



CITY PLANNING COMMISSION

March 5, 2014 / Calendar No. 19

C 140037 ZMQ

IN THE MATTER OF an application submitted by DERP Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15a:

1. eliminating from an existing R3-2 District a C2-2 District bounded by a line perpendicular to the northeasterly street line Braddock Avenue distant 200 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Braddock Avenue and the northwesterly street line of Hillside Avenue, a line 300 feet northeasterly of Braddock Avenue, a line 280 feet southeasterly of the first named course, Hillside Avenue, and Braddock Avenue;
2. changing from an R3-2 District to a C4-1 District property bounded by a line perpendicular to the northeasterly street line Braddock Avenue distant 225 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Braddock Avenue and the northwesterly street line of Hillside Avenue, a line 300 feet northeasterly of Braddock Avenue, a line 285 feet southeasterly of the first named course, a line perpendicular to the northwesterly street line of Hillside Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Hillside Avenue and the northeasterly street line of Braddock Avenue, Hillside Avenue, and Braddock Avenue;

Borough of Queens, Community District 13, as shown in a diagram (for illustrative purposes only) dated October 21, 2013.

This application for an amendment to the Zoning Map was filed by DERP Associates, LLC, on July 17, 2013, to rezone a portion of an R3-2 district and an R3-2/C2-2 district to a C4-1 district to remove a nonconforming condition currently allowed by Board of Standards and Appeals special permit, as well as to facilitate the use of retail space within an existing shopping center by a wider range of commercial uses.

BACKGROUND

The applicant, DERP Associates, LLC, proposes a Zoning Map amendment to change from an R3-2 district and an R3-2/C2-2 district to a C4-1 district for Block 7914, Lot 55 and a portion of adjacent Lot 2, in the Borough of Queens. The development site currently contains a flag-shaped

shopping center building, occupied by an anchor tenant space of approximately 25,000 square feet and two smaller retail stores of approximately 6,522 and 3,869 square feet of floor area. The anchor tenant space is currently occupied by Sears Hardware Store. The smaller retail establishments, an HSBC retail bank and an AutoZone retail store, are located within the narrower portion of the building and have a depth of only 60 feet. The building has a total height of 21 feet.

The surrounding area is zoned with R2 and R3-2 districts, with C1-2 and C2-2 commercial overlays mapped along the major thoroughfares, including Hillside Avenue. Grand Central Parkway is immediately west of the area to be rezoned. Adjacent to and immediately north of the rezoning area is a two-story garden apartment cooperative development known as Bell Park Manor Terrace, which comprises 50 residential buildings and 850 apartments on 47 acres of property. The thoroughfares to the south and east of the rezoning area are predominately developed with single-story eating and drinking establishments.

The area to be rezoned was initially zoned R3-2 and R3-2/C1-2 at the time of the enactment of the Zoning Resolution and corresponding Zoning Maps in 1961. The commercial overlay was rezoned to C2-2 pursuant to a Zoning Map amendment in 1966. The existing shopping center was constructed in 1997, pursuant to a Zoning Resolution Section 73-52 special permit granted by the Board of Standards and Appeals in 1991, which allowed an extension of bulk and use of the building into a portion of the zoning lot within the R3-2 district not covered by the C2-2 commercial overlay. All of the existing commercial uses in the shopping center are allowed as-of-right in the existing C2-2 commercial overlay.

The applicant proposes to eliminate the existing R3-2 and R3-2/C2-2 districts from the zoning lot and establish a C4-1 zoning district. The C4-1 zoning district permits a wider range of uses than the existing C2-2 overlay; currently the C2-2 overlay allows Use Groups 1 through 9, while the C4-1 district allows these uses, except for Use Group 7 uses, as well as Use Groups 10 and 12. These use groups permit uses that serve a larger region than those in C2-2 districts, such as furniture, appliance, and department stores. The C4-1 district requires 1 parking space per 150 square feet of floor area, which is a higher parking requirement than the existing C2-2 overlay.

