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**IN THE MATTER OF** an application submitted by Jamaica Associates Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 19a, by establishing within an existing R3-2 District a C1-3 District bounded by a line 100 feet northerly of Linden Boulevard, a line 90 feet easterly of 226<sup>th</sup> Street, Linden Boulevard, and 226<sup>th</sup> Street, Borough of Queens, Community District 13, as shown on a diagram (for illustrative purposes only) dated January 3, 2011, and subject to the conditions of CEQR Declaration E-270.

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The application for a Zoning Map amendment was filed by Jamaica Associates Inc. on April 30, 2010 to establish a C1-3 commercial overlay district within an R3-2 district to facilitate the construction of a one-story commercial building with approximately 8,100 square feet of floor area on the northeast corner of Linden Boulevard and 226<sup>th</sup> Street in Community District 13, Queens.

#### BACKGROUND

The applicant, Jamaica Associates, Inc., proposes a Zoning Map amendment to establish a C1-3 commercial overlay district within an existing R3-2 zoning district on the north side of Linden Boulevard between 226<sup>th</sup> and 227<sup>th</sup> streets in the Cambria Heights neighborhood of Community District 13 in eastern Queens. The proposed rezoning area would include portions of two lots that are currently zoned R3-2 (Block 11327, Lots 7 and 1). The applicant's property is Lot 7, which is an irregularly-shaped lot that occupies the northeast corner of Linden Boulevard and 226<sup>th</sup> Street. The lot is vacant and has an area of approximately 8,998 square feet (generally measuring 108' x 80'). Lot 1 abuts the project site to the east and occupies the remainder of this block front along Linden Boulevard extending to 227<sup>th</sup> Street. It is owned by the Trust for Public Land and occupied by a community garden maintained by area residents and the Brooklyn-Queens Land Trust. The proposed C1-3 overlay district would primarily encompass Lot 7, and extend 10 feet into Lot 1.

The existing R3-2 zoning district has been in place since 1961, but zoning in the area surrounding the project site was updated in 2005 as a result of a Department of City Planning-sponsored neighborhood rezoning initiative for Cambria Heights (C 050400 ZMQ). West of the rezoning area, between 226<sup>th</sup> and 217<sup>th</sup> streets, Linden Boulevard is zoned R3-2 with a 100-foot deep C1-3 commercial overlay zone on both sides of the boulevard, except for block portions facing 218<sup>th</sup> Street. To the east, Linden Boulevard is zoned R2A with a 100-foot deep C2-3 commercial overlay zone on both sides of the boulevard between 227<sup>th</sup> and 230<sup>th</sup> streets.

Linden Boulevard is an 80-foot wide, east-west thoroughfare, extending to the City line in southeast Queens. Two bus lines run along Linden Boulevard: one runs between the City line and downtown Jamaica, and the other provides weekday express service to midtown Manhattan. The corridor is the main shopping street in Cambria Heights, characterized by one-story commercial and institutional structures, two- and three-story mixed-used buildings, and scattered residential uses interspersed among the commercial buildings. The block front between 226<sup>th</sup> and 227<sup>th</sup> Street across from the proposed rezoning area is residentially developed with two-story row houses facing these side streets.

The area north of the project site is zoned R2A and developed with single-family, detached homes. R2A zoning is the predominant district in Cambria Heights and it also covers the area further south of Linden Boulevard that is also developed with single-family, detached homes. At the time of the 2005 Cambria Heights rezoning, the project site was residentially developed and its R3-2 zoning was left unchanged.

The existing R3-2 zoning allows all housing types with a maximum front wall height of 21 feet, a maximum building height of 35 feet, a maximum floor area ratio (F.A.R.) of 0.6 (including a 20% attic allowance) and a maximum lot coverage of 35%. It also permits community facility uses with a maximum FAR of 1.0.

