



CITY PLANNING COMMISSION

August 27, 2008 / Calendar No. 20

C 060467 ZMQ

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

1. changing from an R3-2 District to a C4-1 District property bounded by a line 320 feet northerly of the former centerline of 24th Avenue, 89th Street, the centerline of former 24th Avenue, and a line 140 feet westerly of 89th Street; and
2. changing from a C4-2 District to a C4-1 District property bounded by a line 320 feet northerly of the former centerline of 24th Avenue, a line 140 feet westerly of 89th Street, the centerline of former 24th Avenue, and a line 100 feet easterly of the former 88th Street.

Borough of Queens, Community District 3, as shown on a diagram (for illustrative purposes) dated March 24, 2008.

This application for an amendment of the Zoning Map was filed by GTJ Co. on May 1, 2006 to facilitate the expansion and improved operation of a car rental establishment in Elmhurst, Queens Community District 3.

RELATED ACTION

In addition to the amendment of the Zoning Map which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 060466 MMQ Elimination, discontinuance and closing of 88th Street between 23rd Avenue and 24th Avenue, the elimination of 24th Avenue between 88th Street and 90th Place, and the discontinuance and closing of a portion of 24th Avenue east of 88th Street.

BACKGROUND

In April 2005, the applicant became sub-lessee of property located at 88-08 23rd Avenue which is one block south of the Grand Central Parkway, and generally south of 23rd Avenue between 87th and 89th Streets. The applicant's property consists of an entire block (Block 1083) and a portion of another (Block 1082, Lot 34) and is occupied by a car rental facility. A city-owned street ---

88th Street --- which is open to two-way traffic, separates the two blocks, and is the subject of the related demapping application (C 060466 MMQ).

The rezoning parcel is located 100 feet easterly of 88th Street, is entirely owned by the applicant and is zoned C4-2 and R3-2. This portion of the applicant's property and an abutting M1-1 portion is developed for the most part with a parking lot and three small, one-story structures that provide fuel services, car washing and customer service for the car rental facility. The R3-2 portion of the applicant's property is vacant. Across 88th Street, the car rental facility utilizes a one story garage for parking and repair of rental vehicles. This property is zoned M1-1 and is not the subject of this application.

Nearby properties north of the subject parcel are zoned M1-1, and include the Vaughn College of Aeronautics located directly across 23rd Avenue, and LaGuardia Airport which is located further north across the Grand Central Parkway. West of the site, the blocks within the M1-1 District are developed with low-density commercial, automotive related uses, many of which serve nearby LaGuardia Airport. Hotels serving the airport are developed northeast of the applicant's site on a block zoned R3-2/C2-2. Nearby properties extending to the east and south are zoned R3-2 and are predominately comprised of one- and two-family detached, semi-detached and attached residences.

Proposed Zoning Change

The applicant is requesting a zoning map change for the C4-2 and R3-2 portions of his property to a C4-1 district.

C4-2 districts are medium density districts which allow commercial development at an FAR of 3.4, residential development at a maximum FAR of 2.43 and community facility development at a maximum FAR of 4.8. There are no height limits and the height of the building is regulated by the sky exposure plane.

R3-2 zoning districts are low density general residence districts, allowing all types of housing including apartment buildings. R3-2 zoning has a maximum residential FAR of 0.6 (with the attic allowance), a maximum perimeter wall height of 21 feet and a maximum building height of 35 feet. Community facility development is allowed at a maximum FAR of 1.

C4-1 districts are low density commercial districts and are generally mapped in areas requiring large amounts of parking. The proposed C4-1 District would limit commercial development to a maximum FAR of 1.0, allow community facilities at an FAR of 2.0, and residential development at an FAR of 1.25 (R5 equivalent). Residential buildings may have a maximum height of 40 feet. Building heights for other commercial and community facility uses are regulated by the sky exposure plane.

