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## CITY PLANNING COMMISSION

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June 23, 2004/Calendar No. 26

C 040344 ZMQ

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**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11d and 15c:

1. changing from an R3-2 District to an R2 District property bounded by Union Turnpike, the southwesterly service road of the Cross Island Parkway, a line parallel to Union Turnpike passing through a point on the southwesterly line of the southwesterly service road of the Cross Island Parkway at a point distant 43 feet southerly from the intersection of Union Turnpike, a line 90 feet westerly of the westerly street line of 242<sup>nd</sup> Street and its northerly prolongation, a line at right angles to the previous course distant 630 feet southerly of Union Turnpike, a line 170 feet westerly of 242<sup>nd</sup> Street, 82<sup>nd</sup> Avenue and its westerly prolongation, a line 150 feet westerly of 242<sup>nd</sup> Street, a line 220 feet northerly of 83<sup>rd</sup> Avenue, the westerly street line of 240<sup>th</sup> Street and its southerly and northerly prolongation, Hillside Avenue, and Commonwealth Boulevard; and
2. changing from an R3-2 District to an R3A District property bounded by Hillside Avenue, a line 100 feet westerly of 239<sup>th</sup> Street, 87<sup>th</sup> Avenue, and the easterly service road of the Cross Island Parkway;

as shown on a diagram (for illustrative purposes only) dated March 22, 2004, Borough of Queens, Community District 13.

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The application for an amendment of the Zoning Map was filed by the Department of City Planning on March 17, 2004, to rezone approximately 22 blocks in Bellerose, Queens from R3-2 to R2 and R3A in order to reflect and reinforce the one- and two-family detached housing that is characteristic of the neighborhood.

### **BACKGROUND**

The Department of City Planning proposes rezoning 22 blocks in the northeast Queens neighborhood of Bellerose located in Community District 13. The area to be rezoned is generally bounded on the north by Union Turnpike, the Cross Island Parkway and Commonwealth Boulevard on the east, 87<sup>th</sup> Avenue on the south and on the west by 239<sup>th</sup> & 240<sup>th</sup> Streets.

The rezoning area lies immediately east of the Creedmoor Psychiatric Hospital campus. The Glen Oaks Village condominium development and the Glen Oaks educational campus, which includes elementary, middle and high school buildings, are located to the north of the rezoning area. The hospital, schools and garden apartment complex are zoned R3-2. There is an R2 district east of the rezoning area that is developed with single-family homes and an R3A district

immediately south which is developed with detached one- and two-family homes on narrow lots. There are no commercial overlay districts in the rezoning area, however there are two legal, non-conforming commercial buildings on Hillside Avenue that were established before 1961 and are occupied by a travel agent, dry cleaners and office uses. A house of worship, a utility and a gas station are also located on Hillside Avenue.

Bellerose was developed in the early and mid-20th century after construction of the Long Island Rail Road and limited access parkways which made the area more accessible to other parts of the city. By 1961, when the existing Zoning Resolution became effective and the area was zoned R3-2, Bellerose had already been almost fully developed with small detached, single-family homes. In recent years, with the combination of the existing R3-2 zoning regulations and pressures in the housing market, the physical character of the neighborhood began to change. During the last ten years, more than 50 homes in the area were either converted to two-family houses or were demolished and replaced with two-family, semi-detached homes or multifamily structures.

The proposed Zoning Map amendment acknowledges community concerns about changes in the area's character and density and responds to a request for contextual zoning for the area from Community Board 13 and the Borough President's Zoning Task Force. This action will be the third Zoning Map amendment to establish contextual zoning in Bellerose. In 1989, the first contextual zoning district in Queens, R3A, was designated on 25 blocks south of the current rezoning area which had been zoned R3-2 and R4. In 1991, the section east of the Cross Island Parkway was rezoned from R3-2 to R4-1 and R3A also to prevent out-of-context development.

Under the existing R3-2 zoning district, a variety of housing types are permitted including semi-detached and detached homes, garden apartments and row houses. Density, minimum lot width and lot area depend upon the housing configuration. Detached structures require a 40-foot lot frontage and minimum lot area of 3,800 square feet. Other housing types require lots that are at least 18 feet wide with 1,700 square feet of lot area.

The Department of City Planning proposes to rezone 14 blocks between Union Turnpike and Hillside Avenue from R3-2 to R2 and eight blocks between Hillside Avenue and 87<sup>th</sup> Avenue from R3-2 to R3A. Both proposed zoning districts only allow detached residential structures. The R2

district allows only single-family homes on 3,800 square-foot lots that have a minimum width of 40 feet. A 15-foot front yard must be provided with two side yards that total 13 feet with the smaller of the side yards measuring a minimum of 8 feet. The maximum floor area ratio (FAR) permitted in R2 zoning districts is 0.5 and the maximum building height is determined by a sky exposure plane calculation.

The R3A zoning district allows one- and two-family detached homes on lots that are 25 feet wide with a minimum lot area of 2,375 square feet. Front yards in this district can range between 10 feet and 20 feet and are determined by a provision that requires the new development to line up with the adjacent residential structure. Two side yards totaling at least 8 feet are required.

The proposed action will limit new development to housing types and densities that more closely reflect the neighborhood's residential context and built form which is overwhelmingly detached one- and two-family houses.

### **ENVIRONMENTAL REVIEW**

This application (C 040344 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 04dcp044q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 22, 2004.

### **UNIFORM LAND USE REVIEW**

This application (C 040344 ZMQ) was certified as complete by the Department of City Planning on March 22, 2004, and was duly referred to Community Board 13 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 13 held a public hearing on this application on April 22, 2004, and on April 26, 2004, by a vote of 36 to 0 with no abstentions, adopted a resolution recommending approval of the

application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on June 1, 2004.

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

On May 26, 2004 (Calendar No. 6), the City Planning Commission scheduled June 9, 2004, for a public hearing on this application (C 040344 ZMQ). The hearing was duly held on June 9, 2004 (Calendar No. 9). There was one speaker in favor of the application and none in opposition. The Chair of Community Board 13 spoke about the character of the Bellerose neighborhood and how recent construction trends were altering and negatively impacting that character. He testified about how contextual zoning would preserve the area's one- and two-family character.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this amendment of the Zoning Map is appropriate.

The proposed zoning changes will support and reinforce the low-density character of the Bellerose neighborhood and ensure that future residential development will be consistent in scale and context with the area's detached one-and two-family homes.

The Commission understands that under the R3-2 zoning designation, existing single-family homes can be replaced with multifamily structures that would be out of context with the surrounding one- and two-family homes. The Commission notes that under the proposed R2 and R3A zoning districts new residential development would be limited to detached homes which reflect the area's existing development patterns and density.

The Commission believes that the proposed Zoning Map amendments will reinforce the neighborhood character by allowing development to be at a density more compatible with existing conditions. The Commission is aware that the minimum lot width and lot area requirements under R2 zoning would reduce the potential for assembling and subdividing underdeveloped lots and

eliminate conversions of existing structures from one- to two-family homes. The proposed R2 zoning will ensure that any redevelopment will be a building type and at a density that is consistent with the area's development pattern.

The Commission is also aware that the R3A zoning will better reflect the existing residential built form. Minimum lot width and lot area requirements under R3A are lower than those required for detached homes under the existing R3-2 zoning and that compliance with bulk, lot area and lot width requirements will either be unchanged or higher under the proposed R3A regulations. The Commission notes that new residential units could still be created under the proposed R3A regulations by converting single-family homes to two-family dwellings.

The Commission believes that the proposed R2 and R3A zoning districts would preserve the existing detached housing type in Bellerose and that the proposed action is intended to stabilize the one- and two-family character of the neighborhood. The Commission also notes that existing development generally conforms and complies with the proposed R2 and R3A zoning district regulations and that the rezoning action would ensure that future development or expansion of existing homes would be within an envelope that better reflects the existing built form. The action would be consistent with the land use in the area, maintaining its prevailing character without precluding future residential development opportunities.

## **RESOLUTION**

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 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 Nos. 11d and 15c:

1. changing from an R3-2 District to an R2 District property bounded by Union Turnpike, the southwesterly service road of the Cross Island Parkway, a line parallel to Union Turnpike passing through a point on the southwesterly line of the southwesterly service road of the Cross Island Parkway at a point distant 43 feet southerly from the intersection of Union Turnpike, a line 90 feet westerly of the westerly street line of 242<sup>nd</sup> Street and its northerly prolongation, a line at right angles to the previous course distant 630 feet southerly of Union

Turnpike, a line 170 feet westerly of 242<sup>nd</sup> Street, 82<sup>nd</sup> Avenue and its westerly prolongation, a line 150 feet westerly of 242<sup>nd</sup> Street, a line 220 feet northerly of 83<sup>rd</sup> Avenue, the westerly street line of 240<sup>th</sup> Street and its southerly and northerly prolongation, Hillside Avenue, and Commonwealth Boulevard; and

2. changing from an R3-2 District to an R3A District property bounded by Hillside Avenue, a line 100 feet westerly of 239<sup>th</sup> Street, 87<sup>th</sup> Avenue, and the easterly service road of the Cross Island Parkway;

Borough of Queens, Community District 13, as shown on a diagram (for illustrative purposes only) dated March 22, 2004.

The above resolution (C040344 ZMQ), duly adopted by the City Planning Commission on June 23, 2004 (Calendar No.26), 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, AICP**, Chair

**KENNETH J. KNUCKLES, ESQ.**, Vice Chairman

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., RICHARD. W. EADDY,  
ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,  
KAREN A. PHILLIPS, DOLLY WILLIAMS**, Commissioners