The proposed Zoning Map amendment would extend the existing 100-foot deep C1-3 commercial district, currently on the north side of Linden Boulevard, across 226<sup>th</sup> Street for a distance of 90 feet between 226<sup>th</sup> and 227<sup>th</sup> streets. C1-3 commercial overlay districts permit

Use Groups 1 through 4 and 6. When mapped within R1 through R5 zoning districts, the overlay district allows a maximum commercial FAR of 1.0. The maximum permitted front wall height is 30 feet or 2 stories whichever is less. Above a height of 30 feet a building wall setback is required (20 feet deep along a narrow street or 15 feet on a wide street) and the maximum building height is determined by a sky exposure plane. Most retail uses require one off-street parking space for every 400 square feet of commercial space.

The proposed action would facilitate a proposal by the applicant to construct an 8,102 square-foot retail development on the northeast corner of Linden Boulevard and 226<sup>th</sup> Street. The building would be subdivided into four stores, with entrances fronting on Linden Boulevard. The building is proposed to have an FAR of 0.9, a building height of 12 feet (15 feet including parapet) and extend along the Linden Boulevard frontage from lot line to lot line. The eastern wall of the proposed building, facing the community garden, would consist of decorative brick with brick piers and stucco parapet. An eight-foot side yard would be provided to the north of the retail building. Opaque fencing, six feet in height, is proposed along the property line on the north and a portion of the east side of the lot. Trash storage would be located at the rear of each store within the building. No on-site parking would be provided since the proposed development would generate fewer than 25 spaces and, pursuant to Zoning Resolution Section 36-23 (Waiver of Requirements for Spaces below Minimum Number), is eligible to waive all parking spaces. A total of eight required street trees would be planted along the 226<sup>th</sup> Street and Linden Boulevard frontages of the project site.

## **ENVIRONMENTAL REVIEW**

This application (C 100342 ZMQ) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 10DCP034Q. The lead agency is the Department of City Planning.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on January 3, 2011. To avoid the potential for significant adverse air

quality impacts related to HVAC emissions, an (E) designation (E-270) would be mapped on Block 11327, Lot 7. The text for the (E) designation is as follows:

Any new commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) are located at least 46 feet from the lot line facing Linden Boulevard, to avoid any potential significant adverse air quality impacts.

With the placement of the (E) designation on the above block and lot, no significant adverse impacts related to stationary source air quality are expected.

On May 6, 2011, a Technical Memorandum was issued which describes and analyzes the other modifications to the Proposed Actions, adopted herein. The Technical Memorandum concluded that the proposed actions with modifications would not result in any new or different significant adverse environmental impacts not already identified in the previous Negative Declaration. A Revised Negative Declaration was issued on May 11, 2011. The Revised Negative Declaration reflects the modified application.

### **Uniform Land Use Review**

This application (C 100342 ZMQ) was certified as complete by the Department of City Planning on January 3, 2011, and was duly referred to Community Board 13 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 13 held a public hearing on this application on February 15, 2011, and on February 28, 2011, by a vote of 21 in favor, 1 opposed and 1 abstaining, adopted a resolution recommending disapproval of the application. In a letter dated March 15, 2011 to the Chair of the City Planning Commission, the Chair of Community Board 13 explained the reasons for disapproval:

1. The project is not consistent with the rezoning R2A that was assigned after much effort by your office and community in 2005.
2. The building is purely speculative with no prospective tenants.

3. There are numerous stores including some that are brand new, vacant and never occupied within blocks of this site. There is no market for this space.
4. Parking problems already an issue in the area will be exacerbated, with these new stores and no off street parking.
5. The adjacent Community Garden, according to the Land Trust which owns the property, will lose valuable afternoon sun for several hours during the growing season.
6. The developer did not maintain the property and sidewalk in general and especially during the December 2010, January 2011 snow storms. The Community is concerned that the developer may not maintain the property or respect promises made to the community regarding undesirable tenant types.
7. Councilman Comrie for over one year attempted to have the developer consider the City gaining the site for a more conducive project, which was refused until February 2011.
8. In her February 17, 2011 letter to Community Board 13 Assemblywoman Barbara Clark citing the economic downturn stated “Expanding the Linden Boulevard commercial footprint in this economic climate would therefore risk suffering the dual downsides of increasing this local economic distress while at the same time eroding resident’s ability to benefit from the quiet enjoyment of their homes.”, (sic) as part of her opposition.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation disapproving the application on April 4, 2011 with the following statement:

Although much of Linden Boulevard in that area is commercial in nature 226<sup>th</sup> Street including the subject block is mostly residential. The proposed rezoning will not be in keeping with the goals of Cambria Heights rezoning that was approved in July 2005. The intent and spirit of that rezoning was to reflect and preserve the predominant housing types and retain the low-density character of the neighborhood.

The block should remain residential.

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

On March 30, 2011 (Calendar No. 4), the City Planning Commission scheduled April 13, 2011, for a public hearing on this application (C 100342 ZMQ). The hearing was duly held on April 13, 2011 (Calendar No. 14). There were two speakers in favor of the application and four in opposition.

The property owner spoke about his intention to have a long-term commercial development at the site that he believes would enhance the character of Linden Boulevard. He described the extensive community outreach and the efforts he made to address the community's concerns about the development's impacts on the garden, potentially undesirable commercial tenants as well as parking and traffic issues. He stated that, subsequent to the Community Board and Borough President's meetings, the plan was changed to include an eight-foot side yard adjacent to the community garden which would eliminate almost all shadows. In addition, the owner stated that he would provide space within the new building for the community to use rent-free for approximately three to four years and that he would also provide water, electricity, a small shed and seasonal maintenance for the garden. With respect to the quality of future tenants on the site and commercial vacancies in the area, the owner stated he would agree not to lease space to such uses as bars, liquor stores or pawn shops which the community feels would be detrimental and that in his opinion vacancies on Linden Boulevard existed because of the poor condition of the commercial buildings.

The project architect also described the owner's concessions to the community and the modifications made to the site plan. He stated a landscaped eight-foot side yard would be provided on the eastern property line adjacent to the garden and would be enclosed with the same wrought iron fencing used around the garden. He also described the community space in the new building which would be approximately 1,080 square feet and located in the rear of the building with an entrance on 226<sup>th</sup> Street. He stated that the timing of the public hearing only allowed discussion of the revised plans with the local City Council representative and not at a community meeting. He testified that he spoke with a representative of the Trust for Public Land (TPL) which owns the community garden and that provision of the eight-foot side yard addressed TPL's concern with access to the commercial building for maintenance from the

garden. The architect then described the shadow study which reflected the new side yard setback, indicating that a shadow measuring only between two and five feet would be cast across the western portion of the garden on June 21 at 3:00 p.m. With respect to on-site parking, the project architect stated that providing parking in the front yard area would create traffic problems on Linden Boulevard and providing parking in the rear would have an impact on the adjacent residence. He agreed to arrange meetings with the Borough President, the community board and local residents to review the changes made to the site plan.

Those speaking in opposition to the application included the president of the Cambria Heights Civic Association, the district manager of Community Board 13 and two residents who are members of the 226<sup>th</sup> Street Block Association.

The civic president said that area residents opposed the rezoning because of the general lack of maintenance currently at the site, the shadows it would cast on the garden as well as privacy issues for nearby residences that would result from excessive exterior lighting and surveillance cameras expected to be installed on the new building. She noted that the community did not see the revised plans that were being shown to the City Planning Commission. She further explained that the community wants to keep the one-family character in the area and that the City Council representative wanted to buy the property for possibly extending the garden.

The district manager of Community Board 13 read the March 15, 2011 letter from the community board to the Chair of the City Planning Commission which explained the community board vote to disapprove the proposed rezoning. He also noted that there were vacancies on Linden Boulevard and that certain commercial uses could be detrimental to the community.

