



CITY PLANNING COMMISSION

April 23, 2008 / Calendar No. 8

C 070174 ZMQ

IN THE MATTER OF an application submitted by College Point Holdings I, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7b, changing from an M1-1 District to an R4 District to an R4 District property bounded by a line 350 feet northerly of 14th Avenue, the former centerline of 115th Street, 14th Avenue and a line 240 feet westerly of 115th Street as shown on a diagram (for illustrative purposes only), Borough of Queens, Community District 7.

This application for an amendment of the Zoning Map, Section No. 7b was filed by College Point Holdings I, LLC on October 27, 2006 to facilitate the construction of a 91-unit Large Scale Residential Development on an approximately 2 acre parcel located in College Point, Queens, Community District 7. The related special permit applications were subsequently revised on March 20, 2008 to reflect the construction of a 100-unit Large Scale Residential Development.

RELATED ACTIONS

In addition to the application for an amendment of the zoning map, which is the subject of this report (C 070174 ZMQ), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- C 060287 MMQ Elimination, discontinuance and closing of a portion of 115th Street north of 14th Avenue;

- C 070175 ZSQ Special permits pursuant to sections 78-351 (Common open space and good site plan), 78-352 (Bonus for community facility space) and 78-353 (Bonus for enclosed parking) of the Zoning Resolution;

- C 070178 ZSQ Special permit pursuant to Section 78-321(d) to modify the requirements of Section 23-631(b) (Height and setback in R1, R2, R3, R4 and R5 Districts) to allow street wall heights and building height to exceed 25 feet and 35 feet respectively, in the periphery, of a large scale residential development.

- N 070179 ZAQ Authorization pursuant to Sections 78-311 and 78-41 to allow distribution of floor area , open space, and accessory off street parking without regard for zoning lot lines, and to modify the requirements of Section 23-47 (Minimum Required Rear Yards);
- N 070181 ZAQ Authorization pursuant to Section 23-463 to modify the maximum aggregate width of street walls regulations of Section 23-463 (Maximum aggregate width of street walls) to allow the aggregate width of street wall along 115th Street up to 243.5 feet;
- N 070182 ZCQ Chairperson’s Certification pursuant to Section 62-711 that waterfront public access and visual corridors are not required;
- N 070460 ZCQ Chairperson’s Certification pursuant to Section 62-712 to permit subdivision of a zoning lot on a waterfront block;

BACKGROUND

The applicant, College Point Holdings I, LLC, is requesting several actions to facilitate the construction of a 100-unit Large Scale Residential Development (LSRD) on an approximately 2 acre parcel located in College Point, Queens Community District 7. The proposed residential buildings will have an attached configuration of three floors with a cellar or basement. The proposed development will include an interior courtyard and provide 100 parking spaces at the cellar level.

Site and Area Description

The approximately 2 acre site consists of a single tax lot (Block 4035, Lot 1) and is located at the northwest corner of 14th Avenue and 115th Street in College Point, Queens. It is a corner lot and extends 350 feet along 115th Street, and 234 feet along 14th Avenue. The subject site is zoned M1-1 and occupied by a one-story warehouse structure. The property is uniquely depressed below grade level with vehicular access currently provided by way of a curb cut on 14th Avenue and a ramp.

One- and two- story commercial and manufacturing structures are located in the M1-1 District west of the site. Waterfront lots north of the subject parcel and which face the East River are used as open parking by taxis and other commercial vehicles. An R4-1 District is immediately east and south of the site and developed predominately with semi-detached, one and two family residences. These properties were rezoned by the Department of City Planning in 2005 as part of the College Point rezoning.

14th Avenue is one of the few streets in the area that provide almost direct access from College Point to the area east of Whitestone Expressway. 115th Street is a narrow street which ends one block south of the subject site and 3 blocks to the north at Herman A. MacNeil Park, a 29-acre city park with waterfront views of the East River, Long Island Sound, Whitestone Bridge, and the Manhattan skyline.

Proposed Development

The proposed development will consist of 100 dwelling units within buildings with an attached configuration containing three floors with cellars or basements. The buildings will be designed to have the appearance of 26 individual structures arranged in a rectangular formation around an interior court yard with a landscaped, 26-foot wide opening along the 115th Street frontage to provide pedestrian access. The development will provide 100 parking spaces in the cellar to be accessed through the existing curb cut and ramp on 14th Avenue. Circulation to the cellar parking spaces will be via a continuous, below grade loop which will be covered and landscaped on the portions which run along 115th Street and 14th Avenue.

Except for the basement residential units which will open onto a landscaped garden court, all units will be through-floor or corner units that face both the street, rear yard and central, landscaped open space. Access to the three residential floors, the open roof space, cellar residences and enclosed parking will be provided by common, shared stairwells that will separate the residential units in pairs. The stairs will allow access to the roofs which will provide open space for the building's occupants.

Building heights will generally range between 40 feet to 45 feet in the periphery, except for some buildings proposed along the western edge of the development where building heights will rise between 52.5 feet and 53.40 feet (including the height of the stair bulkhead).

Approximately 19,686 square feet of common open space will be provided in the interior of the site, with a walkway along its periphery. The interior courtyard will include a mix of active open spaces containing a sculptured children's play area and lap pool, and landscaped passive open spaces with seating, a gazebo and water feature. The proposed development would have an FAR of 1.40.

REQUESTED ACTIONS

Zoning Map Amendment (C 070174 ZMQ)

The applicant is requesting a zoning map amendment to change the existing zoning on the site from M1-1 to R4. The current M1-1 zoning district allows industrial uses and most commercial uses at a maximum FAR of 1, and certain community facility uses, but does not permit residential uses. R4 districts permit all types of residential buildings at a maximum allowable FAR of 0.75 (or 0.9 with the attic allowance), and community facility uses at a maximum allowable FAR of 2.0. The maximum building height allowed for residential buildings is 35 feet.

The applicant is also requesting approval of bonuses permitted in Large Scale Residential Developments (LSRD) by special permit which would result in an increase in the permitted FAR to 1.40.

Special Permit – FAR Bonuses in a Large Scale Residential Development (C 070175 ZSQ)

The applicant seeks to increase the allowable FAR from 0.75 to 1.4 and to reduce the required open space ratio (OSR) from 80 to 40.2 as allowed by special permit in Large Scale Residential Developments (LSRD). The three bonuses being sought include a bonus for common open space and a good site plan which would increase the permitted FAR to 1.0; a bonus for providing community facility space or a park improvement that would increase the FAR to 1.15; and a bonus for enclosed parking which would add an FAR bonus of 0.25. The proposed development qualifies as an LSRD because it will consist of residential uses and has an area of at least 1.5 acres and a total of at least three principal buildings.

Bonus for common open space and good site plan pursuant to Section 78-351

To meet the requirements of Section 78-52 the site plan provides a central, landscaped open area that is accessible by all dwelling units from the shared public stairs. Additionally, the cellar dwelling units allow direct access to this space from private patios. Pedestrian access from 115th Street to the central landscaped open space is provided by a 26- foot wide, tree planted link which has an elevator lift for wheel chair access. All of the street level facing units on 14th Avenue and 115th Street are compatible with Local Law 58 (ADA). This exceeds the requirement for 25% of the ground floor units. The central landscaped open space is further enhanced by a children's playground with sculptures, a lap pool, a recirculating water feature and a tea house/gazebo structure. The common open space has no driveways nor is it used for parking. More than 51% of this space is considered common open space, thereby exceeding the Zoning Resolution requirement of 25%. Additionally, the cellar parking and looped driveway are enclosed by paved and landscaped areas where the development meets 115th Street and 14th Avenue.

Bonus for a community facility or park improvement pursuant to Section 78-352

The applicant proposes to make improvements to the Herman A. MacNeil Park, a 29-acre waterfront City park, located north of the subject site on the East River. The improvements will provide a kayak/canoe storage shed, a launching ramp with pedestrian access from Poppenhusen Avenue as well as restorative planting, seating and landscaping along the water's edge. This

proposed improvement is not proposed in the City's capital budget. A letter from the Department of Parks and Recreation, dated January 25, 2007 to the Director of City Planning expressed satisfaction with the proposed park improvements.

Bonus for enclosing required off-street parking pursuant to Section 78-353

The site plan proposes enclosing all of the required off-street parking. An access ramp from 14th Avenue down to a looped, cellar elevation driveway will allow access to individual parking spaces located under the residential building structures. The proposed parking will meet the 100% parking requirement for R4 zoning districts.

**Special Permit to modify height and setback requirements of Section 23-631(b)
(C 070178 ZSQ)**

In addition to the FAR bonuses, the applicant requests a special permit pursuant to Section 78-312(d) to allow modification of Section 23-631(b) to increase the maximum building height of 35 feet and to modify the perimeter wall height to exceed 25 feet in the periphery of the LSRD within an R4 district. The variation in height is being introduced to provide both design variety and flexibility.

Authorizations to distribute floor area, open space and parking; and to modify rear yard requirements and maximum building height regulations (N 070179 ZAQ)

The applicant is seeking authorizations pursuant to Sections 78-311(a), 78-311(b) and 78-311(d) to distribute floor area, to distribute open space, to modify (waive) the rear yard requirement along a rear lot line and to modify the maximum building height regulation of Section 78-31(b) to exceed 35 feet in an area entirely within the LSRD.

Floor Area

The proposed plan will consist of 3 zoning lots. The proposal will have a total floor area of 115,392 square feet at an FAR of 1.4, as allowed with the bonuses. Two of the zoning lots would comply with respect to the maximum allowable floor area. However, on one zoning lot the proposed floor area would exceed the maximum allowed. The applicant, therefore, requires

an authorization pursuant to Section 78-311(a) to allow distribution of floor area in the LSRD without regard for zoning lot lines.

Open Space

Overall, the plan will satisfy the open space requirements, but the open space requirements would be satisfied on only two of the three proposed zoning lots. On one zoning lot the open space provided would be less than the minimum required. The applicant, therefore, requires an authorization pursuant to Section 78-311(b) to allow distribution of open space in the LSRD without regard to zoning lot lines.

Rear Yard Requirements

The proposed development will encroach into the required 30-foot rear yard towards the northwest portion of the site. The applicant, therefore, requires an authorization pursuant to Section 78-311(d) to waive the rear yard requirement at this location.

Parking Spaces

The proposed plan will provide 100% of the required parking in the building's cellar. Within the LSRD, the minimum parking requirement will be satisfied on 2 of the 3 zoning lots, but on one zoning lot, the plan will provide less than the minimum required. The applicant, therefore, seeks an authorization pursuant to Section 78-41 to distribute parking spaces without regard for zoning lot lines,

Authorization to modify street wall length (N 070181 ZAQ)

The aggregate street wall proposed along 115th Street will extend approximately 263 feet, which exceeds the maximum 185 feet allowed. The applicant must therefore seek an authorization pursuant to 23-463 to modify the street wall requirement. To satisfy the findings the site plan provides two street walls along 115th Street, separated by a 26 foot pedestrian entrance to the development, consisting of a paved walkway with plantings on either side. The buildings are articulated by use of different materials, separate entryways, window placement and plantings. And, variations in the front roofline distinguish the units and give the appearance of separate buildings.

The proposed development is similar in height to the residential buildings on the adjacent blocks across both 14th Avenue and 115th Street. The proposed development will also provide front yards with varying depths.

Amendment to the City Map (C 060287 MMQ)

The applicant requests the elimination, discontinuance and closing of a portion of 115th Street for 350 feet of a city-owned, unimproved mapped street bed that is located directly in front of the site. As built, the street is narrower than the 80 foot mapped width and there is no existing sidewalk on the applicant's side of the street. The applicant proposes to narrow the street to 50 feet, a width that matches its continuation to the north. This will allow construction of a sidewalk on the west side while maintaining the full existing vehicular width of the street.

The potentially affected agencies and utilities were polled on January 23, 2006. No city agency objected to the proposed map change.

Chairperson's Certification (N 070182 ZCQ)

The applicant requests a Chairperson's certification pursuant to Section 62-711 that public access and view corridors are not required for the development. Since the proposed zoning lots are not waterfront lots, public access is not required. No visual corridor is required because any visual corridors through the site would either be blocked by existing development or intervening zoning lots.

Chairperson's Certification (N 070460 ZCQ)

In addition to the above actions, pursuant to Section 78-51 the applicant proposes to subdivide the zoning lot constituting the site of the LSRD into three zoning lots.

ENVIRONMENTAL REVIEW

This application (C 070174 ZMQ), in conjunction with the related applications (C 060287 MMQ, C 070175 ZSQ, C 070178 ZSQ, N 070179 ZAQ and N 070181 ZAQ) 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 06DCP070Q.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 3, 2007.

