



**CITY PLANNING COMMISSION**

September 9, 2009 Calendar No. 19

C 030129 ZMQ

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IN THE MATTER OF an application submitted by MCM Realty Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11d, by changing from an R3-2 District to an R6A District property bounded by Commonwealth Boulevard, a former service road of Grand Central Parkway and its southwesterly centerline prolongation, Grand Central Parkway, the southeasterly centerline prolongation of 247<sup>th</sup> Street, a line 500 feet southeasterly of Grand Central Parkway, the easterly centerline prolongation of 72<sup>nd</sup> Avenue, and the northwesterly service road of the Grand Central Parkway, Borough of Queens, Community District 13, as shown on a diagram (for illustrative purposes only) dated April 20, 2009, and subject to the conditions of CEQR Declaration E-234.

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The application for an amendment to the Zoning Map was filed by MCM Realty Associates, LLC on September 17, 2002 and revised on April 10, 2009, to change from an R3-2 district to an R6A district a portion of a block fronting on Grand Central Parkway, Glen Oaks, Community District 13, Queens.

**BACKGROUND**

The rezoning area affects all or portions of four irregularly-shaped lots (Block 8401, Lots 1, 550, 600 and 620) in the Glen Oaks neighborhood of Queens, Community District 13, generally bounded by the westbound service road of the Grand Central Parkway to the north, the southerly prolongations of 72<sup>nd</sup> Avenue and 247<sup>th</sup> Street to the west and east respectively and by a line 500 feet south of and parallel to the Grand Central Parkway eastbound service road.

The rezoning area site includes two lots owned by the applicant: Lots 600 and 550. Those lots and the surrounding area are currently zoned R3-2 and developed with residential and community facility uses. Lot 600 is occupied by three, six-story apartment buildings known as the Monte Excelsior with 240 dwelling units and 343 on- and below-grade accessory parking spaces. Lot 550, the proposed development site, is approximately 55,000 square feet, abuts Lot 600 to the west and is used for parking. Lot 1 is a large wooded area owned by the State of New York and is west of the applicant's property. It is occupied by a small, vacant two-story school building, formerly operated by Creedmoor

State Hospital for 25 special education (K to 4) students. Lot 620, east of the applicant's property, is owned by United Cerebral Palsy and developed with a five-building residential (10 beds) and clinic/day treatment facility.

The existing zoning in the vicinity of the project site is R3-2 and R2 to the east, south and west. Land uses in these districts include large garden apartment complexes, one- and two-family detached and semi-detached homes and the three-building, 1,844-unit, 32-story North Shore Towers cooperative development. Creedmoor State Hospital and a large New York City Department of Education campus occupy most of the land southwest of the rezoning area. The Long Island Jewish/North Shore Hospital is east of the rezoning area, straddling the border between Queens and Nassau counties; the low-density Douglaston neighborhood in Community District 11 is north of the Grand Central Parkway. The rezoning area and proposed development site are situated on a ridge or terminal moraine that runs along the Grand Central Parkway. The rezoning area and the project site are separated from the residential development to the south by a grade elevation difference of approximately 25 feet.

The existing R3-2 district permits a variety of housing types including garden apartments, row houses, detached and semi-detached houses. The maximum floor area ratio (FAR) is 0.6, which includes a 0.1 FAR attic allowance. Minimum lot width and lot area depend upon the housing configuration. The maximum building height is 35 feet and the maximum perimeter wall height is 21 feet. The parking requirement is 100% of the total dwelling units.

The proposed R6A zoning district is a contextual district that permits residential and community facility uses up to an FAR of 3.0. All housing types are permitted. The maximum height of the building's base must be between 40 and 60 feet with an overall maximum building height of 70 feet after a 10-foot setback on a wide street and a 15-foot setback on a narrow street. Maximum

lot coverage is 65% for interior or non-corner lots. New structures in R6A districts are required to line up with the front walls of adjacent structures to maintain a continuous street wall. Off-street group parking is required for 50% of new residential units but can be waived if fewer than five spaces are required.

If the rezoning is approved, the applicant proposes to develop his property with a seven-story, 142-unit building immediately west of the existing Monte Excelsior residential complex. The 165,000 square-foot building (3.0 FAR) will have a base height of 57 feet and total building height of 67 feet. The building entrance will be located mid-site with the lobby connecting two residential wings under an atrium above the first floor. Parking for 156 cars will be provided in a two-level garage below ground (71 spaces are required). The garage entrance will be located in the rear of the building and accessible by a drive along the east side of the building. A 20-foot curb cut on the eastbound service road of the Grand Central Parkway will provide site access for residents and guests. A 13-foot curb cut is also located on the service road to accommodate all service vehicles entering the site.

## **ENVIRONMENTAL REVIEW**

This application (C 030129 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 designated CEQR number is 03DCP013Q. The lead is the City Planning Commission.

The Conditional Negative Declaration included an (E) designation. The placement of the (E) designation (E-234) on the zoning map would eliminate the potential for significant adverse impact on those sites and would ensure that appropriate testing, remediation and corrective action, if needed, would be undertaken.

To avoid any potential impacts associated with noise, the proposed action will place an (E) designation for noise on Block 8401, Lot 550. The text of the (E) designation is as follows:

**In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.**

With the placement of the (E) designation for noise, no impacts related to noise are expected and no further assessment is warranted.

