



---

**CITY PLANNING COMMISSION**

August 25, 2004/Calendar No.19

C 040446 ZMQ

---

**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. 19b:

1. eliminating within an existing R3-2 District a C2-2 District bounded by South Conduit Avenue, 224<sup>th</sup> Street, 144<sup>th</sup> Avenue, 223<sup>rd</sup> Street, a line 150 feet southerly of South Conduit Avenue and its easterly prolongation, and Springfield Boulevard;
2. changing from an R3-2 District to an R3-1 District property bounded by South Conduit Avenue, Lansing Avenue, 230<sup>th</sup> Place, the northerly street line of 143<sup>rd</sup> Road and its westerly and easterly prolongations, the westerly boundary line of Brookville Park, and its southerly prolongation, 149<sup>th</sup> Avenue, a line midway between Springfield Boulevard and Springfield Lane, 147<sup>th</sup> Avenue, a line 100 feet southwesterly of Springfield Lane, and Springfield Boulevard, and excluding the property bounded by 145<sup>th</sup> Road, 228<sup>th</sup> Street, 146<sup>th</sup> Avenue, 227<sup>th</sup> Street, a line 75 feet northerly of 146<sup>th</sup> Avenue, and 226<sup>th</sup> Street;
3. changing from an R3-2 District to an R4B District property bounded by South Conduit Avenue, the westerly boundary line of Brookville Park, the northerly street line of 143<sup>rd</sup> Road and its easterly and westerly prolongations, 230<sup>th</sup> Place, and Lansing Avenue;
4. establishing within the proposed R3-1 District a C1-3 District bounded by:
  - a. South Conduit Avenue, 224<sup>th</sup> Street, 144<sup>th</sup> Avenue, 223<sup>rd</sup> Street, a line 150 feet southerly of South Conduit Avenue, and Springfield Boulevard;
  - b. a line 400 feet northerly of 146<sup>th</sup> Avenue, a line midway between 228<sup>th</sup> Street and 229<sup>th</sup> Street, a line 200 feet northerly of 146<sup>th</sup> Avenue, and 228<sup>th</sup> Street; and
  - c. the easterly prolongation of the southerly street line of 146<sup>th</sup> Avenue, a line midway between 228<sup>th</sup> Street and 229<sup>th</sup> Street, 146<sup>th</sup> Avenue, and 228<sup>th</sup> Street; and
5. establishing within the proposed R4B District a C1-3 District bounded by South Conduit Avenue, a line 100 feet westerly of 230<sup>th</sup> Place, and Lansing Avenue;

Borough of Queens, Community District 13, as shown on a diagram (for illustrative purposes only) dated May 10, 2004.

---

The application for an amendment of the Zoning Map was filed by the Department of City Planning on May 5, 2004, to rezone approximately 88 blocks in Brookville, Queens to reinforce the low density, one- and two-family housing that is characteristic of the neighborhood and reflect the area's existing commercial uses.

## **BACKGROUND**

The Department of City Planning proposes to rezone 88 blocks in the Brookville neighborhood of Community District 13 from an R3-2 district to R3-1 and R4B districts and to establish four C1-3 commercial overlay districts. The area to be rezoned is located just north of John F. Kennedy International Airport in southeast Queens and is generally bounded by South Conduit Avenue to the north, Brookville Park and 230<sup>th</sup> Street to the east, Idlewild Park and 147<sup>th</sup> Avenue to the south and to the west by Springfield Park and Springfield Boulevard.

Brookville was developed in the early and mid-20th century with roughly half the housing stock constructed in the years between World War I and 1950. With the completion of the Belt Parkway in the mid-1950s, the number of homes in the area almost doubled. By 1961, when the existing Zoning Resolution became effective and the area was zoned R3-2, most of the area had already been developed with one- and two-family homes. Today, 98% of the homes are one- and two-family structures, and 93% of the homes are detached and semi-detached buildings. A small cluster of one-family row houses with common driveway easements in the rear of the properties is located in the northeastern section of the neighborhood.