Both local residents testified to the poor maintenance of the project site and stated that they wanted to preserve their residential community and were opposed to more commercial development.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application (C 100342 ZMQ) for an amendment to the Zoning Map, as modified herein, is appropriate.

The Commission notes that Linden Boulevard is an active commercial corridor that provides convenience retail shopping as well as professional and institutional services for the residents of Cambria Heights. The Commission also notes that the existing C1-3 commercial overlays are located immediately west of the proposed rezoning area and C2-3 commercial overlays are mapped east of the site. The Commission believes that the proposed development of a one-story, 8,100 square-foot commercial building with four stores fronting on the commercial corridor would strengthen the commercial character of Linden Boulevard.

The Commission believes that the applicant's proposed changes to the project represent a substantial improvement in the project site plan that results from the provision of an eight-foot side yard between the proposed commercial building and the adjacent community garden. The Commission therefore modifies the dimension of the proposed C1-3 commercial overlay district so as to extend a distance of only 80 feet along the north side of Linden Boulevard, between 226<sup>th</sup> and 227<sup>th</sup> streets instead of the 90-foot dimension requested by the applicant, so that it is coterminous with the applicant's property line. The Commission's modification of the original proposal will require provision of the eight-foot side yard along the eastern property line of the project site, pursuant to the provisions of Section 33-291 of the Zoning Resolution. The Commission notes that providing a side yard adjacent to the community garden would minimize shadows cast onto the garden in the afternoon, thereby addressing a prime community objection to the project.

The City Planning Commission believes that the proposed zoning map amendment would preserve the area's low-density residential character and, consistent with the intent of the Cambria Heights rezoning, encourage locally-oriented commercial uses along the Linden Boulevard corridor while protecting residential side streets from the intrusion of commercial uses. The Commission believes the proposed C1-3 commercial overlay district, as modified, supports that objective.



## **RESOLUTION**

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

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 19a by establishing within an existing R3-2 District a C1-3 District bounded by a line 100 feet northerly of Linden Boulevard, a line 80 feet easterly of 226<sup>th</sup> Street, Linden Boulevard, and 226<sup>th</sup> Street, as shown on a diagram (for illustrative purposes only) dated January 3, 2011, modified by the City Planning Commission on May 25, 2011, and subject to the conditions of CEQR Declaration E-270, in the Borough of Queens, Community District 13.

The above resolution (C 100342 ZMQ), duly adopted by the City Planning Commission on May 25, 2011 (Calendar No. 5), 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, RAYANN BESSER, ALFRED C. CERULLO, III,**  
**BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,**  
**NATHAN LEVENTHAL, ANNA HAYES LEVIN, SHIRLEY A. MCRAE, Commissioners**

**IRWIN G. CANTOR, P.E., Commissioner Voted No**

**KAREN A. PHILLIPS, Commissioner Voted No, Dissenting Statement Attached**

Application #: <b>C 100342 ZMQ</b>	MAR 17 2011	Project Name: <b>Linden Boulevard Rezoning</b>
CEQR Number: <b>10DCP034Q</b>	<b>QUEENS OFFICE</b>	Borough(s): <b>Queens</b> Community District Number(s) <b>13</b>

Please use the above application number on all correspondence concerning this application

**SUBMISSION INSTRUCTIONS**

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

*Docket Description:*

**IN THE MATTER OF** an application submitted by Jamaica Associates Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 19a, by establishing within an existing R3-2 District a C1-3 District bounded by a line 100 feet northerly of Linden Boulevard, a line 90 feet easterly of 226<sup>th</sup> Street, Linden Boulevard, and 226<sup>th</sup> Street, Borough of Queens, Community District 13, as shown on a diagram (for illustrative purposes only) dated January 3, 2011, and subject to the conditions of CEQR Declaration E-270.

<b>Applicant(s):</b> Jamaica Associates Inc. 211-12 Union Turnpike Oakland Gardens, N.Y. 11364 Phone: 718 740-4222 FAX: 718 559-6406		<b>Applicant's Representative:</b> Gerald J. Caliendo Gerald J. Caliendo Architects, P.C. 138-72 Queens Boulevard Briarwood, N.Y. 11435 Phone: 718 268-9098 Fax: 268-9097	
<b>Recommendation submitted by:</b> Queens Community Board 13			
Date of public hearing: <i>February 15, 2011</i>		Location: <i>220-01 Linden Blvd.</i>	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: <i>February 28, 2011</i>		Location:	
<b>RECOMMENDATION</b>			
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input checked="" type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>			
<b>Voting</b>			
# In Favor: <i>21</i> # Against: <i>1</i> # Abstaining: <i>2</i> Total members appointed to the board:			
Name <i>Burk Blvd</i>		Title <i>Chairperson</i>	
Date <i>6/28/11</i>			



## Queens Community Board 13

219-41 Jamaica Ave.

Queens Village, NY 11428

Telephone: (718) 464-9700

Fax: (718) 264-2739

www.cb13q.org

**Helen Marshall**  
Borough President

**Barry Grodenchik**  
Deputy Borough President

**Bryan J. Block**  
Chairman

**Lawrence McClean**  
District Manager

Tuesday, March 15, 2011

Honorable Amanda Burden, Chair  
NYC City Planning Commission  
22 Reade Street  
New York, NY 10007

RE: ULURP Application C100342 ZMQ

Dear Commissioner Burden:

On Monday, February 28, 2011 Community Board 13 Queens voted to **DISAPPROVE** the above referenced application by a vote of 21 in favor 1 opposed 2 abstaining.

This vote was based on the input gathered by Our Board at the Public Hearing held at the Alpha Phi Alpha Senior Center on Tuesday, February 15, 2011. The Community, as well as the Cambria Heights Civic Association was in total opposition to the project for the following reasons:

1. The project is not consistent with the rezoning R2A that was assigned after much effort by your office and community in 2005.
2. The building is purely speculative with no prospective tenants.
3. There are numerous stores including some that are brand new, vacant and never occupied within blocks of this site. There is no market for this space.
4. Parking problems, already an issue in the area will be exacerbated, with these new stores and no off street parking.
5. The adjacent Community Garden, according to the Land Trust which owns the property, will lose valuable afternoon sun for several hours during the growing season.
6. The developer did not maintain the property and sidewalk in general and especially during the December 2010, January 2011 snow storms. The Community is concerned that the developer may not maintain the property or respect promises made to the community regarding undesirable tenant types.
7. Councilman Comrie for over one year attempted to have the developer consider the City gaining the site for a more conducive project, which was refused until February 2011.
8. In her February 17, 2011 letter to Community Board 13 Assemblywoman Barbara Clark citing the economic downturn stated "Expanding the Linden Boulevard commercial footprint in this economic climate would therefore risk suffering the dual downsides of increasing this local economic distress while at the same time eroding resident's ability to benefit from the quiet enjoyment of their homes.", as part of her opposition.

If you have any questions please feel free to contact me or District Manager Lawrence T. McClean.

Sincerely,

  
Bryan J. Block

Cc: Honorable Helen Marshall, Borough President  
Honorable Barbara Clark, Assemblywoman  
Honorable Leroy Comrie, Councilman  
Honorable Richard Hellenbrecht, Co-Chair Land Use Committee  
Honorable Edward Harap, Co-Chair Land Use Committee  
Ms. Kellie Singleton, President Cambria Heights Civic  
Land Trust  
File

