

CITY PLANNING COMMISSION

December 27, 1989/Calendar No. 27

C 860156 ZMQ

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 200 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, changing from an M1-3 district to an M1-3D district property bounded by 37th Avenue, the north prolongation of Standard Lane, Northern Boulevard, 40th Road, 29th Street, 41st Avenue, 23rd Street, 39th Avenue, and 24th Street, Borough of Queens, Community District 1, as shown on a diagram dated October 2, 1989.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on July 7, 1989 to rezone 36 blocks in the Dutch Kills area of Queens from M1-3 to M1-3D. Under the proposed M1-3D zoning, limited and new residential construction would be permitted by City Planning Commission authorization. Regulations affecting manufacturing and commercial uses remain unchanged.

BACKGROUND

In response to community concerns regarding the continued viability of residences in Dutch Kills, the Department of City Planning conducted a zoning study of this area, zoned M1-3. Thirty-six blocks were studied, bounded by 37th Avenue on the north, Northern Boulevard on the east, 40th Road and 41st Avenue on the south and 23rd and 24th streets on the west. This predominantly industrial area has substantial housing stock in good condition. There are 277 residential lots developed with one- and two-family homes and four- to five-story walk-ups. These residential uses are scattered on most of the blocks, interspersed by manufacturing uses in the study area. There are nine vacant lots and twenty lots with

parking or a garden next to a home. The residential community is stable and despite its non-conforming status, the loss of residential uses over last two decades has been minimal.

This area is zoned M1-3 and is located within the larger Long Island City industrial area. As of 1988, 326 operating businesses in this area employ 3,523 people in manufacturing, services, wholesaling, and construction.

The present M1-3 zoning, does not permit residential uses. Residences that were present prior to the adoption of the 1961 Zoning Resolution may remain indefinitely, but may not be enlarged. They may not be replaced if more than 50 percent of the building is destroyed. Residential buildings which remain vacant for two years or more lose the right to be occupied again as dwellings.

This application proposes to rezone 36 blocks within the Dutch Kills community from M1-3 to M1-3D. The M1-D designation would remove some of these restrictions on residential uses, without changing the regulations which govern commercial and industrial uses. The new M1-D designation is intended to help maintain the viability of long-standing residential communities interspersed within larger predominantly industrial areas, while protecting and preserving the city's manufacturing and commercial uses.

The M1-D zoning text was approved by the Board of Estimate on December 21, 1989 and makes this mapping amendment available in the Dutch Kills area, which meets all the appropriate criteria.

In an M1-D district, new residential development or a residential enlargement that create new dwelling units would be permitted, by City Planning Commission authorization, on blocks with a significant number of existing residential and community facility uses. Vacant parcels would not be eligible for residential use unless they were vacant in 1988, or had been vacant for five years prior to applying for residential use. Land with minor improvements used for storage, processing or parking in connection with an enclosed conforming manufacturing or commercial use within the district would not be eligible for residential use.

Any existing residences would be able to enlarge, as-of-right, up to 500 square feet (up to the maximum 1.65 FAR) as long as no new dwelling units were added. Conversion of commercial or industrial buildings to residential use would not be permitted.

Reconstruction of single-family and two-family homes would be allowed in case of total damage or destruction; reconstruction of multi-family homes would be allowed in case of partial damage or destruction. New residential buildings, where authorized, would have an allowable FAR of 1.65, the same as that permitted under R5

"infill". The maximum height would be 32 feet.

ENVIRONMENTAL REVIEW

This application (C 860156 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) procedures set forth in Executive Order No. 91 of 1977. The designated CEQR number is 86-038Q.

The Department of Environmental Protection and the Department of City Planning submitted to the Commission for its consideration the results of their study of the potential environmental impact of the proposed action. A negative declaration was issued on June 2, 1989.

UNIFORM LAND USE REVIEW

This application was certified as complete by the City Planning Commission on October 2, 1989, and was duly referred to Community Board 1 in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 1 held a public hearing on October 17, 1989

and adopted a resolution recommending approval of the application. Although the board approved the rezoning proposal, they also adopted a recommendation "to remove the 32 foot height restriction."

City Planning Commission Public Hearing

On November 29, 1989 (Calendar No. 1), the City Planning Commission scheduled December 13, 1989 for a public hearing on this application (C 860156 ZMQ). The hearing was duly held on December 13, 1989 (Calendar No. 3).

There were no appearances, and the hearing was closed.

CONSIDERATION

The Commission believes the rezoning of 36 blocks in Dutch Kills from M1-3 to M1-3D is appropriate and responds to the needs of the area's industrial and residential community. This area has substantial and well maintained housing stock existing side by side with industrial uses, and is served by mass transit, local shopping and community facilities.

The new M1-3D designation will remove enlargement and replacement restrictions from the existing residential uses and permit new residential construction by City Planning Commission authorization. The City Planning Commission authorization will include findings that the new residential uses will not be exposed to adverse

impacts from current or previous commercial or manufacturing uses, and will not alter the district's essential character. Regulations for manufacturing and commercial uses in the M1-3D district remain unchanged. The rezoning of Dutch Kills to M1-3D will help maintain this community by permitting limited enlargement and development of new housing without affecting the continued existence and growth of established manufacturing and commercial uses in the district.

The Commission has carefully considered the benefits of the rezoning to the Dutch Kills community, and has examined the recommendation made by the Community Board to remove the 32-foot height restriction. The Commission has determined that such modifications are beyond the scope of the proposal under review by the Commission. The application before the Commission is limited to the proposal to map the already adopted M1-3D zoning text.

