



CITY PLANNING COMMISSION

August 19, 2009 / Calendar No. 32

C 060551 ZMQ

IN THE MATTER OF an application submitted by Briarwood Organization LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11a, by establishing within an existing R4 District a C2-2 District bounded by 36th Avenue a line 150 feet northeasterly of Bell Boulevard, a line 200 feet northwesterly of 38th Avenue and Bell Boulevard, Community District 11, Borough of Queens, as shown in a diagram (for illustrative purposes only) dated June 1, 2009.

The application for an amendment of the Zoning Map was filed by the Briarwood Organization, LLC, on June 16, 2006 to establish a C2-2 commercial overlay within an existing R4 district to facilitate the development of a building for commercial and community facility use on Bell Boulevard in Bayside, Queens, Community District 11.

BACKGROUND

The Briarwood Organization, LLC, is seeking a Zoning Map change to extend a C2-2 commercial overlay along the full Bell Boulevard frontage of a block (Block 6176) that is also bounded by 36th and 38th Avenues to the north and south, respectively, and Corporal Stone Street to the east in Bayside, Queens. The proposed change would rezone Lot 61 and a portion of Lot 2 from R4 to R4/C2-2 to facilitate the development of a four-story mixed-use building containing commercial and community facility uses. The proposed development would be an addition to the applicant's existing two-story office building on Lots 58 and 55 located south of the proposed rezoning area.

The proposed rezoning area has an area of approximately 45,520 square feet consisting of one entire lot (Block 6176, Lot 61) and a portion of another (Block 6176, portion of Lot 2) in an R4

district. Lot 2 contains a vacant, former parish house. Lot 61 is developed with a house of worship, a related parochial school and a single-family residence, and it has an open lawn fronting on a portion of Bell Boulevard. The applicant is the contract vendee for Lot 61 and the portion of Lot 2 located directly behind Lot 61.

The Bell Boulevard frontage just south of the proposed rezoning area has an existing C2-2 commercial overlay that extends 200 feet northwesterly from the intersection of Bell Boulevard and 38th Avenue over properties within an underlying R4 zoning district. Two lots (Block 6176, Lots 55 and 58) located immediately south of the rezoning area are owned by the applicant and developed with a two-story office building with accessory off-street parking in the rear. Another two-story commercial building, containing retail on the ground floor and offices above, occupies the remaining Bell Boulevard frontage to the south ending at 38th Avenue.

The proposed rezoning area's existing R4 zoning allows new development of residential and community facility uses only. Residential development is permitted at a maximum floor area ratio (FAR) of .9 (including attic allowance) and community facility development is permitted at a maximum FAR of 2. The perimeter wall in R4 zoning districts may have a maximum height of 25 feet and a maximum building height of 35 feet for residential developments. The proposed C2-2 commercial overlay would allow commercial uses at a maximum FAR of 1. The applicant intends to develop a building with a FAR of 2 containing both commercial and community facility uses and a total of 16,366 square feet. Accessory off-street parking for 55 vehicles would be provided by expanding the current 53-space two-level off-street garage for the adjacent office building to provide a total of 108 parking spaces accessed through existing curb cuts and ramps.

ENVIRONMENTAL REVIEW

This application (C 060551 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 and of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 06DCP110Q. 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 June 1, 2009

UNIFORM LAND USE REVIEW

This application (C 060551 ZMQ) was certified as complete by the Department of City Planning on June 1, 2009, and was duly referred to Community Board 11 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 11 held a public hearing on this application on June 15, 2009, and on that date, by a vote of 22 to 10 with 3 abstentions, adopted a resolution recommending approval of the application (C 060551 ZMQ) with the following conditions:

To recommend approval for a C1-2 overlay for only 50 ft. of the property, lot 61 and a portion of lot 2, for the construction of the commercial building only and maintain the R4 designation for the balance of the land up to 36 Avenue.

BOROUGH PRESIDENT RECOMMENDATION

This application (C 060551 ZMQ) was considered by the Borough President, who issued a recommendation approving the application on July 9, 2009 with the following conditions:

The proposed overlay should be limited solely to the extent needed for the applicant's proposed development on Block 6176, Lot 61.

CITY PLANNING COMMISSION PUBLIC HEARING

On July 1, 2009 (Supplemental Calendar No. 3), the City Planning Commission scheduled July 22, 2009 for a public hearing on this application (C 060551 ZMQ). The hearing was duly held on July 22, 2009 (Calendar No. 23). There were three speakers in favor and one in opposition to the application.

The applicant's representative summarized the proposal, noting that it would be consistent with development patterns on Bell Boulevard, and the applicant reviewed the development firm's projects in the Bayside community, including the adjacent church school. The pastor of the house of worship included within the proposed rezoning area explained that proceeds from the planned sale of the vacant residence and adjacent land would help support the school operation. A member of Community Board 11 cited the board's concern that the proposed rezoning should not include the remainder of the church frontage on Bell Boulevard and its preference for a C1 overlay instead of the proposed C2 overlay which allows automotive-related uses. There were no other speakers on this application and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 060551 ZMQ) for an amendment of the Zoning Map, as modified herein, is appropriate.

The Commission notes that Bell Boulevard is an active commercial corridor that provides professional services and convenient retail shopping options in an attractive ‘Main Street’ setting to the Bayside community. The Commission further notes that existing C2-2 commercial overlays are located to the north and south of the proposed rezoning area, and that the proposed development of a 16,366 square-foot commercial and community facility building with 55 accessory, off-street parking spaces is consistent with land use patterns along Bell Boulevard. The Commission believes this building, which will be an addition to the applicant’s existing office building located immediately south of the proposed rezoning area, will strengthen the commercial character of this portion of Bell Boulevard.

After careful review of testimony from the public hearing and the recommendations received from Community Board 11 and the Queens Borough President, the Commission, however, modifies the proposed C2-2 commercial overlay extension to encompass only a 50-foot portion of the east side of Bell Boulevard between 36th and 38th Avenues instead of the 300-foot section originally requested. The Commission notes that this modification is consistent with the recommendation from the Queens Borough President to allow an extension of the C2-2 overlay for 50 feet north of the current boundary line of the overlay. The Commission’s modification of the original proposal would result in the total length of C2-2 commercial overlay increasing from 200 feet to 250 feet on the east side of Bell Boulevard between 36th and 38th Avenues, while the

remainder of this blockfront would retain R4 zoning. The Commission's modification is sufficient to facilitate the planned four-story office and community facility building on the site of the vacant, former parish house. The Commission believes that this modification of the original proposal facilitates the applicant's primary interest in requesting the rezoning.

With respect to the concerns of Community Board 11, the Commission notes that the applicant's proposed development will contain only commercial office and community facility uses.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant effect on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended by changing the Zoning Map, Section No. 11a: by establishing within an existing R4 District a C2-2 District bounded by a line 250 feet northwesterly of 38th Avenue, a line 150 feet northeasterly of Bell Boulevard, a line 200 feet northwesterly of 38th Avenue, and Bell Boulevard, as shown in a diagram (for illustrative purposes only) dated June 1, 2009 and modified by the City Planning Commission on August 19, 2009.

The above resolution (C 060551 ZMQ), duly adopted by the City Planning Commission on August 19, 2009 (Calendar No. 32), 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 Chair
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, AIA, ALFRED C. CERULLO, III, RICHARD W. EADDY,
NATHAN LEVENTHAL, SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners