



CITY PLANNING COMMISSION

January 21, 2009/Calendar No. 16

N 090103 ZRQ

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating the Special Forest Hills District in Article VIII, Chapter 6, and amending related sections of the Zoning Resolution, Community District 6, Borough of Queens.

The application for an amendment of the Zoning Resolution was filed by the Department of City Planning on September 16, 2008. The requested action, in conjunction with the related zoning map amendment, would facilitate the establishment of the Special Forest Hills District.

RELATED ACTION

In addition to the proposed amendment to the Zoning Resolution, which is the subject of this report (N 090103 ZRQ), implementation of the proposal also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 090104 ZMQ: Amendment to the Zoning Map, rezoning from C8-2, C4-2 and R7-1 to R5D/C2-3, C4-4A and C4-5X within the proposed Special Forest Hills District.

Background

The Department of City Planning is proposing rezoning of a ten-block area is generally bounded by Queens Boulevard to the north, the Long Island Rail Road (LIRR) to the south, Ascan Avenue to the east and Yellowstone Boulevard to the west. The area is

currently zoned C8-2, C4-2, and R7-1. This zoning has been in place since 1961. The area is well served by mass transit. The LIRR Forest Hills Station is located at 71st Avenue/Continental Avenue just south of Austin Street. The E, F, V, G, and R subway lines stop at Queens Boulevard and 71st Avenue/Continental Avenue, and several buses to various locations in Queens and Manhattan serve the area. Additionally, the area is located just south of Queens Boulevard, a major east-west thoroughfare.

The rezoning is being proposed after requests from Community Board 6, local elected officials and property owners to provide a zoning update to the commercial core of Forest Hills. For the past two years, the Department of City Planning has worked closely with the stakeholders to develop this proposal which aims to revise current zoning rules to better reflect current uses and development patterns in the area and provide the tools necessary to foster orderly and predictable growth and development.

In 1961, the area primarily was zoned C8-2 and C4-2, recognizing the prevalence of automotive uses including repair shops and gas stations in the western portion of the rezoning area and commercial and mixed use buildings in the eastern portion. An R7-1 zone was mapped generally to the north of the rezoning area, but was also mapped to include three block portions in the eastern portion of the rezoning area along Queens Boulevard and Austin Street. Over time many of the auto-related uses have been replaced with successful retail businesses and restaurants. This land use evolution has transformed the area from a secondary shopping area to a vibrant commercial hub serving both local

residents of Forest Hills and neighboring communities with much of the activity concentrated along 71st Avenue and Austin Street.

EXISTING ZONING

The Austin Street and adjacent area in Forest Hills has evolved from an area characterized by local retail uses in the eastern portion and automotive uses in the western portion into a more regional commercial and mixed-use character. The current zoning, however, is unchanged since 1961 and the three existing zones - C8-2, C4-2, and R7-1 – poorly match current land use characteristics and established development patterns.

The south side of Austin Street is characterized by low-rise 1-3 story buildings, typically ranging in height from 20 -40 feet. The midblock consists of predominantly medium density buildings ranging from 4-6 stories with heights typically 70 feet or less. The Queens Boulevard corridor has buildings ranging in height from 80-225 feet.

C8-2

The western half of the rezoning area is zoned C8-2. C8-2 districts allow commercial and community facility uses in Use Groups 4 through 14 and 16. The most prevalent uses in C8 districts are automotive and heavy commercial uses such as auto repair and showrooms, warehouses, gas stations and car washes. Residential uses are not permitted. The maximum commercial floor area ratio (FAR) in C8-2 districts is 2.0. There is no maximum building height and the building envelope is regulated by the sky exposure

plane. Community facilities are permitted an FAR of 4.8. Off-street parking requirements vary with the use, but generally most uses require one accessory parking space per 400 square feet of commercial space.

C4-2

The eastern half of the rezoning area is zoned C4-2. C4-2 zoning districts are mapped in regional commercial centers that are located outside of the central business district and allow commercial, community facility and residential development. Specialty and department stores, theaters and commercial uses that serve a broader area are typically found here and generate more traffic than neighborhood shopping areas. There is a maximum residential FAR of 2.43 or 3.0 (on a wide street) using the optional Quality Housing Program. There is no maximum building height and the building envelope is governed by the sky exposure plane. The maximum commercial FAR is 3.4 and community facilities are permitted an FAR of 4.8. The residential parking requirement is 70% of the dwelling units or 50% under Quality Housing. Off-street parking requirements vary with the use, but generally most uses require one accessory parking space per 300 square feet of commercial space.

R7-1

Portions of two block fronts along Queens Boulevard as well as the eastern most portion of Austin Street are zoned R7-1. R7-1 is a medium-density residential district. The maximum residential FAR is 3.44 or 4.0 (on wide streets using Quality Housing). Community facilities are permitted an FAR of 4.8. R7-1 is a height factor district with no fixed height limits. Building envelopes are regulated by the sky exposure plane. Parking spaces are required for 60% of the dwelling units or 50% if Quality Housing provisions are used.

C1-2 Overlay

A C1-2 overlay is mapped on the eastern end of Austin Street between 72nd Road and Ascan Avenue. C1 districts are mapped within residential districts and allow Use Groups 1 through 6, which permits the kinds of daily retail and service establishments needed in residential neighborhoods. Maximum commercial floor area can reach 2.0 FAR when the overlay is mapped within an R7-1 district and commercial uses are limited to the ground floor in mixed-use buildings. Most retail uses require one accessory parking space per 300 square feet of commercial floor space, although the requirements may range between one space per 200 square feet and one space per 800 square feet.

PROPOSED ACTIONS

The Department is proposing the following actions to address the outdated 1961 zoning designations:

- **Zoning Text Amendment** (N 090103 ZRQ) to establish the Special Forest Hills District.
- **Zoning Map Amendments** (C 090104 ZMQ) to map the Special Forest Hills District and rezone the area.

The Special Forest Hills District would encompass the entire 10-block area to be rezoned to R5D/C2-3, C4-4A and C4-5X. The objectives of these two actions are to:

- Foster new development with a predictable building envelope that is consistent with established contexts
- Provide a transition in scale and density from south (Austin Street) to north (Queens Boulevard)
- Support a broad and vibrant mix of commercial and residential uses throughout the area
- Promote ground floor commercial/retail development along Austin Street and Queens Boulevard

Zoning Text Amendment (N 090103 ZRQ)

The proposed Special Forest Hills District (SFHD) would modify certain regulations of the proposed underlying zones pertaining to bulk, use, parking, height and setback to appropriately address the area's distinct context. The district would include the following provisions:

- In the proposed R5D/C2-3 district:
 - Allow the full range of C4 commercial uses to be consistent with the range of uses allowed throughout the rest of the proposed district. The additional allowed uses include larger clothing and department stores, which would normally be limited to 10,000 square feet.
- In the proposed C4-4A district:
 - The maximum base height would be 60 feet instead of 65 feet and the maximum building height would be 70 feet instead of 80 feet.
- In the proposed C4-5X district:
 - The maximum FAR for commercial uses would be 5.0 instead of 4.0.
 - The base height for buildings west of 70th Road would be 40-60 feet instead of 60-85 feet.
 - The maximum building height will be 150 instead of 125 to allow a lower base for properties fronting Gerald MacDonald Park and on the north side of Austin Street as well as to accommodate commercial and office buildings which typically require taller floor to ceiling heights.
- To support a vibrant street character, ground floor commercial or community facility uses would be required on the portion of Austin Street between 70th Avenue and 72 Road and on 71st-Continental Avenue between Austin Street and Queens Boulevard. Seventy percent of ground floor facades for commercial uses and fifty percent for community facility use (excluding schools) would be required to be glazed and transparent in this area.
- Special parking requirements to ensure adequate off-street parking for commercial uses larger than 16,000 square feet and reduce parking waivers and exemptions for residential uses. Most retail uses would require one accessory parking space per 400 square feet of commercial floor area as part of the special

district regulations, but this requirement would be waived if fewer than 40 spaces would be required. For residential uses the required off-street parking would be waived if fewer than 5 spaces would be required.

- Curb cuts for accessory off-street parking and loading in specified locations would not be allowed unless the Chairperson of the City Planning Commission certifies that a curb cut in that location would not be hazardous to traffic safety.