The Commission believes that this zoning map amendment will provide the opportunity to the residents of Dutch Kills to maintain the viability of their homes and continue necessary improvements while maintaining a careful balance between residential and manufacturing uses.

RESOLUTION

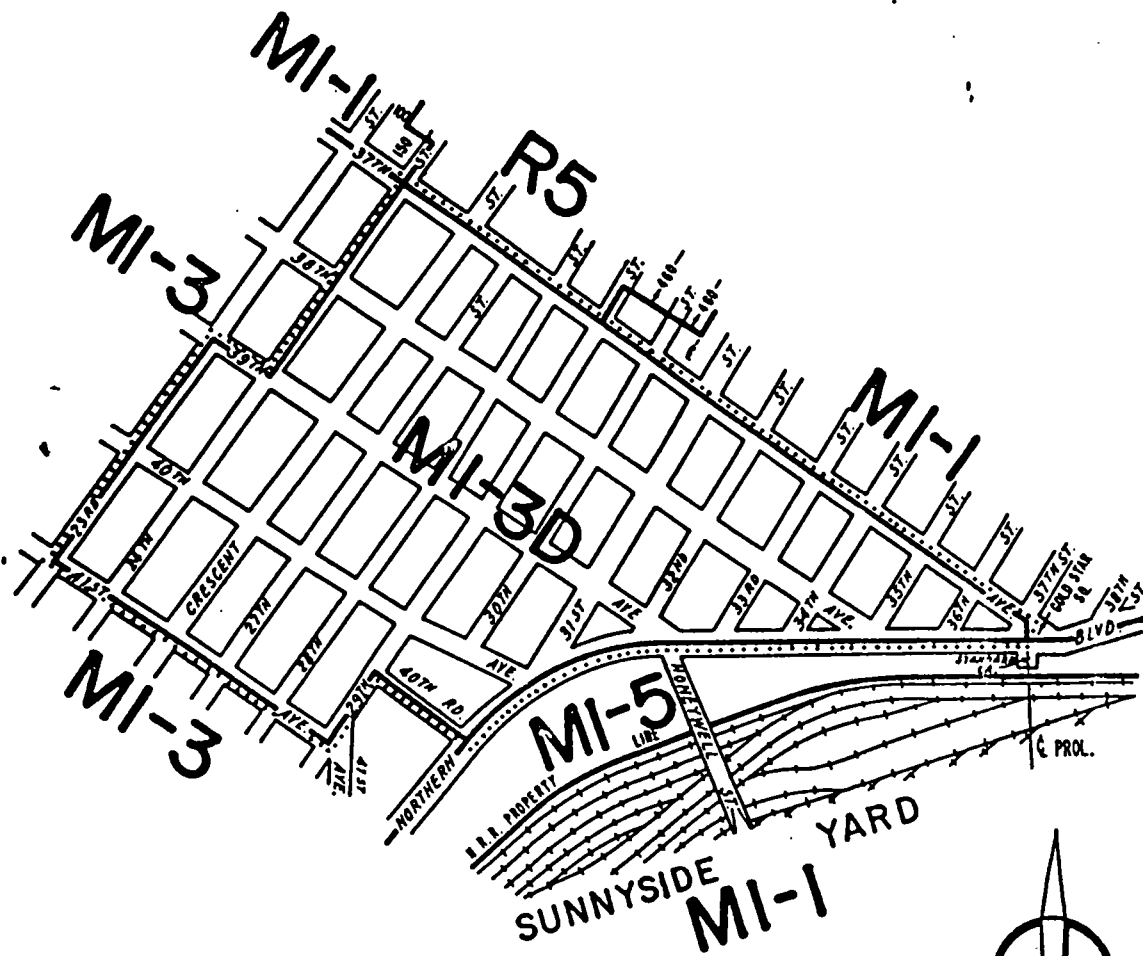
RESOLVED, that the City Planning Commission finds that the action described herein will have no significant effect on the

environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York 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. 9b, changing from an M1-3 district to an M1-3D district property bounded by 37th Avenue, the north prolongation of Standard Lane, Northern Boulevard, 40th Road, 29th Street, 41st Avenue, 23rd Street, 39th Avenue, and 24th Street, Borough of Queens, Community District 1, as shown on a diagram dated October 2, 1989.

The above resolution, duly adopted by the City Planning Commission on December 27, 1989 (Calendar No. 27), is filed with the Secretary of the Board of Estimate, in accordance with the requirements of Sections 197-c and 200 of the New York City Charter.

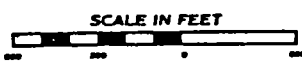
SYLVIA DEUTSCH, Chairperson
DENISE M. SCHEINBERG, Vice-Chairperson
SALVATORE C. GAGLIARDO, MARILYN MAMMANO, *Raphael Martinez*
WM. GARRISON McNEIL, DANIEL T. SCANNELL, Commissioners.



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
 ZONING CHANGE
 ON SECTIONAL MAP
 9b
 BOROUGH OF
 QUEENS

New York, Certification Date
 October 2, 1989

John P. ...
 Director of Technical Review
 Land Use Review Division
Anthony J. ... P.E.
 Chief Engineer



NOTE:
 ————— indicates Zoning District boundary.
 The area enclosed by the fine dotted line is proposed to be changed from
 an MI-3 District to an MI-3D District.