City Map Change

The applicant is requesting a change in the City Map involving the elimination, discontinuance and closing of 88th Street between 23rd Avenue and 24th Avenue, the elimination of 24th Avenue between 88th and 90th Place, and the discontinuance and closing of a portion of 24th Avenue east of 88th Street to facilitate consolidation of the car rental facility's operations.

Eighty-eighth Street, between 23rd and 24th Avenues, is a City-owned street open for two-way traffic, and mapped at a width of 60 feet. Twenty-fourth Avenue, between 88th Street and 90th Place is a partially City-owned and mostly unimproved street mapped to a 70-foot width, and not open to traffic. The City owns the westerly 100 feet of 24th Avenue between 88th and 89th Streets; the remainder is owned by the applicant. Twenty-fourth Avenue between 89th Street and 90th Place is privately owned and comprised of lots occupied by residential development.

If the rezoning and city map change applications are approved, the applicant intends to consolidate his business and add additional vehicle parking which would eliminate the need to store vehicles at other locations and increase the operational efficiency of the business.

The applicant anticipates that additional capacity resulting from the proposed rezoning would increase storage and/or parking capacity by 200 spaces, and the addition of the bed of 88th Street would increase the capacity by 25 spaces.

ENVIRONMENTAL REVIEW

This application (C 060467 ZMQ), in conjunction with the related map change (C 060466 MMQ), 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 designated CEQR number is 06DCP048Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration (CND) was issued. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant, GTJ Co. Inc., agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

The applicant signed the conditional negative declaration on March 20, 2008. The conditional negative declaration was published in the City Record on April 23, 2008 and in the New York State Environmental Notice Bulletin on April 23, 2008. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received.

Subsequent to the issuance of the CND, the City Planning Commission modified the action to remove the demapping of 88th Street between 23rd Avenue and 24th Avenue from the application. The environmental analysis was modified through a Technical Memorandum dated August 27, 2008. The Technical Memorandum concluded that the modified action would not alter the conditions and a revised CND was issued on August 27, 2008.

UNIFORM LAND USE REVIEW

This application (C 060467 ZMQ) in conjunction with the related action (C 060466 MMQ) was certified as complete by the Department of City Planning on March 24, 2008 and was duly referred to Community Board 3 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 Review

Queens Community Board 3 held a public hearing on this application on May 15, 2008, and, on that date, by a vote of 24 to 1 with 0 abstentions, adopted a resolution recommending approval of

the application with the following conditions:

- Install security lighting on 89th Avenue
- Install metal slat fencing that will prevent head light glare and is aesthetically pleasing.

Borough Presidents Recommendation

This application (C 0606467 ZMQ) was considered by the Borough President, who issued a recommendation approving the application on July 15, 2008.

City Planning Commission Public Hearing

On July 2, 2008 (Calendar No. 7), the City Planning Commission scheduled July 23, 2008 for a public hearing on this application (C 060467 ZMQ). The hearing was duly held on July 23, 2008 (Calendar No. 32) in conjunction with the public hearing on the application for the related action (C 060466 MMQ).

There was one speaker in favor of the application, and no speakers in opposition.

A representative for the applicant explained that the zoning change was needed to allow expansion of the car rental operation and that the existing vacant R3-2 District portion of the zoning lot does not have a use group category which provides for a car rental operation.

Regarding the de-mapping action, the speaker stated the portion of the 24th Street de-mapping between 89th Street and 90th Place, is owned by separate private home owners and developed with residences and that the de-mapping would remove a cloud over the title of these properties. Relating to the de-mapping of the portion of 24th Avenue between 88th and 89th streets, the speaker noted that except for the 100 feet section which intersected with 88th Street, the avenue was unimproved and derelict. The purchase of half of the street bed that abutted the applicant's zoning lot would allow visual and physical improvements including tree planting and a screen fence where the property met the R3-2 District to the south as per the requirements of the Zoning Resolution.