Zoning Map Amendment (C 090104 ZMQ)

In addition to mapping of the Special District, a 10-block area would be rezoned from C8-2, C4-2 and R7-1 to R5D/C2-3, C4-4A and C4-5X. This area is generally bounded by Queens Boulevard to the north, the Long Island Rail Road (LIRR) to the south, Ascan Avenue to the east and Yellowstone Boulevard to the west.

R5D with a C2-3 Overlay

The proposed R5D/C2-3 zoning includes portions of two blocks on the south side of Austin Street between Yellowstone Boulevard on the west and Ascan Avenue on the east. In this proposed zone all residential, commercial and community facility development would have a maximum FAR of 2.0. R5D districts allow a maximum building height of 40 feet and typically produce 1-3-story buildings. These regulations would reinforce the low scale of existing buildings on the south side of Austin Street. Parking would be required for 66% of all dwelling units. Most retail uses in the proposed C2-3 district would require one accessory parking space per 400 square feet of commercial floor area. The range of allowed retail uses would be expanded to include regional retail uses by the proposed special district provisions listed below.

C4-4A

A C4-4A district is proposed for five block portions located on the north side of Austin Street between 70th Avenue and 72nd Road. In the proposed C4-4A district, commercial, residential and community facility development would have a maximum FAR of 4.0. The C4-4A is a contextual zoning district. As part of the special district regulations, maximum street wall height would be 60 feet and maximum building height would be 70 feet to reinforce the scale of 4-6 story buildings typically found in the midblock portions from 70th Avenue on the west and 72nd Road on the east. Parking would be required for 50% of the residential units. Most retail uses in the proposed C4-4A district would require one accessory parking space per 400 square feet of commercial floor area as part of the special district regulations.

C4-5X

A C4-5X district is proposed for eight blocks or block portions from Yellowstone Boulevard to 72nd Road south of Queens Boulevard. The C4-5X is a contextual zoning district. In the proposed C4-5X district residential and community facility development would have a maximum FAR of 5.0. The special district regulations would also allow a 5.0 FAR for commercial instead of 4.0 uses to support the area's broad mix of uses, particularly regional commercial activities such as offices and hotels. The special district regulations would modify the underlying C4-5X base height of 60-85 feet to be 40-60 feet for all zoning lots west of 70th Road. The maximum height of buildings would be 150 feet, except for buildings or portions of buildings within 60 feet of the northerly side of Austin Street between Yellowstone Boulevard and 70th Avenue, where the maximum

height would be 80 feet. These special regulations would reinforce the scale of existing 6- to 14-story buildings along Queens Boulevard and strengthen the mixed residential and commercial character of this portion of the rezoning area. Parking would be required for 50% of the dwelling units. Most retail uses in the proposed C4-5X district would require one accessory parking space per 400 square feet of commercial floor area as part of the special district regulations.

ENVIRONMENTAL REVIEW

This application (N 090103 ZRQ) in conjunction with the related application (C 090104 ZMQ,) were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 09DCP013Q. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a negative declaration was issued on September 22, 2008. Written comments submitted in response to the Environmental Assessment Statement (EAS) identified minor mathematical errors therein. The correction of the errors, as reflected in Errata dated January 21, 2009, did not affect the conclusions of the EAS.

PUBLIC REVIEW

On September 22, 2008, this application (N 090103 ZRQ) was duly referred to Community Board 6 and the Borough President for information and review in accordance with the procedures for non-ULURP matters. The related application (C 090104 ZMQ) was certified as complete by the Department of City Planning on September 22, 2008, and was duly referred to Community Board 6 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 6 held a public hearing on the applications (N 090103 ZRQ and C 090104 ZMQ) on October 22, 2008, and on that date, by a vote of 20 in favor, 4 opposed and 0 abstaining, adopted a resolution recommending approval of this application with the following conditions:

- Accessory residential parking be increased from 50% to 70% in the proposed C4-4A and C4-5X zoning districts
- A supermarket be retained at Gerard Place and Yellowstone Boulevard

Borough President Recommendation

The applications (N 090103 ZRQ and C 090104 ZMQ) were considered by the Borough President, who issued a recommendation approving the applications on December 4, 2008.

