



CITY PLANNING COMMISSION

October 29, 2008 / Calendar No. 8

C 080203 ZMQ

IN THE MATTER OF an application submitted by the 151-45 Sixth Road Whitestone Partners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d changing from an M1-1 District to an R3-2 District property bounded by the U.S. Pierhead Line, a line 560 feet westerly of the westerly street line and the northerly prolongation of the westerly street line of 154th Place (straight line portion), a line 670 feet northerly of 10th Avenue (straight line portion) and its westerly prolongation, a line 100 feet easterly of the northerly prolongation of the easterly street line of 152nd Street, a line 85 feet northerly of the easterly prolongation of the northerly street line of Powell's Cove Boulevard, the northerly centerline prolongation of 152nd Street, a line 130 feet northerly of Powell's Cove Boulevard, 151st Place, 6th Road and a line 280 feet easterly of 151st Street and its northerly prolongation, as shown on a diagram (for illustrative purposes only) dated June 16, 2008.

This application for an amendment of the Zoning Map was originally filed by the 151-45 Sixth Road Whitestone Partners, LLC on December 5, 2007 to facilitate the construction of a 114-unit Large Scale Residential Development on an approximately 12.8 acre parcel located in Whitestone, Queens, Community District 7. The proposed development was subsequently modified on August 29, 2008 for the construction of a 52-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 080203 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 080204 MMQ Elimination, discontinuance and closing of a portion of 152nd Street north of Powell's Cove Boulevard;

- C 080207 (A) ZSQ Special permit pursuant to Section 78-312(f) to waive the requirements of Section 23-71 for distances between buildings on the same zoning lot in a Large Scale Residential Development.

N 080210 ZCQ Chairperson’s Certification pursuant to Section 62-711 that the development is exempt from the waterfront public access requirements of Section 62-41 and complies with the visual corridor requirements of Sections 62-42 and 62-60.

BACKGROUND

The applicant, 151-45 Sixth Road Whitestone Partners, LLC, is requesting several actions to facilitate the construction of a 52-unit market-rate Large Scale Residential Development (LSRD) on an approximately 557,000 square foot (12.78 acre) waterfront parcel located in Whitestone, Queens Community District 7.

Site and Area Description

The development site is owned by the applicant and is located on the East River in the Whitestone section of Queens. It is generally bounded by 154th Street to the east, Powell’s Cove Boulevard to the south, 151st Place to the west, and the East River to the north. The irregularly shaped subject parcel encompasses portions of 3 blocks and consists of 8 tax lots (Block 4487, Lots 160, 169, 170, 200; Block 4524, Lots 77, 92; and Block 4531, Lots 79, 92). The development site is a waterfront lot with approximately 556,802 square feet (12.78 acres) in upland area. There are significant topographic changes on the site, with a change in elevation from a high point of approximately 24 feet at its southern boundary going down to sea level along the water’s edge. The subject site is zoned entirely M1-1 and is used for vehicle storage, small offices for construction and manufacturing uses, and a vehicle impound lot.

The development site occupies a portion of the existing M1-1 district located north of 7th and 10th avenues between 151st and 154th streets. Other uses within the existing M1-1 district include the Tropicana distribution center directly to the east and a construction waste crushing yard and a marina to the west. Manufacturing and office buildings and construction equipment storage yards are also located south of the site with a local shopping center consisting of a supermarket and other stores and services further to the southeast.

The M1-1 district is surrounded by residential communities zoned R2, R2A, R3-1 and R3-2, much of which was rezoned as part of the Department of City Planning's Whitestone Rezoning initiative in 2005. West of the project site in the adjacent R2 zoning district, the area is characterized by new construction, particularly along Powell's Cove Boulevard, between 3rd and 6th Avenues, and includes the Waterside Estates at Cresthaven, a 110-unit single-family home development completed in 2006. The predominant zone to the west and south west is R2A which is developed primarily with single family detached residences. East of the project site the area is zoned R2 and R3-2. The R2 district is characterized by single family detached houses and a 3-story gated condominium development is located along the waterfront in an R3-2 district. An adjacent R3-1 district is located to the southeast and developed with a mix of 1- and 2-family detached and semi-detached houses.

