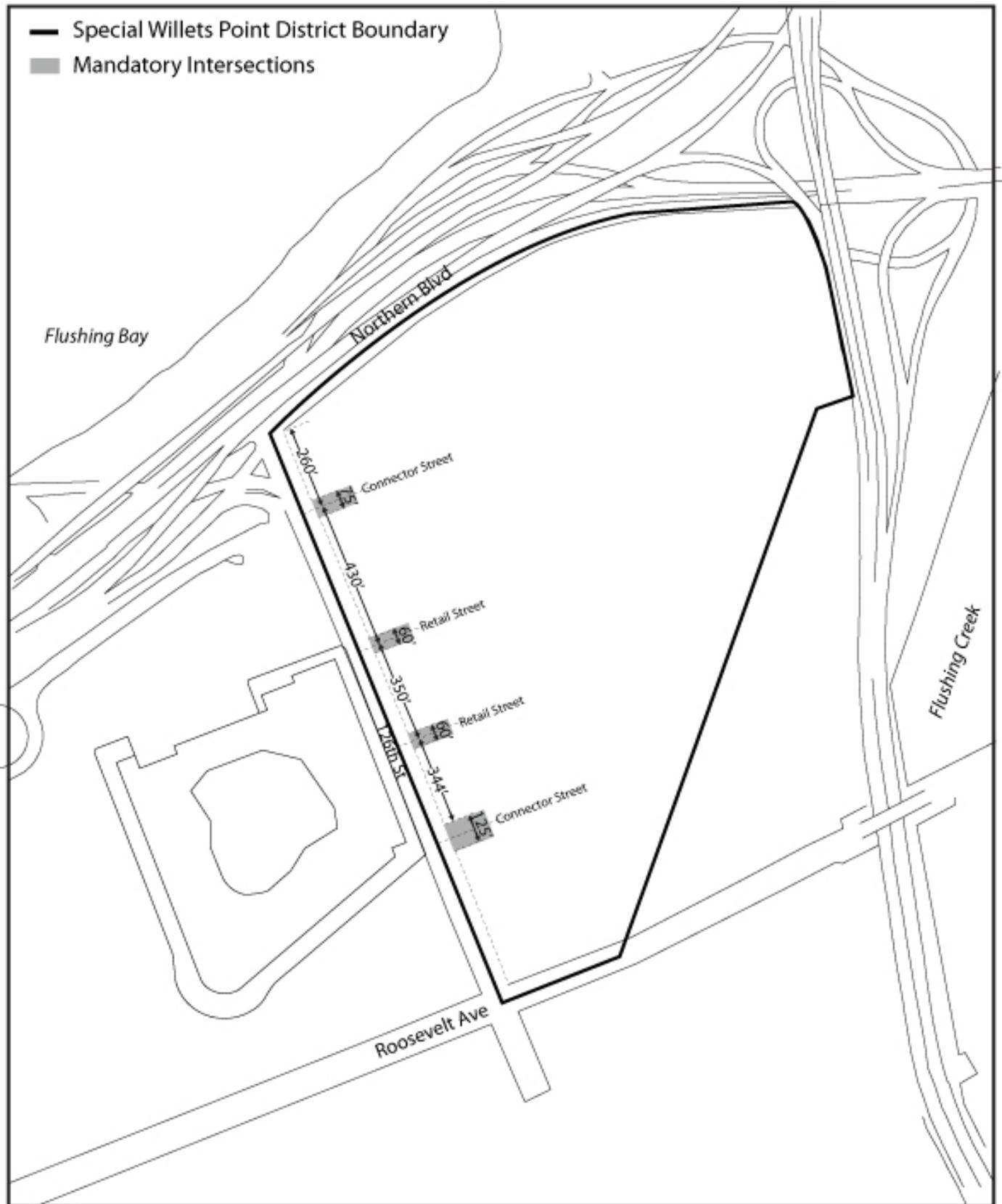
- Map 1 - Special Willets Point District
- Map 2 - Mandatory Intersections
- Map 3 - Location Requirements for Convention Center, Cinema and Office Tower
- Map 4 - Height Limits
- Map 5 - Locations of Tower Walls without Setbacks