City Planning Commission Public Hearing

On December 3, 2008 (Calendar No. 6), the City Planning Commission scheduled December 17, 2008 for a public hearing on the application (N 090103 ZRQ). The hearing was duly held on December 17, 2008 (Calendar No. 28), in conjunction with the hearing for the related action (C 090104 ZMQ). There were three speakers in favor and four speakers in opposition.

The president of the Forest Hills Community & Civic Association spoke in favor of the proposal. She stated that the proposal would protect the scale and character of Austin Street and preclude more dense developments that have been approved through the Board of Standards and Appeal (BSA). A board member of the Forest Hills Community & Civic Association appeared in favor and said that the proposal would preserve neighborhood character and maintain the pedestrian experience on Austin Street by providing fixed height limits and implementing glazing requirements for ground floor commercial. An architect representing a property owner in the rezoning area located at 68-60 Austin Street, stated they had received a special permit from the Board of Standards and Appeals to waive the parking requirement for an expansion of an existing building on the site. He indicated that if the zoning proposal were approved, the special

permit would be invalidated and asked the Commission to modify the zoning text so the special permit could remain in effect.

A board member of the Forest Hills Van Court Association spoke in opposition and stated that the proposal would subvert the character of Austin Street, destroy the present balance and lead to overdevelopment. An attorney speaking in opposition on behalf of a member of the Friends of Station Square stated that the proposal lacked balance and favored large scale development. An attorney representing the Forest Hills Van Court Association opposed the application, stating that the proposal would significantly alter existing neighborhood character and suggested an alternative zoning proposal be considered that would limit the height of all buildings in the Special District to 70 feet and have a maximum FAR of 4.0. He also suggested that components of the Little Italy and Madison Avenue special districts may be appropriate for this proposal. A planning consultant representing the Forest Hills Van Court Association, also in opposition, stated that the proposal does not address the preservation of the character of Austin Street. He also stated that the Environmental Assessment Statement was deficient in addressing the impact categories of Neighborhood Character, Urban Design and Shadows.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the proposed zoning text amendment to (N 090103 ZRQ) as modified herein, in conjunction with the proposed zoning map amendment (C 090103 ZMQ) is appropriate. The zoning changes would replace outdated zoning designations that are not reflective of current land use and development trends in the area. The proposal reinforces established contexts, provides transition in scale from south to north and continues to promote established ground floor retail/commercial development.

The Commission believes the proposed Special District text and corresponding zoning map amendments provide bulk, density and use regulations that are appropriate for the area. This proposal is the result of more than two years of meetings with Community Board 6, elected officials and property owners. The proposal reflects the stakeholders input and addresses concerns that were raised during its development. The proposed text includes provisions to allow development that is appropriate but predictable in terms of bulk and density, as well as parking provisions to provide for adequate off-street parking. The proposal prohibits new uses that are not compatible with existing land use patterns in the area but allows uses that support the regional commercial character of the area.

The Commission acknowledges the recommendation of Community Board 6 to increase the accessory residential parking requirement from 50% to 70% in the proposed C4-4A

and C4-5X zoning districts and retain a supermarket at Gerard Place and Yellowstone Boulevard. The Commission notes that both requests are beyond the scope of the proposal and believes that the proposed parking regulations are appropriate for an area that is well served by mass transit.

The Commission acknowledges that comments were made by some community members during the public review that the proposal will alter the character of the neighborhood and lead to overdevelopment. The Commission believes that the fixed base heights and maximum building heights will provide the framework to allow the area to grow in an orderly and predictable manner and prevent out of character development. The Commission also notes that the maximum proposed height limit of 150 feet in the proposed C4-5X is significantly less than the tallest structure in the rezoning area which is over 200 feet in height.

The Commission also believes that the proposal is protective of existing neighborhood character. The proposed building envelopes reflect the existing building heights.. The zoning text also provides additional controls that address the unique character of the area. The rear yard regulations for properties in the proposed R5D abutting the Long Island Railroad right of way reflect the uniqueness of those lots. The base height of 40-60 feet for properties west of 70th Road in the proposed C4-5X zoning district minimizes shadow impacts on Gerald MacDonald Park, and all zoning lots in the C4-5X zoning

district will have frontage upon Queens Boulevard. The maximum building height of 150 feet allows for the lower base height and accommodates commercial and office development, which typically requires higher floor-to-ceiling heights. In addition, the permitted uses, as well as the ground floor glazing requirement reinforce the regional commercial character of the area. The Commission believes these key elements of the existing neighborhood character will be preserved by the proposal.