Proposed Development

The applicant originally proposed to develop 114 detached, semi-detached and attached residential units and provide approximately 132,500 square feet of common open space and 233 parking spaces requiring two authorizations and two special permits. In response to concerns expressed by the Commission, the applicant submitted a modified application for a special permit application (C 080207 (A) ZSQ) on August 29, 2008 pursuant to Section 2.06(c)(1) of the Uniform Land Use Review Procedure (ULURP) rules. This modified project no longer requires the originally required authorizations and one of the special permits.

The modified development proposes 52 detached single-family homes of various layout and design, each with approximately 5,400 square feet of floor area. The total overall development will contain 281,451 square feet of floor area, with an FAR of 0.47. The maximum building height will be 35 feet for all of the houses. The maximum perimeter wall height will be 25 feet, with the exception of portions of six houses which fall within the periphery of the development where the perimeter wall height will be limited to 21 feet. Each home will provide a minimum of a one-car garage plus an 18 foot driveway allowing for an additional parking space per home for a total of 104 accessory parking spaces (twice the amount of parking required). No required

accessory parking will be provided on the private roads. The modified project proposes the provision of over 503,000 square feet of open space. This open space would be comprised of 262,000 square feet of private yards, approximately 110,000 square feet of paved vehicular surfaces, and 130,345 square feet of publically accessible common open space that will be located along the shoreline of the East River.

The waterfront common open space would be landscaped as a low-intensity passive recreation area and is generally in compliance with current standards for waterfront public access. It would provide a 15-foot wide shorefront pedestrian path and a network of 10-foot wide primary and 6-foot wide secondary circulation paths, public seating facing the water and arranged in social groupings, extensive plantings, including 110 shade and ornamental trees, and a large lawn. Over 200 linear feet of backed benches and 42 linear feet of backless benches will be placed throughout the open space and bike racks for eight bicycles will be located at the central entry point to the open space. Overlook points would be located at its eastern and western ends to provide views to the East River and the Throgs Neck and Bronx-Whitestone bridges. The eastern and western ends of the shore path are designed to permit the continuation of the public walkway in the future to the adjacent properties to the east and west, which are currently used for industrial purposes. It would incorporate on-site storm water detention.

Access to and within the development would be through a private roads system. The private roads system further provides the public access to the waterfront open space from the public streets. Though the proposed development does not require provision of waterfront public access pursuant to the waterfront zoning regulations of the Zoning Resolution because it consists of single family homes and would be located in an R3-2 district, the provision of the public open space will be assured through a restrictive declaration that will be made a condition of the related application for a special permit (C 080207 (A) ZSQ). Signage will be posted to confirm public access at one location leading from the public streets into the private roads network and at three locations leading from the private roads network into the waterfront open space, in accordance with the restrictive declaration. Public access will be allowed in accordance with the restrictive declaration from dawn to dusk.

REQUESTED ACTIONS

Zoning Map Amendment (C 080203 ZMQ)

The applicant is requesting a zoning map amendment to change the existing zoning on his site, and minor portions of adjacent lots not owned by the applicant from M1-1 to R3-2. 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.

The proposed R3-2 district permits all types of residential buildings, including garden apartments, at a maximum allowable Floor Area Ratio (FAR) of 0.5 (or 0.6 with attic allowance). R3-2 districts allow a maximum perimeter wall height of 21 feet and a maximum building height of 35 feet. One parking space per dwelling unit is required.

For Large Scale Residential Developments within an R3-2 District, the maximum permitted perimeter wall height may be 25 feet for buildings wholly within the development.