# Queens Borough President Recommendation

DEPARTMENT OF CITY PLANNING

APPLICATION: ULURP # C100342 ZMQ

APR 04 2011

COMMUNITY BOARD: Q13

## DOCKET DESCRIPTION

IN THE MATTER of an application submitted by **QUEENS OFFICE** Architects, PC on behalf of Jamaica Associates, Inc. pursuant to Sections 197-c and 201 of the NYC Charter, for an amendment of the Zoning Map, Section No.19a, by establishing within an existing R3-2 District a C1-3 District **bounded by a line 100 feet northerly of Linden Boulevard, a line 90 feet easterly of 226<sup>th</sup> Street, Linden Boulevard, and 226<sup>th</sup> Street**, Block 11327, Lot 7 and part of Lot 1, Cambria Heights, Borough of Queens.

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on March 17, 2011 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were seven speakers against the application. The hearing was closed.

## CONSIDERATION

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

- The applicant is requesting a zoning map amendment that would extend an existing C1-3 commercial overlay onto a R3-2 district for a half a block starting at the northeast corner formed by the intersection of Linden Boulevard and 226<sup>th</sup> Street. The proposed overlay would cover the applicant's property (Block 11327 Lot 7) and extend ten (10) feet onto the abutting property (Block 11327, Lot 10).;
- The applicant is proposing to construct a 1-story retail building with space for approximately four stores. The proposed building would be 8,102.369 sf (0.9 FAR) with a 15" high front wall including the parapet. An 8' minimum side yard is required when commercial overlays are mapped adjacent to residential districts. The side wall of the proposed building would be built up to the property lot line which abuts the community garden property because the proposed overlay extends ten feet into their property. An existing driveway easement in effect on the northeasterly side of the property will remain. A 6' high opaque vinyl fence would be constructed and maintained along the northerly lot line and a portion of the easterly lot line. There would be no parking spaces provided;
- The site is located at the northeast corner of Linden Boulevard and 226<sup>th</sup> Street. The surrounding area along Linden Boulevard are mostly 1-story commercial buildings, the rest of the area is occupied by a mixture of detached and attached 2-story dwellings. The project site was developed with a 2-story residential with accessory garage, which has been demolished. The blocks across Linden Boulevard along 226<sup>th</sup> Street are predominantly developed with two-story dwellings;
- CB 13 disapproved this application by a vote of twenty-one (21) in favor with one (1) against and none (0) abstaining at a public hearing held on February 28, 2011. The reasons for CB 13's disapproval are as follows: this rezoning is not consistent with the purpose of the Cambria Heights rezoning done in 2005; it is a purely speculative development; no market for the use; parking condition in the area would exacerbate; neighboring community garden will lose afternoon sun for several hours during the growing season;
- At the Borough President's Public Hearing, the applicant stated that the applicant is willing to offer several amenities to the neighboring community garden such as water, electricity, and a shed if the applicant is able to develop the site as proposed. Some area residents and representatives of civic associations spoke against the project at the hearing expressing concerns about potential negative impacts of the development such as the kinds of prospective businesses, poor maintenance of the site and impacts on the Community Garden.