In the last decade, some 140 new structures were developed in the area resulting from pressures in the housing market and the current R3-2 zoning regulations. Ninety new dwelling units were constructed in the last three years alone. Most of the new development occurred on vacant land and consisted primarily of detached or semi-detached structures that are consistent with the neighborhood's low-density context. However, in 2001, two multi-family walk-up apartment buildings with a total of 25 dwelling units were constructed as of right on two adjoining lots that were previously occupied by single-family homes. Since there are several large vacant parcels in the rezoning area and the housing stock in the area is aging, the community had concerns that similar multi-family apartment developments would occur under the existing R3-2 zoning. This type of development would be out of character with the area's well-established development patterns. The proposed zoning map amendments acknowledge the community's concerns about maintaining the area's physical characteristics and respond to a request for contextual rezoning in Brookville from area civic groups, Community Board 13 and the Borough President's Zoning Task Force.

The current R3-2 zoning is the lowest density general residence district which permits multi-family structures in a variety of housing types, including garden apartments, row houses, detached and semi-detached homes and walk-up apartment buildings. The maximum Floor Area Ratio (FAR) is 0.5 plus a 0.1 attic allowance. Density, minimum lot width and lot area depend upon the housing configuration. Detached structures require a minimum 40-foot lot frontage and 3,800 square feet of lot area. Other housing types require lots that are at least 18 feet wide with 1,700 square feet of lot area. The maximum building height is 35 feet and one parking space is required per dwelling unit. Community facilities are permitted an FAR of 1.0 .

The Department proposes to rezone from R3-2 to R3-1 all or portions of 84 blocks, generally bounded by South Conduit Avenue, Lansing Avenue, 149<sup>th</sup> Avenue and Springfield Boulevard. R3-1 districts have the same bulk regulations as R3-2 districts but restrict the housing type to one- and two-family detached or semi-detached structures.

The Department also proposes to rezone from an R3-2 district to an R4B district all or portions of a five-block triangular area, bounded by South Conduit Avenue, Brookville Park and Lansing Avenue. R4B zoning districts permit one- and two-family, detached, semi-detached and attached homes. However, typical developments in R4B zones are two-story, flat-roofed row houses that have an easement in the rear of their properties for a common driveway. The maximum floor area ratio (FAR) permitted in R4B zoning districts is 0.9 with a maximum building height of 24 feet. In R4B districts, the minimum lot area for a detached home is 2,375 square feet with a minimum lot width of 25 feet. Two side yards are required totaling 8 foot minimum. For semi-detached or attached homes, the minimum lot area is 1,700 square feet with an 18-foot lot width. One 8-foot side yard is required for semi-detached homes. A 5-foot front yard must be provided, but there is a line-up provision with adjacent yards. One parking space is required per dwelling unit and front yard parking is prohibited. Community facilities are permitted an FAR of 2.0.

There are commercial uses proposed to be rezoned on South Conduit Avenue between Springfield Boulevard and 224<sup>th</sup> Street within a C2-2 overlay district that include a drive-thru fast food

establishment, professional and medical offices and convenience retail. Other commercial areas are located on South Conduit Avenue near Lansing Avenue and on 228<sup>th</sup> Street between 147<sup>th</sup> Avenue and 145<sup>th</sup> Avenue. These commercial areas are zoned R3-2, but the retail uses were established in the 1940s and 1950s and, therefore, are legal, non-conforming uses. They include storefront offices, a supermarket, laundry, barber and an auto repair facility.

The Department further proposes to establish three new C1-3 commercial overlay districts: two on 228<sup>th</sup> Street between 147<sup>th</sup> Avenue and 145<sup>th</sup> Road and one at the intersection of South Conduit Avenue and Lansing Avenue. An existing C2-2 overlay district on South Conduit Avenue near Springfield Boulevard is proposed to be rezoned to C1-3.