UNIFORM LAND USE REVIEW

This application (C 070174 ZMQ), in conjunction with applications for the related actions (C 060287 MMQ, C 070175 ZSQ, C 070178 ZSQ), was certified as complete by the Department of City Planning on December 3, 2007, and was duly referred to Community Board 7 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related non-ULURP applications (N 070179 ZAQ and N 070181 ZAQ) which were referred for information and review.

Community Board Review

Queens Community Board 7 held a public hearing on this application on February 11, 2008, and, on that date, by a vote of 32 to 4 with 1 abstention, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 070174 ZMQ) was considered by the Borough President, who issued a recommendation approving the application on April 7, 2008.

City Planning Commission Public Hearing

On March 12, 2008 (Calendar No. 4), the City Planning Commission scheduled March 26, 2008 for a public hearing on this application (C 070178 ZSQ). The hearing was duly held on March 26, 2008 (Calendar No. 19) in conjunction with the public hearing on the related actions (C 070175 ZSQ, C 070178 ZSQ, and C 060287 MMQ).

There was 1 speaker in favor of the application, and no speakers in opposition.

A representative for the applicant described the project and the proposed actions.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 070174 ZMQ), in conjunction with the related authorizations and applications (C 060287 MMQ, C 070175 ZSQ, C 070178 ZSQ, N 070179 ZAQ and N 070181 ZAQ), 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 Resource Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 07-082.

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

CONSIDERATION

The Commission believes that this amendment of the Zoning Map (C 070174 ZMQ), in conjunction with the related applications, is appropriate.

The Commission notes that the proposed actions would facilitate the construction of 100 units in the College Point community in Queens and would provide streetscape enhancements along 115th Street and 14th Avenue, and improvements to a 29-acre waterfront City park. The Commission notes the letter from the Department of Parks and Recreation, dated January 25, 2007, to the Director of City Planning expressing satisfaction with the proposed improvements to Hermon A. MacNeil Park, which will include a kayak/canoe access storage shed and launching ramp as well as restorative planting, seating and landscaping along the water's edge.

The Commission notes that the proposed actions would facilitate the construction of a new residential development on an approximately 2-acre underutilized industrial property. The Commission believes that the proposed development will complement the adjacent low-rise residential buildings that currently exist to the east and south. The Commission further notes that the proposed 3-story residential development will provide approximately 19,600 square feet of open space and 100 underground parking spaces.

Zoning Map Amendment (C 070174 ZMQ)

The Commission believes that the proposed amendment to the zoning map to change the zoning on the site from M1-1 to R4 is appropriate because it will permit the proposed residential use. The Commission notes that the proposed R4 District will allow use of the FAR bonuses and other waivers permitted in an LSRD, thereby facilitating a development that better relates to the existing residential buildings on the adjacent blocks to the east and south, and a better site plan.

Special Permit for FAR bonuses (C 070175 ZSQ)

The Commission acknowledges that LSRD regulations provide higher floor area ratios for the provision of certain amenities not required by the underlying zoning. In the proposed project, the applicant is providing common open space and a good site plan, improvement to a city park and fully enclosed parking. The Commission believes the project site plan is good because the interior courtyard will be extensively landscaped and provide both active and passive recreation areas to the project's residents. The Commission is pleased that the design will maximize views and provides easy access to the common open space.

The Commission notes that the applicant has entered into a maintenance agreement with the Department of Parks and Recreation and has provided a time schedule to ensure continued availability of the common open space in an improved state to the proposed development's future occupants. The Commission understands that the applicant may continue to own all the property and that in the event properties are sold to individual purchasers of the dwelling units that covenants will be incorporated in the deeds to each parcel requiring that the designated common open space would be available to all the owners of the development. The Commission

notes that the development takes advantage of the site's natural features and provides the common open space at the site's natural grade.

The Commission notes that the 100% off-street parking will be provided in the cellar space, thereby meeting the bonus requirements that would allow an increase of 0.25 to the residential floor area ratio and decrease of 14.5 to the open space ratio. The Commission acknowledges that the underground parking will allow most of the open space to be unobstructed by driveways and vehicular intrusions, providing more open space to be enjoyed by the occupants of the proposed development.

Special Permit to modify Height and Setback Requirements (C 070178 ZSQ)

The Commission believes the grant of a special permit to modify the height and setback regulations set forth in Section 23-631 (b) to allow street wall heights and building heights to exceed 25 feet and 35 feet, respectively, in the periphery of the LSRD would be appropriate.