Amendment to the City Map (C 080204 MMQ)

The applicant proposes a change in the City Map involving the elimination, discontinuance and closing of a portion of 152nd Street between Powell's Cove Boulevard and the U.S. Bulkhead line and the delineation of a 30 foot wide permanent sewer easement to facilitate the development of 52 residential units consisting of single family detached townhouses, as part of a proposed Large-Scale Residential Development.

152nd Street north of Powell's Cove Boulevard is mapped to a 60-foot width except for an 80-foot long irregular width section, is primarily city-owned except for a small portion which is privately owned (part of lot 92), and is unimproved for pedestrian and vehicular traffic. 152nd Street between Powell's Cove Boulevard and 10th Avenue is mapped to an 80 foot width, improved and open to two-way north-south traffic. Powell's Cove Boulevard is mapped to an 80-foot width and open to two way east and west traffic.

The portion of 152nd Street proposed to be demapped is approximately 597 linear feet and terminates approximately 200 feet from the shoreline. It contains approximately 37,000 square feet, approximately 10,000 square feet of which is currently owned by the applicant who is requesting the disposition of the approximately 27,000 square feet owned by the City.

An Interagency Conference was held on February 28, 2008. No objections were expressed by City agencies.

Special Permit to waive distances between buildings requirements of Section 23-711 (C 80207 (A) ZSQ)

The applicant requests a special permit pursuant to Section 78-312(f) to waive the requirements for distances between buildings on the same zoning lot in a Large Scale Residential Development. Pursuant to Section 23-71, the buildings in the proposed development require a minimum distance between buildings of 25 feet from wall to wall, 35 feet from wall to window and 45 feet from window to window .

In the modified development there are 38 locations where the minimum window to window distance of 45 feet is not met. The applicant requests waivers at 36 locations where a distance of 13 feet will be provided; one location where a distance of 19 feet 7 inches will be provided; and one location where a distance of 32 feet will be provided.

The applicant has requested these waivers in order to place homes further from the flood hazard zone and maximize the amount of common open space and publically accessible open space on the site..

Chairperson's Certification (N 080210 ZCQ)

The applicant requests a Chairperson's certification pursuant to Section 62-711 the development is exempt from the waterfront public access requirements of Section 62-41 and complies with the visual corridor requirements of Sections 62-42 and 62-60. Pursuant to Section 62-41, developments comprising single- or two-family residences within detached, semi-detached or

zero lot line buildings in any district are exempt for waterfront public access requirements as are developments comprising predominantly residential use in an R3 District.

The development will provide the required visual corridors as prolongations of 151st Place and 152nd Street as required by 62-42. The 151st Place visual corridor will be 50 feet in width and the 152nd Street visual corridor will be 60 feet in width.

ENVIRONMENTAL REVIEW

This application (C 080203 ZMQ), in conjunction with the applications for the related actions (C 080204 MMQ, and C 080207 (A) ZSQ), 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 City Environmental Quality Review (CEQR) Rules of Procedures of 1991 and Executive Order No. 91 of 1977. This application was determined to be an Unlisted action. The designated CEQR number is 08DCP028Q. The City Planning Commission is the lead agency.

After a study of the potential environmental impact of the proposed action (C 080203 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 in December 2007 for the properties under the control of the applicant located at 151-45 Sixth Road (Block 4487, Lots 160, 169, 170, 200; Block 4524, Lots 77 & 92; Block 4531, Lots 79 & 92). The restrictive declaration covers the applicant's properties only. The Phase I ESA was reviewed by the Department of Environmental Protection's (DEP) Office of Environmental Planning and Assessment, and a restrictive declaration was recommended, as stated in a memo by DEP, on June 12, 2008, 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. A restrictive declaration was

prepared by the applicant and filed against properties under the control of the applicant located at 151-45 Sixth Road (Block 4487, Lots 160, 169, 170, 200; Block 4524, Lots 77 & 92; Block 4531, Lots 79 & 92). 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 June 12, 2008. The Conditional Negative Declaration was published in the City Record on June 18, 2008 and in the New York State Environmental Notice Bulletin on June 18, 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.

