



CITY PLANNING COMMISSION

February 13, 2008 / Calendar No. 25

C 060228 ZMQ

IN THE MATTER OF an application submitted by Scaldafiore Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c changing from an R5 District to an R6A District property bounded by 21st Avenue, a line 175 feet northwesterly of 31st Street, a line 100 feet southwesterly of 20th Avenue, and 31st Street, as shown on a diagram (for illustrative purposes only) dated October 1, 2007, and subject to the conditions of CEQR Declaration E-200, Borough of Queens, Community District 1.

This application for a zoning map amendment was submitted by Scaldafiore Realty Corp. on November 16, 2005 to change an existing R5 zoning district to a R6A zoning district to facilitate the development of a six story residential building.

BACKGROUND

The applicant is seeking a zoning map amendment to establish a R6A zoning district on a portion of Block 848 (Lots 42, 44, 48, 52, 56, 60, 69, 6 and a portion of 105).

The area to be rezoned is located on the west side of 31st Street between 21st and 20th Avenues in the Ditmars section of Astoria, Queens Community District 1 in an R5 zoning district. The rezoning area consists of all or a part of nine (9) tax lots, seven of which are owned by the applicant. The applicant's development site (Lot 42), is located on the northern end of Block 848, and is currently being used for open accessory parking for existing residences in the area. Lots 64, 60, 56, 52, 48, & 44 which are also owned by the applicant as well as Lot 69, at the corner of 21st Street are developed with four story multi-family apartment buildings developed in the 1930s that exceed the permitted FAR

of the R5 zoning district and are built to the street line. The remaining two lots (Lots 6 and a portion of Lot 105) within the area to be rezoned front on along 21st Avenue and are developed with 2-story single family homes with commercial uses on the ground floor.

The surrounding area is zoned R5 south of 20th Avenue to Astoria Boulevard between 31st Street and 43rd Street and developed primarily with attached and semi-detached residential buildings ranging in height from two to four stories. Retail uses are located along portions of 21st Avenue in mixed-use buildings with residential units above the first floor. Immediately north of the area to be rezoned is the Consolidated Edison Plant which is in an M3-1 heavy industrial district. The N and W trains are located two blocks away at 31st Street & Ditmars Boulevard.

R5 zoning districts permit all types of housing at a maximum floor area ration (FAR) of 1.25 with a maximum street wall height of 30 feet, a maximum building height of 40 feet' and a minimum front yard of 10 feet.

R6A zoning districts permit residential development with a maximum FAR of 3.0, and a maximum building height of 70 feet. Base height must be between 40 and 60 feet. Use of the Quality Housing Program is mandatory.

If rezoned, the applicant proposes to build on Lot 42, a six story, 35 unit residential building with 29 accessory parking spaces. The proposed development will have a front

wall to match existing four-story adjacent apartment buildings with a 20' setback and two more stories above. The proposed development will provide more than the 50% required parking with three parking spaces on grade and twenty six parking spaces in the cellar.

ENVIRONMENTAL REVIEW

This application (C 060228 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the City Planning Commission. The designated CEQR number is 06DCP047Q.

After a study of the potential environmental impacts of the proposed action, a Conditional Negative Declaration, signed by the applicant, was prepared on October 1, 2007 which included an (E) designation for noise.

To avoid the potential impacts related to noise, the proposed zoning map amendment includes (E) designations for noise on the Project Site (Block 848, Lot 42). The (E) designation would require that the applicant, Scaldafiore Realty Corp., agrees via a restrictive declaration to prepare a plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. If necessary, remediation measures would be undertaken to the remediation plan.

With the implementation of the condition described above, no significant adverse impact related to noise would occur. The Conditional Negative Declaration was issued on October 1, 2007.

UNIFORM LAND USE REVIEW

This application (C 060228 ZMQ) was certified as complete by the Department of City Planning on October 1, 2007 and was duly referred to Queens Community Board 1 and the Queens 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 1 held a public hearing on this application on November 20, 2007, and on that date, by a vote of twenty-four against, seven in favor and two abstentions, adopted a resolution disapproving the application.

Borough President Recommendation

This application was considered by the Queens Borough President who issued a recommendation on January 8, 2008 disapproving the application, stating that “the proposed building height is inconsistent with the heights of other buildings on this block and the buildings directly behind it towards 29th Street and across 31st Street.”