At approximately 35,391 square feet, the existing shopping center would require approximately 236 parking spaces to meet the parking requirements of the C4-1 district. Currently, it has 121 accessory parking spaces and two loading berths. Because the applicant does not propose any modification to the shopping center, however, the additional parking spaces would not be required.

The proposed C4-1 rezoning would facilitate the continued economic viability of the existing shopping center building by permitting a wider range of commercial retail uses to occupy the center's anchor retail space. The applicant does not intend to alter the existing building or to construct a new building; the existing structure will remain as it is. The rezoning would also remove the nonconforming condition currently allowed by the Board of Standards and Appeals special permit by establishing the westerly district boundary of the proposed C4-1 district 25 feet further to the west than the existing C2-2 district boundary. The C2-2 district boundary, measured from the nearest street line of the intersection of Braddock Avenue and Hillside Avenue, currently extends 200 feet northwesterly along Braddock Avenue. The westerly line of the C4-1 district boundary would be measured 225 feet northwesterly from this point of intersection, thereby fully encompassing the existing shopping center within the C4-1 district.

ENVIRONMENTAL REVIEW

This application (C 140037 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 and Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR Number is 14DCP005Q. The lead is the City Planning Commission (CPC).

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on October 21, 2013.

UNIFORM LAND USE REVIEW

The application (C 140037 ZMQ) was certified as complete by the Department of City Planning on October 21, 2013 and was duly referred to Queens Community Board 13 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 13 held a public hearing on the application (C 140037 ZMQ) on December 16, 2013, and on that date, by a vote of 22 in favor, 1 opposed and 1 abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

The application (C 140037 ZMQ) was considered by the President of the Borough of Queens, who issued a recommendation approving the application on January 21, 2014.

City Planning Commission Public Hearing

On January 22, 2014 (Calendar No. 1), the City Planning Commission scheduled February 5, 2014 for a public hearing on the application (C 140037 ZMQ). The hearing was duly held on February 5, 2014 (Calendar No. 10). There was one speaker in favor and none opposed.

The applicant's attorney explained that intent of the zoning change is to expand the range of as-of-right commercial uses to provide greater leasing flexibility and enhance the future economic viability of the shopping center. He added that no alteration or redevelopment of the center is likely since the proposed C4-1 zoning district would increase the amount of required accessory parking per square foot on site. Without a modification of the existing shopping center, the additional accessory parking spaces would not be required.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 140037 ZMQ) for an amendment of the Zoning Map is appropriate.

The Commission notes that the proposed rezoning would facilitate continued commercial use of the property by expanding the range of permitted uses from Use Groups 1 through 9 to also include Use Groups 10 and 12, thereby allowing retail uses such as department, furniture, or appliance stores to occupy the 25,000 square-foot anchor tenant space. Use Group 7 uses would no longer be permitted. By allowing the applicant greater flexibility in securing a tenant for the large anchor space, the proposed rezoning helps to ensure the economic viability of the shopping center. The Commission believes that the proposed C4-1 zoning district is appropriate and will help reinforce this location along the Braddock Avenue and Hillside Avenue corridors as an active commercial land use.

Furthermore, the Commission notes that a portion of the existing shopping center extends west into the adjacent R3-2 zoning district. With the proposed rezoning to a C4-1 district, the westerly district boundary line is proposed to be located 25 feet further west than the corresponding district boundary line of the existing C2-2 district. By modifying the boundary of the zoning district in this way, the shopping center would fall completely within the C4-1 district. This would remove the nonconforming condition currently allowed by a Board of Standards and Appeals special permit and bring the existing bulk and use conditions into conformance.