The Commission also notes that the suggestion for a lesser density alternative rezoning proposal is outside of the scope of this application.

In response to testimony at the Commission's public hearing relating to a special permit approved by the Board of Standards and Appeals for property located at 68-60 Austin, the Commission is modifying the text of the proposed Special District to allow the special permit to remain in effect if the proposal is adopted.

The Commission believes that with the changes described herein, the Special Forest Hills District provides the appropriate updates to the 1961 zoning designations by reinforcing the existing built character, promoting ground floor commercial development and providing the framework for predictable and orderly growth in the future.

RESOLUTION

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

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in 12-10 or
* * * indicates where unchanged text appears in the Zoning Resolution

**ARTICLE I
GENERAL PROVISIONS**

* * *

**11-12
Establishment of Districts**

* * *

Establishment of the Special Forest Hills District

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

Establishment of the Special Garment Center District

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12-10 DEFINITIONS

* * *

Special Forest Hills District

The "Special Forest Hills District" is a Special Purpose District designated by the letters "FH" in which special regulations set forth in Article VIII, Chapter 6, apply. The #Special Forest Hills District# appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is superimposed.

Special Garment Center District

* * *

Chapter 3 Sidewalk Cafe Regulations

* * *

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).

* * *

*		#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
	Queens		
	<u>Forest Hills District*</u>	<u>No</u>	<u>Yes</u>
	Downtown Jamaica District	No	Yes

#Sidewalk cafes# are not allowed on Austin Street

* * *

Article VIII, Chapter 6, (86-00) is new text; it is not underlined

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 6
Special Forest Hills District**

**86-00
GENERAL PURPOSES**

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

- (a) to ensure that the form of new buildings is compatible with and relates to the built character of the Forest Hills neighborhood;

- (b) to preserve, protect and promote the special character of Austin Street as a regional shopping destination;
- (c) to create a graduated transition from the lower-scale character of Austin Street to the higher-scale character of Queens Boulevard;
- (d) to support a broad and vibrant mix of commercial and residential uses throughout the Special District
- (e) to enhance the pedestrian setting of Austin Street through appropriate ground floor uses and structural requirements;
- (f) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's revenue.

86-01
Definitions

Special Forest Hills District

The "Special Forest Hills District" is a Special Purpose District designated by the letters "FH" in which special regulations set forth in Article VIII, Chapter 6, apply. The #Special Forest Hills District# appears on the #zoning maps# superimposed on other districts and its regulations supersede, supplement and modify those of the districts upon which it is superimposed.

86-02
General Provisions

In harmony with the general purposes of this Resolution and in accordance with the provisions of the #Special Forest Hills District#, the regulations of this Chapter shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the Special District. Unless modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. 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.

Any special permit granted by the Board of Standards and Appeals before [Effective Date of this amendment], may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse

of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

86-03

District Plan and Maps

The regulations of this Chapter are designed to implement the District Plan for the #Special Forest Hills District#. The District Plan includes the map of the #Special Forest Hills District#, which is set forth in the Appendix to this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

86-04

Applicability of Article I

Within the #Special Forest Hills District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation

86-10

SPECIAL USE REGULATIONS

86-11

Ground Floor Uses Along Designated Streets

Along the portions of Austin Street and 71st Avenue specified on the map in the Appendix to this Chapter as Special Retail Continuity Streets, #uses# located on the ground floor level or within five feet of #curb level#, and within 30 feet of the #street wall#, shall be limited to #commercial# or #community facility uses# permitted by the

underlying district and the provisions of Section 86-12 (Modification of Uses on Austin Street).

The #street# frontage of a #development# or #enlargement# shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations and #accessory# parking spaces. In no event shall the length of #street# frontage occupied by lobby space exceed, in total, 40 feet or 25 percent of the building's total #street# frontage, whichever is less.

86-12 Modification of Uses Along Austin Street

The #use# regulations in the #Special Forest Hills District# shall be modified to permit Use Groups 10A, 10C, 12A, 12B, 12D and 12E within C2 Districts fronting on Austin Street.

The provisions of Section 32-423 (Limitation on ground floor location) shall not apply to #uses# located along Austin Street.

86-13 Location of Uses in Mixed Buildings

The provisions of Section 32-422 (Location of floors occupied by non-residential uses) are 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#.

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

86-14 Transparency Requirements

The ground floor #street wall# bounding any #commercial# or #community facility use#, other than a #school#, shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors.

For such #community facility uses#, the glazed area shall occupy at least 50 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.

For #commercial uses#, 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 area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

86-15
Security Gates

For all #commercial# or #community facility uses# located on the ground floor of a #development# or #enlargement# within the #Special Forest Hills District#, any security gates installed after (date of enactment) that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street# or any publicly accessible area, except that this provision shall not apply to entrances or exits to parking garages.

86-20
SPECIAL BULK REGULATIONS

The applicable bulk regulations of the underlying districts shall apply within the #Special Forest Hills District#, except as modified by this Section, inclusive.

86-21
Special Floor Area Regulations in C4-5X Districts

In C4-5X Districts within the #Special District#, the underlying #floor area ratio# for #commercial uses# shall not apply. In lieu thereof, the provisions of Section 33-122 (Commercial buildings in all other Commercial Districts) shall be modified to permit a maximum #floor area ratio# of 5.0.

86-22
Waiver for Rear Yards

No rear yards shall be required for any #commercial# or #community facility use# permitted within a C2-3 District in the #Special Forest Hills District#.

86-23

Height and setback regulations

#Developments# and #enlargements# within the Special District shall comply with the height and setback regulations of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), except as modified by this Section.

(a) In C4-4A Districts

For #developments# or #enlargements# within the C4-4A District, the maximum base height of the #street wall# shall be 60 feet.

The maximum height of a #building# within the C4-4A District shall be 70 feet.

(b) In C4-5X Districts

For #developments# or #enlargements# within the C4-5X District west of 70th Road, the minimum base height of the #street wall# shall be 40 feet and the maximum base height of the #street wall# shall be 60 feet.

The maximum height of a #building# within the C4-5X District shall be 150 feet, except that the maximum height for #buildings# or portions of #buildings# on #zoning lots# located wholly or partly within 60 feet of the northerly side of Austin Street between Yellowstone Boulevard and 70th Avenue, shall be 80 feet.

All heights shall be measured from the #base plane#.

86-30

SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

For any #development#, #enlargement#, alteration or change of #use# on a #zoning lot# within the #Special Forest Hills District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, other than #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 Austin Street;
- (c) modification is the only practicable way to achieve the programmatic requirements of the #development#;

- (d) modification will enhance the distribution of #bulk# on the #zoning lot#;
- (e) modification of #bulk# will permit adequate access of light and air to surrounding #streets# and properties; and
- (f) #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.

86-40 SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

The applicable parking and loading regulations of the underlying districts shall apply within the #Special Forest Hills District#, except as modified by this Section, inclusive.

86-41 Parking Regulations for Commercial Uses

For all #commercial uses# located within the #Special Forest Hills District# in parking requirement category (PRC) A, B, B1 or C, the requirements of Section 36-21 (General Provisions) pertaining to the number of #accessory# off-street parking spaces required for each type of #use# shall be modified to provide one parking space per 400 square feet of #floor area# for all such #uses#.

In the Special District, hotels (PRC-H) shall be required to provide one parking space per 12 guest rooms or suites, or one parking space per 12 persons rated capacity, whichever is greater. Places of assembly (PRC-D) shall be required to provide one parking space per 12 persons rated capacity.

86-42 Location of Off-Site Accessory Parking Spaces for Residences

The applicable regulations for the location of permitted or required off-site #accessory# parking spaces for #residential uses# in Sections 36-42 (Off-Site Spaces for Residences) and 36-421 (Maximum distance from zoning lot) shall not apply in the #Special Forest Hills District#. In lieu thereof, such off-site parking spaces, which are #accessory# to a #residential use#, may also be located on any #zoning lot# within the Special District other than the #zoning lot# to which they are #accessory#.