City Planning Commission Public Hearing

On December 19, 2007, (Calendar No. 8, 2007) the Commission scheduled January 9, 2008 for a public hearing on this application (C 060228 ZMQ). The hearing was duly held on January 9, 2008 (Calendar No. 24).

There were five speakers in favor of the application and no speakers in opposition. The speakers in favor included the applicant, his son, and the applicant's attorney, and two architects.

The applicant's attorney indicated that the applicant was responding to the community board's concerns about the height of the proposed building by agreeing to enter into a binding restrictive declaration that would limit the proposed development to a street wall height of 40' to match the existing adjacent four story buildings. Above that height a proposed 20' front setback would be provided.

The applicant stated that he has owned his portion of the rezoning area since 1977 and that he has made substantive improvements to the multi-family apartment buildings he owns on the same block. He noted that existing buildings on the block are currently non-complying under the existing R5 zoning and that there are three six story buildings on the adjacent block just south of 21st Avenue. He agreed to file a request with the Department of Transportation for perpendicular parking along 31st Street, which would substantially increase the availability of parking in the area.

The applicant's son said that modifications would be made to the proposed development so that it would fit better within the existing context.

The applicant's architect described the rationale for the proposed R6A zoning district. The architect indicated that 31st Street is a 100 feet wide street and that the portion proposed for rezoning is developed primarily with multiple dwellings with FARs ranging from 1.89 to 2.66 which do not comply with the current R5 zoning regulations. He further stated that the block has an unusual depth of 295 feet which results in a significantly greater amount of open space between the existing buildings on the block. He noted that as part of the application's environmental review, shadow studies were provided indicating that the proposed building would have a minimum impact on the 29th Street buildings.

A second architect explained some of the factors that influenced the final quality housing building design. The architect mentioned that the existing four-story apartment buildings were built prior to 1961 when parking was not required and the proposed development will provide a total of 29 accessory parking spaces. There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes the application for a Zoning Map amendment (C 060228 ZMQ) is appropriate.

The Commission believes that the proposed R6A District would allow development that would be similar in scale to the existing context of 31st Street. The Commission also notes that the proposed rezoning would bring the existing apartment buildings into compliance.

The Commission notes that the applicant has revised his plans for the proposed building and that the mandatory Quality Housing requirements would require street tree plantings that would enhance and improve the area. The site is located adjacent to light industrial uses, two- and three-family homes and apartment buildings ranging from four to six stories in height. Mid-density development within the proposed rezoning area would be compatible with the nearby residential and commercial uses and within a block of the elevated 'N' and 'W' train on Ditmars Avenue.

Approval of this application would facilitate the construction of an apartment with 35 residential uses. The development would also include 23 parking spaces below grade. The proposed rezoning fronts on 31st Street, a 100 foot wide street, the north side of which is developed primarily with existing multiple dwellings which do not comply with the current R5 zoning regulations. In addition to 31st Street, both 20th and 21st Avenues are 80 feet in width, and the block terminates with the existing M3-1 district north of 20th Avenue, developed with Con Ed facilities.

In response to concerns raised at the Commission's public hearing, the applicant's architect issued a letter, dated January 15, 2008, stating that:

The owner consents to enter into a binding restriction imposing the following limitations on the property to be rezoned. The proposed development will have a front wall that will match the existing adjacent buildings of 40' (4 stories). Above that height a proposed 20' front setback will be provided, with a reduced floor plate for the two additional stories proposed. The proposed unit count [35 dwelling units] is substantially less than the existing pre-war buildings prevalent along 31st Street.

The owner has agreed that there will be no increase in the footprint or height of the existing four-story buildings which he also owns within the rezoning area.

In addition, the owner has agreed to file a request with the Department of Transportation for perpendicular parking along 31st Street, which would substantially increase the availability of parking in the area.

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 Sections 197-a 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 Map, Section No. 9c changing from an R5 District to an R6A District property bounded by 21st Avenue, a line 175 feet northwesterly of 31st Street, a line 100 feet southwesterly of 20th Avenue, and 31st Street, as shown on a diagram (for illustrative purposes only) dated October 1, 2007), and which includes CEQR Designation E-200.

The above resolution (C 060228 ZMQ), duly adopted by the City Planning Commission on February 13, 2008 (Calendar No. 25), 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
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ANGELA CAVALUZZI, R.A., ALFRED C. CERULLO, III, BETTY CHEN,
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SHIRLEY A. MCRAE, JOHN MEROLO, KAREN A. PHILLIPS, Commissioners