## RECOMMENDATION

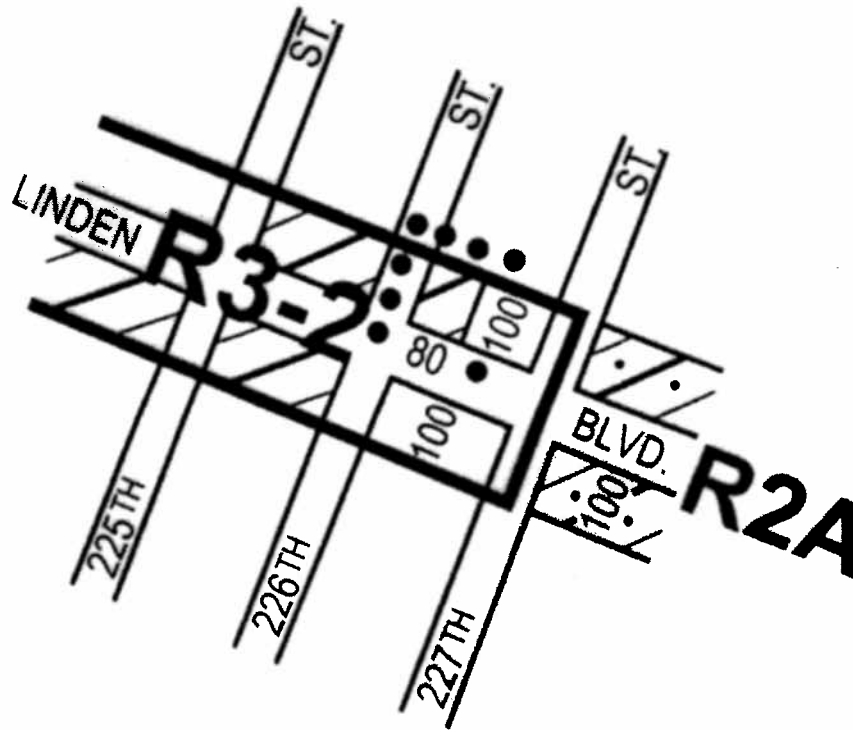
Based on the above consideration, I hereby recommend disapproval of this application.

Although much of Linden Boulevard in that area is commercial in nature 226<sup>th</sup> Street including the subject block is mostly residential. The proposed rezoning will not be in keeping with the goals of Cambria Height rezoning that was approved in July 2005. The intent and spirit of that rezoning was to reflect and preserve the predominant housing types and retain the low-density character of the neighborhood.

That block should remain residential.

  
PRESIDENT, BOROUGH OF QUEENS

  
DATE



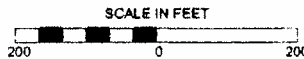
CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP

19a





BOROUGH OF  
**QUEENS**

*S. Voyages*  
 S. Voyages, R.A. Director  
 Technical Review Division

New York, Certification Date  
 JANUARY 03, 2011  
 Modified by CPC  
 MAY 25, 2011



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by establishing within an existing R3-2 district a C1-3 District.
-  Indicates a C1-3 District.
-  Indicates a C2-3 District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

Dissenting Statement of Karen A. Phillips, Member of the NYC Planning Commission

This vote to establish a commercial overlay district [C1-3] within a residential district [R3-2] on Linden Boulevard between 226 and 227th streets is troubling. When the entire Cambria Heights community was rezoned, I questioned the omission of this very block from the commercial strip. At that time there was an opportunity to maintain and strengthen the commercial corridor all along Linden Boulevard. This block has retail blocks on both sides, but that rezoning conformed closely to existing land uses in place at the time, rather than taking a more comprehensive and long term view for the most appropriate uses for this busy thoroughfare.

Now we have an applicant for this zoning change that purchased a vacant house on this block front to create retail stores and continue the Linden Boulevard commercial strip. But the surrounding neighbors and the local Civic Association oppose this change of use because of the potential impact on the context of the neighborhood and the adjacent community garden. The Cambria Heights neighborhood residents struggled for years to maintain this area of one and two family houses owned by hard working, middle income New Yorkers. In 2005 they succeeded in updating the zoning to prohibit overdevelopment, out of scale houses and to refine the existing commercial areas.

However, this action as modified still undermines the predictability sought in the previous down zoning and the anticipated character the long term residents of the neighborhood worked to preserve. In times of economic uncertainty and the large numbers of foreclosures and vacant storefronts, Cambria Heights' residents want to have some certainty and influence over their environment in order to protect the context of an area they call home. Now that they have invested the extensive work in the community garden with the Trust for Public Land, the adjacent lot should be maintained as a use that complements the character of the immediately surrounding area. In that residential development is not likely on this site, I recommend that the applicant [who seems willing to compromise now] and the residents work to identify an appropriate commercial tenant for this location.

I vote NO.