\* \* \*

Special Willets Point District  
Map 1. Special Willets Point District

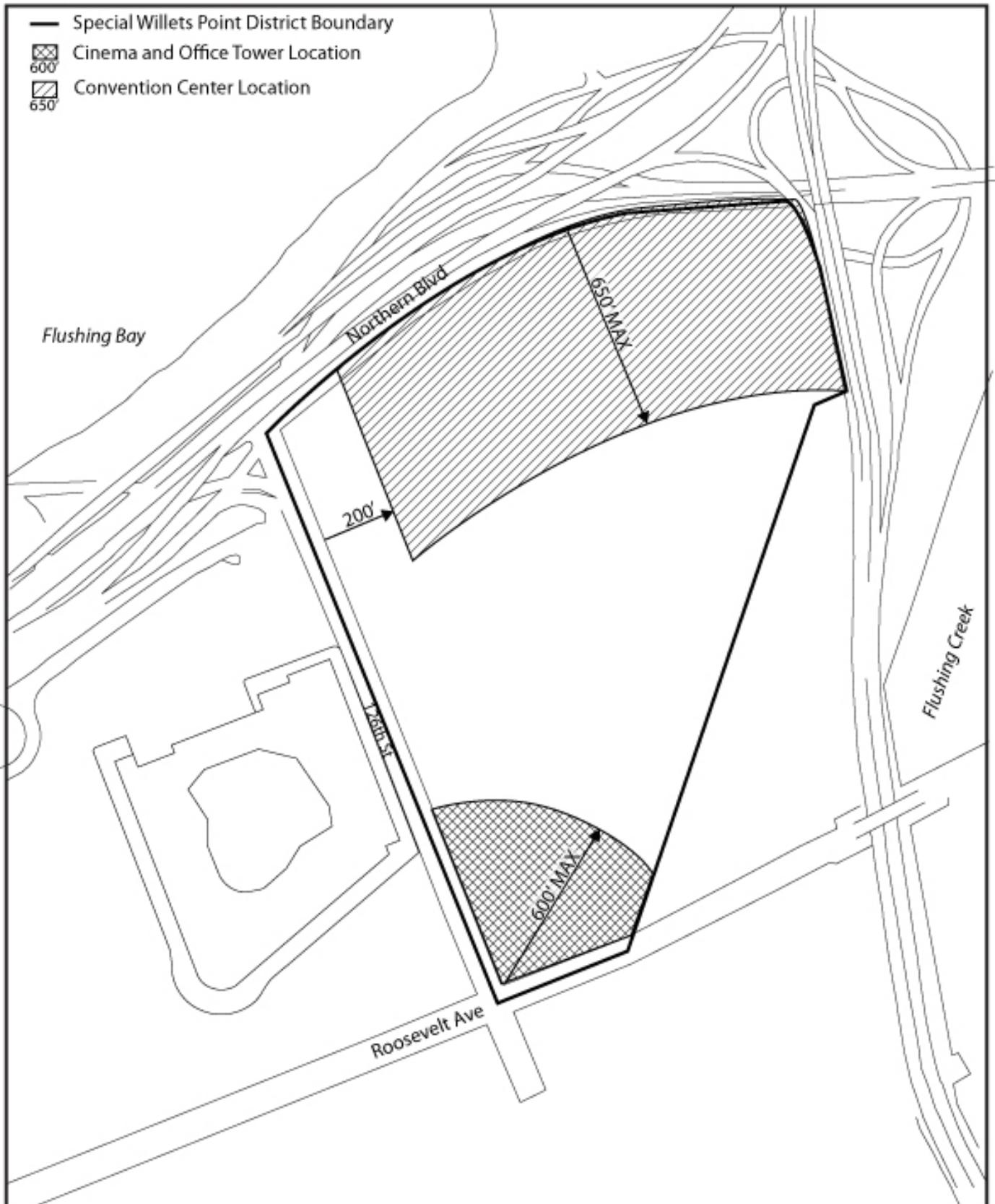


Special Willets Point District  
Map 2. Mandatory Intersections

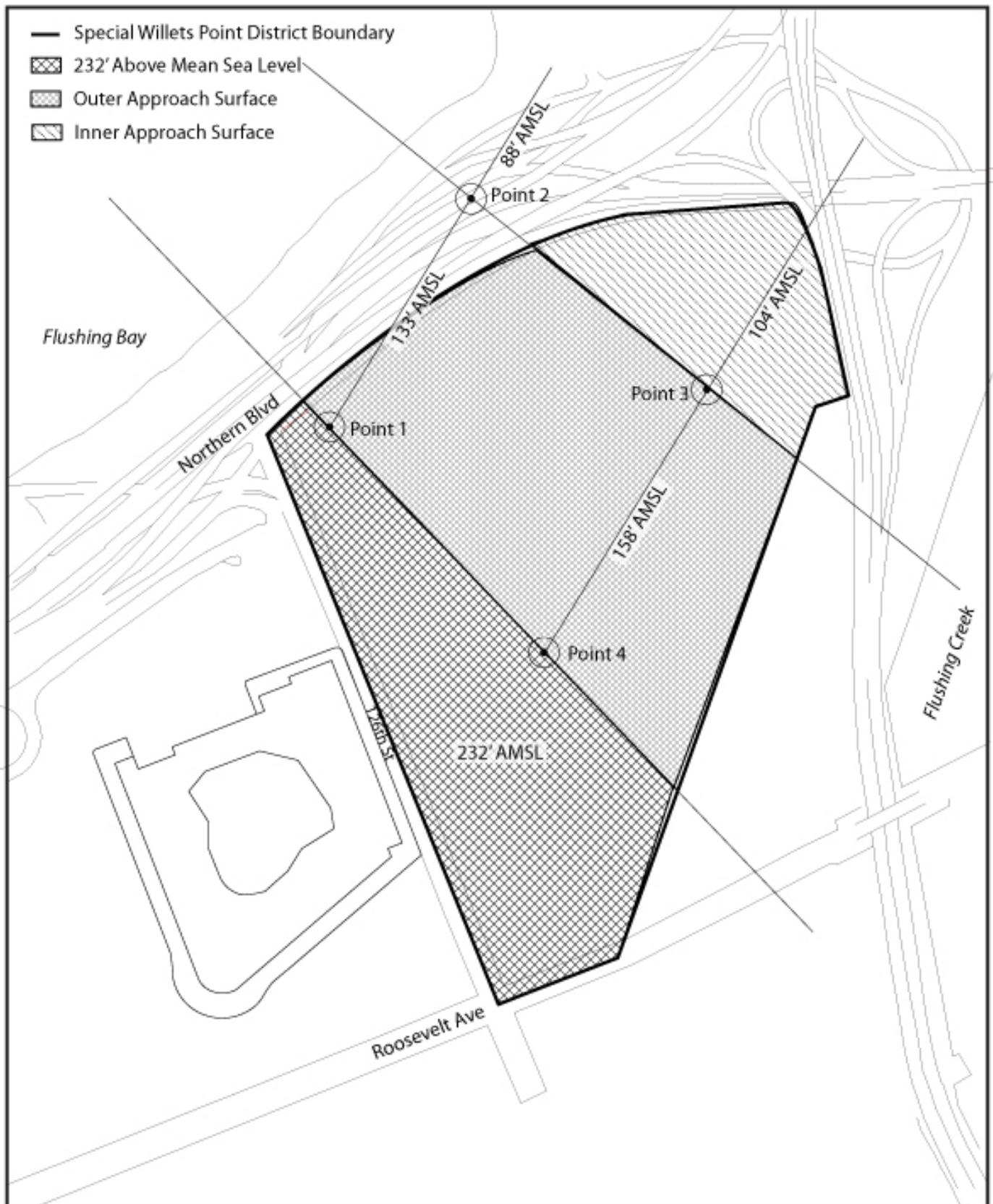


# Special Willets Point District

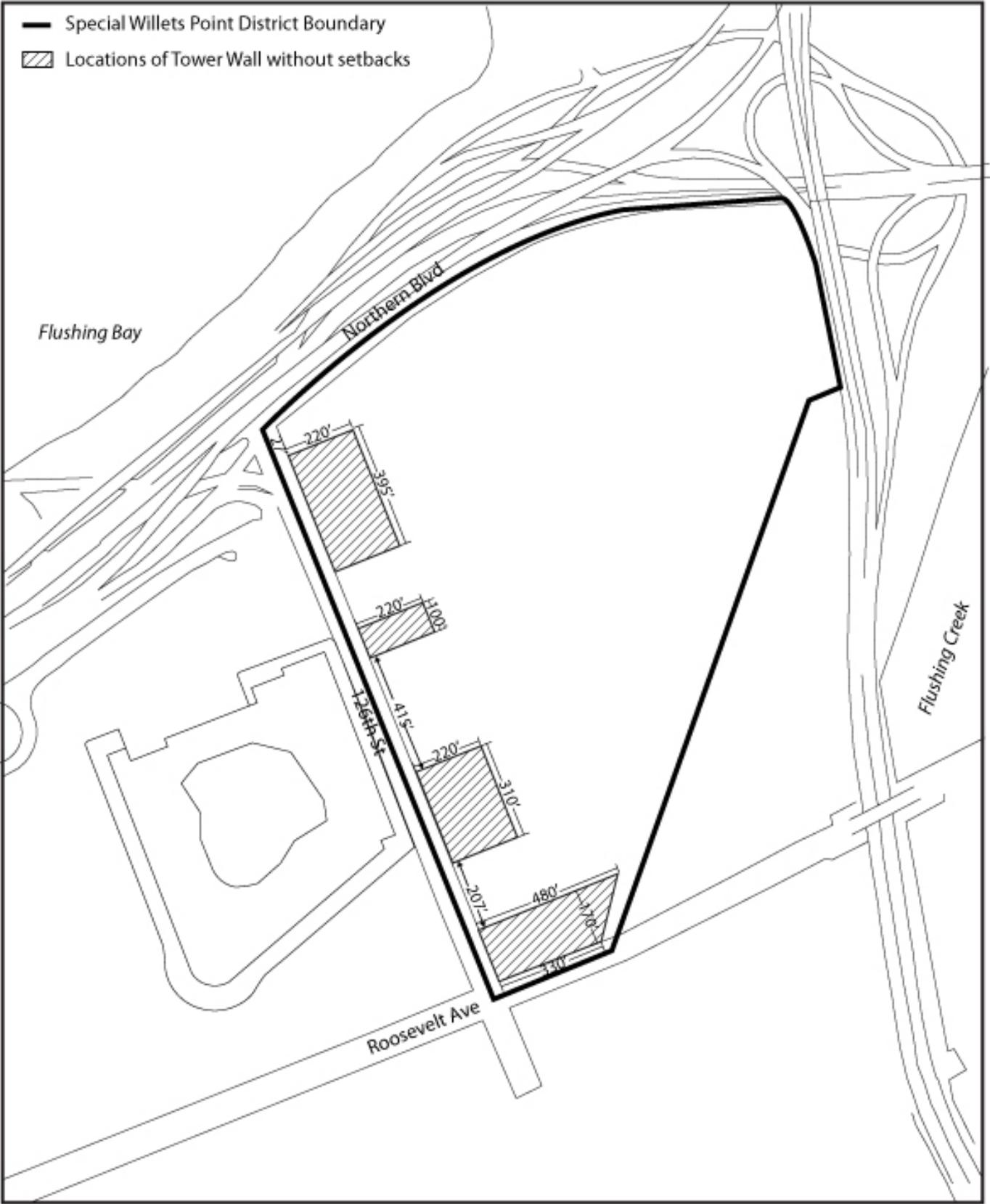
## Map 3. Location Requirements for Convention Center, Cinema and Office Tower



# Special Willets Point District Map 4. Height Limits



Special Willets Point District  
Map 5. Locations of Tower Walls without Setbacks



The above resolution (N 080382 ZRQ), duly adopted by the City Planning Commission on September 24, 2008 (Calendar No. 14), 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**  
**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, JOHN MEROLO, Commissioners**

**KAREN A. PHILLIPS, Commissioner, Voting NO**