With respect to the de-mapping of 88th Street between 23rd and 24th avenues, the speaker stated the purchase of the street from the City would reduce the vehicular circulation impact on the residential community from the operation of the car rental facility by providing direct access between the operating car-rental parking lot and the maintenance garage that is separated by 88th Avenue. The speaker cited that the Department of Buildings would not allow a curb-cut from

the operating car rental lot that faced the maintenance garage on 88th Street because of cross-traffic safety issues.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed amendment to the zoning map (C 060467 ZMQ), in conjunction with the related application (C 060466 MMQ), as modified, is appropriate.

Zoning Map Amendment (C 060467 ZMQ)

The proposed rezoning would facilitate the expansion of an automobile rental facility that serves nearby LaGuardia Airport. The existing R3-2 district would not allow this expansion and the Commission notes that much of the surrounding area to the north and west is developed with commercial uses, many of which are related to the airport.

Furthermore, while the Commission understands that the portion of the applicant's property zoned C4-2 does permit the car rental facility, the Commission notes that C4-2 districts permit development at heights and densities that would be less harmonious with the neighboring low density residential communities in the R3-2 District to south and east of the site. The Commission believes that the proposed C4-1 District would provide for a better transition between the higher density manufacturing and commercial districts north and west of the rezoning area, and the lower density R3-2 District.

The Commission notes that Community Board 3's requests for security lighting and installation of aesthetically pleasing metal fencing are beyond the Commission's purview. The Commission, however, encourages the applicant to work closely with the community in addressing the concerns expressed by Community Board 3.

Amendment to the City Map (C 060466 MMQ)

The Commission notes the proposed demapping of a portion of 24th Avenue between 88th and 89th streets would eliminate a street that is mostly unimproved and not open to traffic.

The Commission also believes that the proposed demapping of a portion of 24th Avenue between 89th Street and 90th Place a privately owned, mapped street bed that is developed with residences will remove the cloud of ownership from these properties.

The Commission does not believe, however, that the demapping of 88th Street between 23rd and

24th avenues is appropriate and is therefore not approving this part of the city map change application (C 060466 MMQ).

The Commission notes that the street is improved with new sidewalks and curbs and is open to two-way, north/south traffic. The Commission further notes that this portion of 88th Street serves to connect the blocks that are zoned for manufacturing and commercial use to the north and west, to the residential blocks to the south.

The Commission believes the need for a direct link between the applicant's vehicle maintenance and repair facility and the operating parking lot that is separated by 88th Street might be more easily accommodated by curb cuts from the parking lot. The Commission suggests that the applicant work with the Department of Transportation so that curb cuts that can provide direct access across 88th Street, a street that has low traffic volumes can be provided for the car rental facility.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, subject to the following condition:

The applicant, GTJ Co. Inc., agree via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval; The restrictive declaration was executed on August 29, 2007; On October 3, 2007, the DEP confirmed, via written correspondence, that the applicant filed the DEP-approved Restrictive Declaration with the New York City Department of Finance of the City Register;

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 amended, is further amended by changing the Zoning Map, Section No. 9c:

1. changing from an R3-2 District to a C4-1 District property bounded by a line 320 feet northerly of the former centerline of 24th Avenue, 89th Street, the centerline of former 24th Avenue, and a line 140 feet westerly of 89th Street; and
2. changing from a C4-2 District to a C4-1 District property bounded by a line 320 feet northerly of the former centerline of 24th Avenue, a line 140 feet westerly of 89th Street, the centerline of former 24th Avenue, and a line 100 feet easterly of 88th Street.

Borough of Queens, Community District 3, as shown on a diagram (for illustrative purposes) dated March 24, 2008, and revised on August 27, 2008.

The above resolution (C 060467 ZMQ), duly adopted by the City Planning Commission on August 27, 2008 (Calendar No.20), 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
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
MARIA DEL TORO, NATHAN LEVENTHAL, SHIRLEY A. MCRAE, JOHN MEROLO,
KAREN A. PHILLIPS, Commissioners