C2 districts are mapped within residential districts and permit a wide range of local retail and service establishments, including Use Groups 1 through 9 and UG14. Maximum floor area can reach 1.0 FAR with commercial uses limited to the first or second floor. Accessory parking requirements are determined by the uses occupying the development and range between 1space / 200 square feet and 1/ 800 square feet. Community facilities are permitted a maximum FAR of 1.0 when mapped in R3 zones.

C1 districts generally permit local retail and personal service shops to locate within the residential neighborhoods which they serve. When mapped in R1 to R5 zones, C1-3 districts have a maximum commercial FAR of 1.0. Use Groups 1 through 6 are permitted and parking requirements depend upon the use, ranging between 1 space/300 square feet of floor area to 1/1,000 square feet.

There is a two-block M1-1 district generally bounded by 145<sup>th</sup> Road, 228<sup>th</sup> Street, 147<sup>th</sup> Avenue and 226<sup>th</sup> Street in the center of the rezoning area. The district was first established in 1961, encompassing light manufacturing uses that had been located in that area since 1924. The manufacturing zone was expanded in 1970 and both blocks are currently developed with one-story warehouse buildings that are occupied with cargo and trucking firms, a display manufacturer, a utility storage facility and construction contractors with open storage and parking areas. No change in zoning is proposed for

the M1-1 district.

A considerable amount of open space surrounds the Brookville community and separates it from surrounding residential communities. of Rosedale to the east and Springfield Gardens to the west. The 90-acre Brookville Park is located to the east. Idlewild Park, located south of the rezoning area, is 258 acres and buffers the community from John F. Kennedy International Airport, its related businesses and development. The park contains New York State-designated wetland areas and is designated “Forever Wild” under the jurisdiction of NYC Department of Parks and Recreation. The 23.5 acre Springfield Park is west of the rezoning area. In addition, there are three large tracts of privately-owned vacant land, adjacent to Idlewild Park, that are situated upland from designated wetlands areas.

### **ENVIRONMENTAL REVIEW**

This application (C 040446 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 04DCP52Q. 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 May 10, 2004.

### **UNIFORM LAND USE REVIEW**

This application (C 040446 ZMQ) was certified as complete by the Department of City Planning on May 10, 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 June 24, 2004, and on June 28, 2004, by a vote of 30 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 July 20, 2004.

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

On July 28, 2004 (Calendar No. 15), the City Planning Commission scheduled August 11, 2004 for a public hearing on this application (C 040446 ZMQ). The hearing was duly held on August 11, 2004 (Calendar No. 20). There was one speaker in favor of the application and none in opposition.

A resident of Brookville who is also a member of Community Board 13 spoke about the neighborhood character and how recent construction trends were negatively impacting the quality of life in the Brookville area. He stated that the proposed zoning would preserve the area's one- and two-family character and legalize the area's commercial uses. He also mentioned the manufacturing zone and why it wasn't included in the proposal.

There were no other speakers and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

This application 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 WRP #04-046.

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

## CONSIDERATION

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

The Commission acknowledges the concerns of the community to preserve the established low-density character of the neighborhood and is aware that under the existing R3-2 zoning designation, one- and two-family homes can be replaced with multifamily structures that would be out of character with the surrounding development. The Commission believes the proposed zoning map amendments will address that issue and reinforce the neighborhood character by allowing development to be at a density and housing type that is more compatible with existing conditions.

Under the proposed R3-1 and R4B zoning districts, the Commission notes that multifamily apartment buildings will no longer be permitted and that new residential development will be limited to one- and two-family homes in structures that reflect the area's existing patterns. The provisions of the proposed R3-1 district would limit new buildings to detached and semi-detached, one- and two-family structures. Within the proposed R4B area, the Floor Area Ratio (FAR) for attached one- and two-family housing would be increased to 0.9. As a result, the Commission has determined that the R4B zoning would better reflect the existing row house development and increase the number of existing homes in compliance with the R4B zoning regulations for floor area ratio.