To avoid any potential impacts associated with emissions, the proposed action will place an (E) designation for air quality on Block 8401, Lot 550. The text of the (E) designation is as follows:

**Any new residential development on the above-referenced property must ensure that natural gas is used as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant air quality impacts.**

With the implementation of the above (E) designation, no significant adverse impacts related to air quality would occur.

After a study of the potential environmental impact of the proposed action (C 030129 ZMQ), a Conditional Negative Declaration 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:

A Phase I Environmental Site Assessment (ESA), available in the proposal's CEQR file, was prepared on October 2004 for the properties under the control of the applicant located at Block 8401, Lots

550 and 600. The Phase I ESA was reviewed by the Department of Environmental Protection's (DEP) Office of Environmental Planning and Assessment, and a Phase II Environmental Site Assessment was recommended, as stated in a memo by DEP, on April 27, 2005, due to the potential presence of hazardous materials on the site as a result of past and present land uses at, adjacent to, and surrounding the applicant's sites. In lieu of the Phase II Environmental Site Assessment, a restrictive declaration was prepared by the applicant and filed against properties under the control of the applicant located at Block 8401, Lots 550 and 600. The declaration requires that Phase II testing for hazardous materials would occur under the direction of DEP and is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the applicant's sites would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction).

With the implementation of the restrictive declaration described above, no significant adverse impacts related to hazardous materials would occur.

The applicant signed the Conditional Negative Declaration on April 15, 2009. The Conditional Negative Declaration was published in the City Record on April 29, 2009 and in the New York State Environmental Notice Bulletin on April 29, 2009. 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 and the Conditional Negative Declaration was issued on August 3, 2009.

#### **UNIFORM LAND USE REVIEW**

This application (C 030129 ZMQ) was certified as complete by the Department of City Planning on April 20, 2009, and was duly referred to Community Board 13 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 13 held a public hearing on this application June 17, 2009 and on June 22, 2009, by a vote of 35 to 0 with 1 abstention, adopted a resolution recommending approval of the application.

**Borough President Recommendation**

This application was considered by the Borough President of Queens, who issued a recommendation approving the action on July 21, 2009.

**City Planning Commission Public Hearing**

On July 22, 2009 (Calendar No. 8), the City Planning Commission scheduled August 5, 2009, for a public hearing on this application (C 030129 ZMQ). The hearing was duly held on August 5, 2009 (Calendar No. 23). There were three speakers in favor of the proposal, including the applicant's representative, the project architect and the District Manager of Community Board 13.

The applicant's representative described how the new development would be in context with adjacent development and how the proposed zoning change would bring the existing residential development into close compliance and conformance with R6A zoning district regulations. He informed the Commission that a letter of support was secured from the adjacent owner, as requested by the community board.

The project architect described the development the applicant intends to construct, giving a detailed description of how the building complied with the proposed R6A Quality Housing zoning and the project's environmentally sustainable elements. He also addressed the community's concern about parking, stating that when completed there would be almost 400 accessory spaces for both projects.

The District Manager of Community Board 13 spoke in favor of the rezoning and described the board's concern about the proliferation of rooftop antennas. He stated the applicant agreed not to place cell phone antennas on the roof of the new building.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this Zoning Map amendment (C 030129 ZMQ) is appropriate.

The Commission notes the current R3-2 zoning limits any new development to a 0.6 FAR with a maximum building height of 35 feet and a maximum perimeter wall height of 21 feet. The Commission believes that the proposed rezoning to R6A would facilitate construction of a new apartment building on underutilized land and that the new development would be consistent with the scale, density and character of the existing adjacent development. The Quality Housing bulk regulations, mandated for any new development under the proposed R6A zoning would allow a high lot-coverage building with a continuous street wall set close to the street line. The Commission believes the rezoning will allow the new development to be in context with the adjacent residential building and that the rezoning action will bring the existing residential development into conformance and close compliance with the district's bulk regulations.

The Commission is aware that the adjacent owner has no objection to the zoning change requested by the applicant, as stated in a letter dated June 30, 2009. The Commission notes the applicant, as stated in a letter dated August 5, 2009, will commit to using energy efficient and sustainable building principles in the project's development.

The Commission also notes that the community board's concern about placement of rooftop cell phone and radio frequency transmission devices on the new development is beyond the scope of this Zoning Map amendment.

**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 conditions:

The applicant has entered into a restrictive declaration (Block 8401, Lots 550 and 600) to ensure that the appropriate hazardous materials sampling protocols, including health and safety plans, will occur prior to construction on the premises (Block 8401, Lots 550 and 600). The restrictive declaration would ensure that appropriate mediation measure for on-site hazardous materials, if necessary, would occur.

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 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. 11d, by changing from an R3-2 District to an R6A District property bounded by Commonwealth Boulevard, a former service road of Grand Central Parkway and its southwesterly centerline prolongation, Grand Central Parkway, the southeasterly centerline prolongation of 247<sup>th</sup> Street, a line 500 feet southeasterly of Grand Central Parkway, the easterly centerline prolongation of 72<sup>nd</sup> Avenue, and the northwesterly service road of the Grand Central Parkway, Borough of Queens, Community District 13, as shown on a diagram (for illustrative purposes only) dated April 20, 2009 and which includes CEQR Declaration E-234.

The above resolution (C 030129 ZMQ), duly adopted by the City Planning Commission on September 9, 2009 (Calendar No. 19), 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 Chairman**

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.**

**BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,**

**NATHAN LEVENTHAL, KAREN A. PHILLIPS, Commissioners**

**ANNA HAYES LEVIN, Commissioner, Abstaining**