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-c and 200 of the New York City Charter that based on the environmental determination, and the consideration and findings described in this report, the Zoning Resolution of the City of New York, effective as of

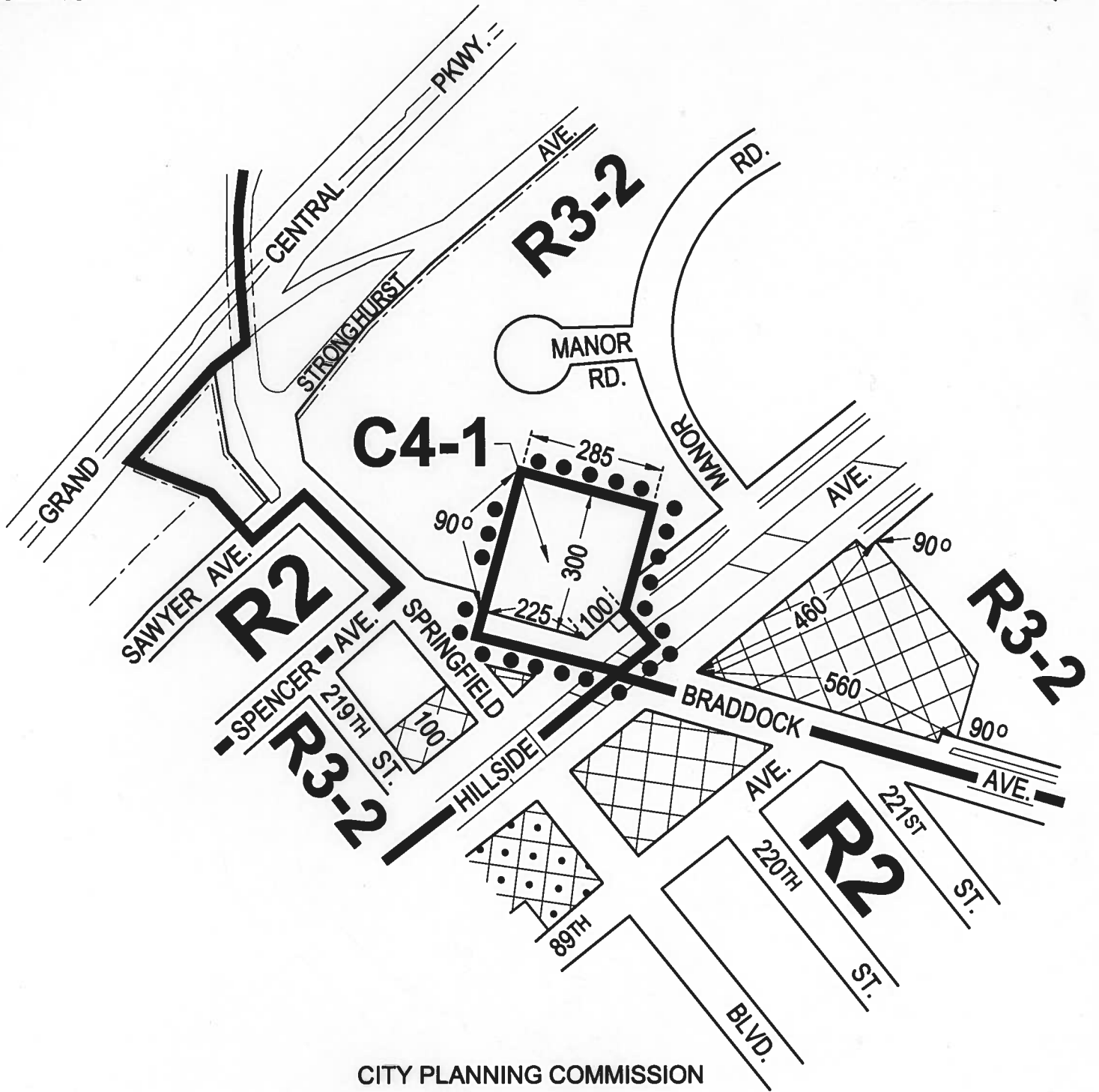
December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 15a:

1. eliminating from an existing R3-2 District a C2-2 District bounded by a line perpendicular to the northeasterly street line Braddock Avenue distant 200 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Braddock Avenue and the northwesterly street line of Hillside Avenue, a line 300 feet northeasterly of Braddock Avenue, a line 280 feet southeasterly of the first named course, Hillside Avenue, and Braddock Avenue;
2. changing from an R3-2 District to a C4-1 District property bounded by a line perpendicular to the northeasterly street line Braddock Avenue distant 225 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Braddock Avenue and the northwesterly street line of Hillside Avenue, a line 300 feet northeasterly of Braddock Avenue, a line 285 feet southeasterly of the first named course, a line perpendicular to the northwesterly street line of Hillside Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Hillside Avenue and the northeasterly street line of Braddock Avenue, Hillside Avenue, and Braddock Avenue;

Borough of Queens, Community District 13, as shown in a diagram (for illustrative purposes only) dated October 21, 2013.

The above resolution (C 140037 ZMQ), duly adopted by the City Planning Commission on March 5, 2014 (Calendar No. 19), is filed with the Office of the Speaker, City Council, and the Queens Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, *Chairman*
KENNETH J. KNUCKLES, *Esq., Vice-Chairman*
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, *P.E.*,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,
MARIA M. DEL TORO, JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, *Commissioners*



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED

ZONING CHANGE

ON SECTIONAL MAP

15a

BOROUGH OF
QUEENS

J. Miraglia





J. Miraglia, Director
 Technical Review Division

New York Certification Date
 OCTOBER 21, 2013

SCALE IN FEET



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by eliminating a C2-2 District from within an existing R3-2 District, and by changing an R3-2 District to a C4-1 District.
-  Indicates a C1-2 District.
-  Indicates a C2-2 District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C140037 ZMQ**

Project Name: **Braddock-Hillside Rezoning**

CEQR Number: 14DCP005Q

Borough(s): **Queens**

Community District Number(s): **13**

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C10000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by DERP Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15a:

- eliminating from an existing R3-2 District a C2-2 District bounded by a line perpendicular to the northeasterly street line Braddock Avenue distant 200 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Braddock Avenue and the northwesterly street line of Hillside Avenue, a line 300 feet northeasterly of Braddock Avenue, a line 280 feet southeasterly of the first named course, Hillside Avenue, and Braddock Avenue;
- changing from an R3-2 District to a C4-1 District property bounded by a line perpendicular to the northeasterly street line Braddock Avenue distant 225 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Braddock Avenue and the northwesterly street line of Hillside Avenue, a line 300 feet northeasterly of Braddock Avenue, a line 285 feet southeasterly of the first named course, a line perpendicular to the northwesterly street line of Hillside Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Hillside Avenue and the northeasterly street line of Braddock Avenue, Hillside Avenue, and Braddock Avenue;

Borough of Queens, Community District 13, as shown in a diagram (for illustrative purposes only) dated October 21, 2013.

Applicant(s): DERP Associates, LLC 474 Fulton Avenue Hempstead, NY 11550		Applicant's Representative: Richard Lobel, Esq. Sheldon Lobel, P.C. 18 East 41st Street, 5th Floor New York, NY 10017	
Recommendation submitted by:			
Date of public hearing: <i>December 16, 2013</i>		Location: <i>Bellerose Assembly 240-15 Hillside Ave</i>	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: <i>December 16, 2013</i>		Location: <i>Bellerose Assembly of God 240-15 Hillside Avenue</i>	
RECOMMENDATION <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions			
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting # In Favor: <i>22</i> # Against: <i>1</i> # Abstaining: <i>1</i> Total members appointed to the board:			
Name of CB/BB officer completing this form <i>Sybil J. David</i>		Title <i>Chairman CB13</i>	Date <i>12/16/13</i>

Queens Borough President Recommendation

APPLICATION: ULURP #140037 ZMQ

COMMUNITY BOARD: Q13

DOCKET DESCRIPTION

IN THE MATTER of an application submitted by Sheldon Lobel, P.C. on behalf of DERP Associates, LLC, pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning Map, Section 15a:

1. eliminating from an existing R3-2 District a C2-2 District bounded by a line perpendicular to the northeasterly street line Braddock Avenue distant 200 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Braddock Avenue and the northwesterly street line of Hillside Avenue, a line 300 feet northeasterly of Braddock Avenue, a line 280 feet southeasterly of the first named course, Hillside Avenue, and Braddock Avenue;
2. changing from an R3-2 District to a C4-1 District property bounded by a line perpendicular to the northeasterly street line Braddock Avenue distant 225 feet northwesterly (as measured along the street line) from the intersection of the northeasterly street line of Braddock Avenue and the northwesterly street line of Hillside Avenue, a line 300 feet northeasterly of Braddock Avenue, a line 285 feet southeasterly of the first named course, a line perpendicular to the northwesterly street line of Hillside Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northwesterly street line of Hillside Avenue and the northeasterly street line of Braddock Avenue, Hillside Avenue, and Braddock Avenue;

Block 7914, Lots 55 & p/o 2, Zoning Map 15a, Queens Village, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on January 16, 2014 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

CONSIDERATION

Subsequent to review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is seeking a zoning map amendment that would map a C4-1 district to replace the existing R3-2 and R3-2/C2-2 zoning districts which would allow larger retail establishments (Use Group 10) at the shopping plaza. The applicant has not submitted any redevelopment plan pursuant to the proposed zoning change. The applicant states that the proposed change would allow more flexibility in the tenant selection should any vacancy arise ;
- The 97,535 sf (2.24 acres) subject property is currently improved with a shopping plaza with a one-story flag-shaped commercial building with an accessory parking lot for 121 vehicles. The shopping plaza contains a 25,755 sf hardware store, a 6,522 sf bank, and a 3,868 sf auto parts store. The existing building was constructed in 1997 with a Board of Standards Appeals special permit that allowed the building to extend 25 ft over the commercial overlay into the R3-2 district;
- The R3-2 district is a general residence district that permits residential and community facility development and typically results in 2-story attached, detached and semi-detached one- and two-family homes. The maximum residential FAR is 0.5 (0.6 with an attic allowance) and the maximum community facility (Use Groups 3 and 4) FAR is 1.0. The C2-2 commercial overlay permits local commercial and mixed-use development. The C2-2 commercial overlay permits Use Groups 1-9 and 14 and commercial uses that serve a slightly wider area than in C1 districts, such as funeral homes, catering establishment and repair services. The maximum commercial FAR is 1.0 when mapped in R3-2 zoning districts. Parking requirements in the C2-2 overlays require 1 parking space per 300 sf for general retail or service uses.
- The proposed C4-1 district permits a slightly wider range of uses than the existing C2-2 overlay including Use Groups 10 and 12, however, it does not permit Use Group 7 uses. These use groups permit uses that serve a larger region than those in C2-2 districts such as specialty and department stores. The maximum permitted FAR for commercial uses is 1.0 and community facility uses is 1.0. The maximum residential floor area permitted is 1.25. In the C4-1 district, 1 parking space per 150 sf is required that is higher parking requirement than in the existing C2-2 overlay;

QUEENS BOROUGH PRESIDENT RECOMMENDATION

ULURP # C140037 ZMQ

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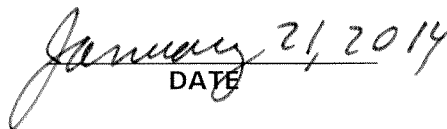
- The surrounding area is characterized by a mix of low- to mid-density residential uses with commercial uses along the major commercial thoroughfares. Hillside Avenue is 175 ft wide at this location and generally runs in a northeast-southwest direction. Braddock Avenue is 100 ft wide and generally runs northwest-southeast. The properties located at the intersection of Hillside Avenue, Braddock Avenue and Springfield Boulevard are occupied by one-story restaurants and a gas station to the southwest of the intersection and garden apartment buildings to the north and predominantly lower-density residential buildings beyond the immediate area;
- CB 13 approved this application by a vote of twenty-two (22) in favor with one (1) against and one (1) abstaining at a public hearing held on December 16, 2013.;

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application.



PRESIDENT, BOROUGH OF QUEENS



DATE