The Commission notes that under the C2 district regulations, Use Groups 7, 8, 9 and 14 are permitted and would allow motels, wholesale establishments, auto supply, home maintenance or repair and other services. Replacing the C2 district with a C1-3 overlay district would preclude those uses that have wide range of services not involving regular local shopping. The proposed C1-3 overlay districts would reinforce the local nature of existing services.

The Commission believes that the proposed R3-1 and R4B zoning districts would preserve the existing housing type in Brookville 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 R3-1 and R4B zoning district regulations and that the

rezoning actions would ensure that future development would be within an envelope that better reflects the existing built form. The Commission also believes that the proposed C1-3 commercial overlay districts will bring existing commercial uses into conformance and reinforce the local nature of the uses. The Commission has determined that these actions would be consistent with the land use in the area, maintaining its prevailing character without precluding future residential development opportunities.

## **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**, 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 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 No. 19b.

1. eliminating within an existing R3-2 District a C2-2 District bounded by South Conduit Avenue, 224<sup>th</sup> Street, 144<sup>th</sup> Avenue, 223<sup>rd</sup> Street, a line 150 feet southerly of South Conduit Avenue and its easterly prolongation, and Springfield Boulevard;
2. changing from an R3-2 District to an R3-1 District property bounded by South Conduit Avenue, Lansing Avenue, 230<sup>th</sup> Place, the northerly street line of 143<sup>rd</sup> Road and its westerly and easterly prolongations, the westerly boundary line of Brookville Park, and its southerly prolongation, 149<sup>th</sup> Avenue, a line midway between Springfield Boulevard and Springfield Lane, 147<sup>th</sup> Avenue, a line 100 feet southwesterly of Springfield Lane, and Springfield Boulevard, and excluding the property bounded by 145<sup>th</sup> Road, 228<sup>th</sup> Street, 146<sup>th</sup> Avenue, 227<sup>th</sup> Street, a line 75 feet northerly of 146<sup>th</sup> Avenue, and 226<sup>th</sup> Street;



3. changing from an R3-2 District to an R4B District property bounded by South Conduit Avenue, the westerly boundary line of Brookville Park, the northerly street line of 143<sup>rd</sup> Road and its easterly and westerly prolongations, 230<sup>th</sup> Place, and Lansing Avenue;
4. establishing within the proposed R3-1 District a C1-3 District bounded by:
  - a. South Conduit Avenue, 224<sup>th</sup> Street, 144<sup>th</sup> Avenue, 223<sup>rd</sup> Street, a line 150 feet southerly of South Conduit Avenue, and Springfield Boulevard;
  - b. a line 400 feet northerly of 146<sup>th</sup> Avenue, a line midway between 228<sup>th</sup> Street and 229<sup>th</sup> Street, a line 200 feet northerly of 146<sup>th</sup> Avenue, and 228<sup>th</sup> Street; and
  - c. the easterly prolongation of the southerly street line of 146<sup>th</sup> Avenue, a line midway between 228<sup>th</sup> Street and 229<sup>th</sup> Street, 146<sup>th</sup> Avenue, and 228<sup>th</sup> Street; and
5. establishing within the proposed R4B District a C1-3 District bounded by South Conduit Avenue, a line 100 feet westerly of 230<sup>th</sup> Place, and Lansing Avenue;

Borough of Queens, Community District 13, as shown on a diagram (for illustrative purposes only) dated May 10, 2004.

The above resolution (C040446 ZMQ), duly adopted by the City Planning Commission on August 25, 2004 (Calendar No.19), 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., ANGELA R. CAVALUZZI, R.A.,**

**RICHARD. W. EADDY, CHRISTOPHER KUI, JOHN MEROLO,**

**KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**