



CITY PLANNING COMMISSION

June 7, 2006 / Calendar No. 9

C 020087 ZMQ

IN THE MATTER OF an application submitted by Alma Realty Company pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a:

- 1) changing from an R5 District to an R7-1 District property bounded by the U.S. Pierhead and Bulkhead Line of the East River, the southwesterly boundary line of Rainey Park, Vernon Boulevard, and 35th Avenue; and
- 2) changing from an R5 District to an M1-1 District property bounded by the U.S. Pierhead and Bulkhead Line of the East River, 35th Avenue, Vernon Boulevard, and a line 60 feet southwesterly of 35th Avenue;

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated February 21, 2006.

The application for an amendment to the Zoning Map was filed by Alma Realty Company on August 24, 2001, for the rezoning of waterfront property in the Ravenswood neighborhood of Astoria, Community District 1, Queens.

RELATED ACTION

In addition to the amendment of the Zoning Map which is the subject of this report, the following action is being considered concurrently by the Chair with this application: N 020610 ZCQ - Chair Certification pursuant to Section 62-711, Waterfront Public Access and Visual Corridors.

BACKGROUND

The applicant, Alma Realty Company, proposes to rezone three waterfront lots from R5 to R7-1 to facilitate residential development, and a portion of one waterfront lot from R5 to M1-1 to reflect the existing land use.

The northern portion of the rezoning area is located immediately south of Rainey Park and is bounded by the East River, 35th Avenue and Vernon Boulevard. Lot 112 on Block 322 is owned by the applicant with a lot area of 86,868 square feet and a lot depth of 540 feet. It is occupied by a vacant industrial building. Lot 118 and Lot 101 on Block 322 are not owned by the applicant and are occupied by a warehouse and a Con Edison cooling facility. The applicant proposes to rezone those lots from R5 to R7-1 to facilitate the development of a residential building containing 350 dwelling units, approximately 20,000 square feet of community facility space and approximately 295 parking spaces. The southern portion of the rezoning area is occupied by a Con Edison facility bounded by Vernon Boulevard, the East River, 35th Avenue and a line 60 feet south of 35th Avenue (an unimproved street). This property is proposed to be rezoned from R5 to M1-1 to reflect the existing industrial use.

The surrounding area is zoned R5 and developed with a mix of industrial, residential and commercial uses. Rainey Park is located immediately north of the rezoning area with Socrates Sculpture Park and Costco Shopping Center located further north along Vernon Boulevard. There is a community facility directly across the street from the rezoning area. Medium density zoning districts (R6 and R7A) are located north of Broadway and east of 13th Street and developed with a similar mix of uses. The closest subways are the F train which stops at 21st Street and 41st Avenue and the N/W trains which stop at 31st Street and 36th Avenue.

R5 zoning districts are lower-density general residence districts that permit all types of residential buildings including detached, semi-detached, row-houses and multiple dwellings. A maximum FAR of 1.25 is allowed for residential development and a maximum FAR of 2.0 is allowed for community facilities. The maximum height for residential development is 40 feet.

R7-1 zoning districts allow a maximum FAR of 3.44 and a maximum FAR of 4.8 for community facilities. However, in the proposed R7-1 District, the applicant's proposal would be subject to the waterfront zoning regulations of Article VI, Chapter 6 of the

Zoning Resolution. Those regulations require that the building setback at 60 feet and limit the maximum building height to 135 feet. Penthouses above this maximum building height are permitted if the gross area of each penthouse story does not exceed 80% of the gross area of the story directly below it and the total penthouse height does not exceed the maximum building height allowed by more than 40 feet.

The applicant intends to develop two 19-story residential towers on a portion of the R7-1 rezoning area (Block 322, Lot 112) providing 350 units (298,826 square feet) with approximately 20,000 square feet of ground floor community facility space connecting the two towers. The towers would rise to a height of 175 feet including four stories of penthouses at an FAR of 3.44. Under a separate related application (N 020610 ZCQ), a chairperson's waterfront certification pursuant to Section 62-711 is being sought for creation of a waterfront esplanade with plantings, benches, game tables and trees that will be in full compliance with regulations governing waterfront development. The approximately 13,000 square feet waterfront esplanade will be publicly accessible from dawn until dusk. The proposed zoning change on the southern portion of the rezoning area would bring the light industrial uses on that portion of the site into conformance.

ENVIRONMENTAL REVIEW

This application, (C 020087 ZMQ), was reviewed pursuant to the New York 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 (CEQRA) Rules of Procedure of 1991 and the Executive Order No. 91 of 1977. The designated CEQRA number is 02DCP020Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on February 21, 2006.

UNIFORM LAND USE REVIEW

This application, (C 020087 ZMQ), was certified as complete by the Department of City Planning on February 21, 2006, and was duly referred to Community Board 1 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 1 held a public hearing on this application on March 21, 2006, and on that day, by a vote of 28 in favor, 6 opposed, 0 abstentions adopted a resolution to approve the application subject to the following conditions:

1. Open 35th Avenue from Vernon Boulevard to the waterfront. Pave, install lighting and plant trees/shrubs to buffer the Con Edison property.
2. That private and public transportation be pursued on Vernon Boulevard to connect with the nearest transportation system.
3. Explore the possibility of a pier to use the waterway for additional transport.
4. Add a commercial overlay to the residential zone (R7-1) to include a C2-2 zone for retail use. Currently the closest food market is approximately 15 blocks, with the exception of Costco.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on May 31, 2006.

City Planning Commission Public Hearing

On April 26, 2006, (Calendar No. 4), the City Planning Commission scheduled May 10, 2006 for a public hearing on this application, (C 020087 ZMQ). The hearing was duly held on May 10, 2006, (Calendar No. 27). There were no speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (C 020087 ZMQ) 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 01-158.

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

CONSIDERATION

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

The Commission notes that the proposed rezoning to an R7-1 district would facilitate residential development of 350 units. In conjunction with this development, the existing vacant industrial building fronting on Vernon Boulevard would be removed and public access to the East River waterfront would be provided.

The Commission believes that the redevelopment of this derelict and underutilized parcel is consistent with public policy to encourage reinvestment and provide improved public access to sites along the East River

The Commission also notes that the bulk regulations governing waterfront sites will provide a maximum building height of 175 feet, including penthouses on the two proposed apartment buildings. Although the houses in the immediate area are low-rise buildings, the Commission believes the proposed height and bulk are appropriate, given the waterfront location and the unusually deep configuration of the proposed development site (Lot 112, Block 322) extending from Vernon Boulevard—a wide street—to the East River.

The Commission also believes the proposed extension of the M1-1 zoning boundary from 60 feet south of 35th Avenue, to the middle of 35th Avenue is appropriate since it would bring a non-conforming light industrial use into conformance and would more accurately reflect the present and projected future use of the property by Con-Edison.

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 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 subsequently, amended, is further amended by changing the Zoning Map, Section 9a,

- 1) changing from an R5 District to a R7-1 District property bounded by the U.S. Pierhead and Bulkhead Line of the East River, the southwesterly boundary line of Rainey park, Vernon Boulevard, and 35th Avenue; and
- 2) changing from an R5 District to an M1-1 District property bounded by the U.S. Pierhead and Bulkhead Line of the East River, 35th Avenue, Vernon Boulevard and a line 60 feet southwesterly of 35th Avenue,

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated February 21, 2006.

The above resolution (C 020087 ZMQ), duly adopted by the City Planning Commission on June 7, 2006 (Calendar No. 9), is filed with the office of the Speaker, City Council, and the Borough President in accordance with the requirement 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., ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA
A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS,
DOLLY WILLIAMS, Commissioners