The Commission further believes that the increase in street wall and building heights will not have an adverse effect upon the access to light, air and privacy of adjacent properties since requested modifications are either entirely within the interior of the block and face property which is zoned and developed for industrial use, or are located in areas further away from other residential buildings on the adjacent blocks. In the case of four buildings facing onto 14th Avenue, the waiver to the top of the roof is for only 9.5 inches in height and 10 feet to the top of the bulkhead. For the buildings in the site's interior the difference in requested height is less than 9 feet to the top of the roof, with an additional 10 feet to the top of the bulkhead. The Commission notes that requested modifications of the perimeter wall height in the periphery area would allow a front building wall height ranging between 40 to 45 feet. The increase in the perimeter wall height would have no effect on the access to light and air of the houses across the street since they are separated from the perimeter wall by the 18 foot front yard on the site, the 50 foot street and the front yards of the existing residences.

The Commission believes that the differing heights, combined with façade enhancements would introduce variety in the street walls along 14th Avenue and along 115th Street and provide a more

harmonious transition in neighborhood scale between the proposed development and the existing residential buildings on the adjacent blocks.

Authorizations to distribute floor area, open space and parking; and to modify rear yard requirements and maximum building height regulations (N 070179 ZAQ)

The Commission understands that the requested authorizations will provide needed flexibility in providing a more efficient use of land. The Commission notes that the applicant intends to subdivide the property into three zoning lots, and that the requested authorizations will permit the distribution of floor area, open space and parking without regard to the zoning lot lines. The Commission further notes that by pooling most of the open space to the interior of the site, the applicant is able to provide a much more efficient and cohesive open space design and amenities that would otherwise not be possible to achieve. The Commission notes that the distribution of floor area on the site is designed to allow the taller buildings to be placed closer to the northern and western portions of the site, which are furthest away from residential uses on adjacent blocks. The Commission notes that properties abutting the site to the west are in a manufacturing district and occupied by a warehouse building and that the proposed side yard along the western boundary is a minimum of 30 feet, which is wider than required by zoning regulations. The Commission also notes that the lot immediately north of the site is used for vehicular storage and that the proposed side yard along the northern boundary is 16 feet which is also wider than required. The Commission believes that given the extensive space and distance of the development from surrounding properties, the very minimal distribution of the floor area and open space will have no effect on the surrounding properties' access to light and air. The Commission notes that the flexibility provided with regard to the distribution of parking spaces allows the applicant to satisfy the 100% parking requirement at the cellar level.

The Commission notes that the applicant's request to modify the rear yard provisions along lot lines will affect a minor portion of the site plan within the LSRD and believes that it is appropriate because it will allow continuity in the building design. The Commission further believes that the requested modifications to the perimeter wall and building heights are appropriate because it will allow for greater variety in the development.

Authorization to modify street wall length (N 070181 ZAQ)

The Commission believes that the requested modification to the proposed development's street wall length is appropriate. The Commission notes that the proposed street wall length of 263 feet along 115th Street will exceed the maximum permitted length of 185 feet. The Commission further notes that building frontage along 115th Street consists of two street walls separated by an approximately 26 foot pedestrian entrance. The Commission also notes that the buildings will be articulated by different materials, separate entryways, window placement and plantings, and that the front roofline will vary between units further distinguishing them visually. The Commission believes that the roofline and front wall treatments along 115th Street will contribute to a more harmonious relationship with the existing residential buildings on the adjacent blocks.

Amendment to the City Map (C 060287 MMQ)

The Commission believes that the proposed amendment to the City map is appropriate. The Commission notes that the portion of 115th Street that would be affected by the proposed discontinuance and elimination is unimproved, and that the proposed demapping action would maintain the full existing vehicular width of the street, while facilitating construction of a sidewalk where none currently exist.

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 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. 7b, changing from an M1-1 District to an R4 District property bounded by a line 350 feet northerly of 14th Avenue, the former centerline of 115th Street, 14th Avenue and a line 240 feet westerly of 115th Street as shown on a diagram (for illustrative purposes only), Borough of Queens, Community District 7, is approved.

The above resolution (C 070174 ZMQ), duly adopted by the City Planning Commission on April 23, 2008 (Calendar No.8), is filed with the Office of the Speaker, City Council, and the Borough President, together with a copy of the plans of the development, 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

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.

ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA DEL TORO,

NATHAN LEVENTHAL, SHIRLEY A. MCRAE, JOHN MEROLO,

KAREN A. PHILLIPS, Commissioners