86-43

Modification of Parking Requirement Waivers

The waiver provisions of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), inclusive, shall be modified within the #Special Forest Hills District#, as follows:

- (a) For any new #residential development# or #enlargement# in the Special District, the waiver modification provisions set forth in Section 36-362 (For new developments or enlargements in other C1 or C2 Districts or in C4, C5 or C6 Districts), inclusive, shall not apply. In lieu thereof, the total number of #accessory# off-street parking spaces required in Section 36-30 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS), inclusive, shall be waived if the number of spaces for all #uses# on the #zoning lot#, required by the applicable regulations of Section 36-30, inclusive, is five spaces or fewer.

For any #commercial# or #community facility use# permitted in the Special District, the modification waiver provisions for a C4-4 or C4-5 District set forth in Section 36-232 (In districts with very low parking requirements) shall not apply. In lieu thereof, the total number of #accessory# off-street parking spaces required in Section 36-21 (General Provisions) shall be waived if the number of spaces for all #uses# on the #zoning lot#, required by the regulations of Section 36-21, is fewer than 40 spaces.

- (b) The provisions of Sections 36-342 (Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) and 36-344 (Waiver of requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply in the #Special Forest Hills District#.
- (c) Within the #Special Forest Hills District#, the provisions of paragraph (a) of this Section and Sections 36-23 (Waiver of Requirements for Spaces Below Minimum Number) and 36-36 (Waiver of Requirements for Small Number of Spaces) shall apply only to #zoning lots# existing both on (date of amendment) and on the date of application for a building permit.

86-44

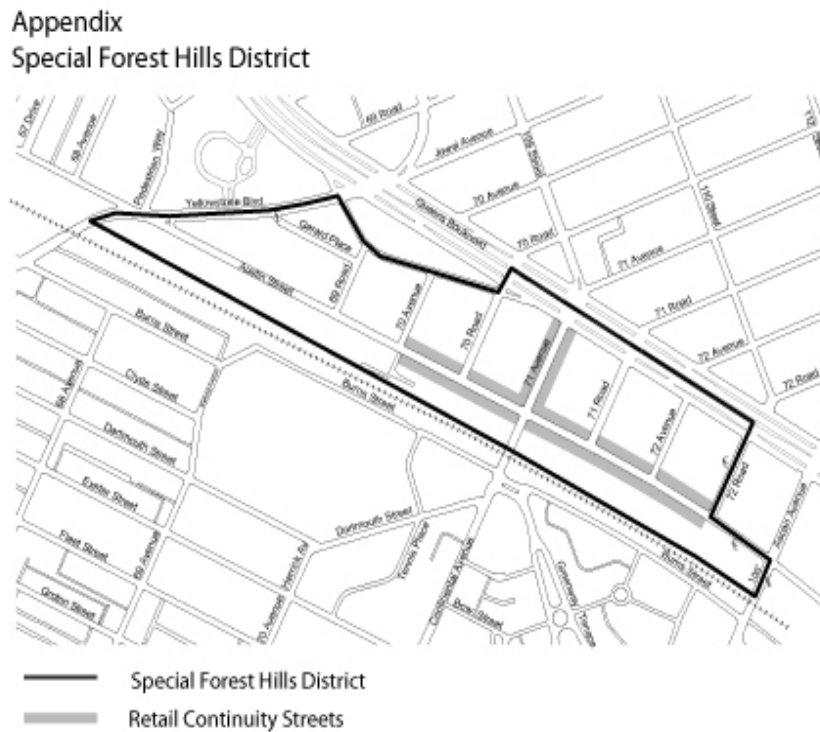
Location of Access to the Street

The waiver provisions of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), pertaining to location of access shall be modified within the #Special Forest Hills District#, as follows:

Curb cuts for permitted or required #accessory# off-street parking and loading spaces along Austin Street from 70th Avenue to Ascan Avenue and along 71st Avenue from Austin Street to Queens Boulevard, as shown on the map in the Appendix to this Chapter, shall not be allowed. The Chairperson of the City Planning Commission, however, may certify to the Commissioner of Buildings that such #zoning lot# has access only to such prohibited location and that a curb cut in that location would not be hazardous to traffic safety and would, if granted, be no wider than 20 feet.

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

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.



The above resolution (N 090103 ZRQ), duly adopted, by the City Planning Commission on January 21, 2009 (Calendar No. 16), is filed with the Office of the Speaker, City

Council, and the Borough President in accordance with the requirements of Section 197-d
of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, 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