On September 19, 2008 a revised Conditional Negative Declaration was signed by the applicant in connection with the modified special permit application (C 080207 (A) ZSQ). The revised Conditional Negative Declaration was published in the City Record on September 24, 2008 and in the New York State Environmental Notice Bulletin on September 24, 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 and the Conditional Negative Declaration was issued on October 29, 2008.

UNIFORM LAND USE REVIEW

This application (C 080203 ZMQ), in conjunction with the related applications, was certified as complete by the Department of City Planning on June 16, 2008, 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).

Community Board Review

Queens Community Board 7 held a public hearing on this application on June 30, 2008, and, on that date, by a vote of 32 to 0 with 1 abstention, adopted a resolution recommending approval of the application with the condition that the home owners association be funded with an initial deposit of not less than \$25,000 as initial funds to act responsibly and effectively before all the units are sold.

Borough President Recommendation

This application (C 080203 ZMQ) was considered by the Borough President, who issued a recommendation approving the application on September 23, 2008.

City Planning Commission Public Hearing

On September 10, 2008 (Calendar No. 4), the City Planning Commission scheduled September 24, 2008 for a public hearing on this application (C 080203 ZMQ). The hearing was duly held on September 24, 2008 (Calendar No. 26) in conjunction with the public hearing on the related actions.

There were 4 speakers in favor of the application, and no speakers in opposition. Three representatives, the applicant's attorney and two of the project's architects described the project and the proposed actions. The Councilmember from the 19th District also spoke in favor of the application.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 080203 ZMQ), in conjunction with the related applications (C 080204 MMQ, and C 080207 (A) ZSQ), 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 08-044.

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 080203 ZMQ), in conjunction with the related applications, is appropriate.

The Commission notes that the proposed actions would facilitate the construction of a new residential development on an approximately 13-acre underutilized industrial property.

The Commission notes that the proposed actions would facilitate the construction of 52 single-family detached units in the Whitestone community in Queens, would provide a private roads network extending from 152nd Street and the intersection of 151st Place and 6th Road, and an approximately 3-acre publicly accessible waterfront open space ensured through a restrictive declaration recorded against the property.

Zoning Map Amendment (C 080203 ZMQ)

The Commission believes that the proposed amendment to the zoning map to change the zoning on the site from M1-1 to R3-2 is appropriate because it will permit the proposed residential use in scale with the surrounding one- and two-family homes within the immediately surrounding R3-2 Districts as well as those in the adjacent R2 and R2A Districts. The isolated manufacturing district is no longer appropriate given the surrounding low-density residential fabric. The industrial business that used this site primarily as a storage yard for truck and vehicle parking have relocated or are in the process of relocating. The Commission notes that the proposed R3-2 District will allow use of waivers permitted in an LSRD, thereby facilitating a development that allows for a publicly accessible open space and better relates to the existing residential buildings in the surrounding neighborhood.

Amendment to the City Map (C 080204 MMQ)

The Commission believes that the proposed amendment to the City map is appropriate. The Commission notes that the portion of 152nd Street that would be affected by the proposed discontinuance and elimination is irregularly configured, unimproved, and currently utilized as vehicle storage by the applicant. The applicant proposes to realign and improve a large portion of the discontinued street to serve as the primary entrance to the development and main public access point to the waterfront open space. Proposed improvements along this portion of the private roads include a 34-foot roadbed, planting strips, six-foot wide sidewalks, and street trees. The realignment of this street will further provide the 60-foot wide required Visual Corridor.

Special Permit to waive distances between buildings requirements (C 080207 (A) ZSQ)

The Commission believes the grant of a special permit to waive the requirements in the LSRD for distances between buildings on the same zoning lot set forth in 23-71 would be appropriate.

The Commission believes that the proposed site plan maximizes the amount of common open space on the site. In addition, there will be approximately three acres of well-designed, publically accessible waterfront open space. The Commission notes that the homes are located to avoid the flood hazard zone and if built on individual zoning lots would comply with side yard regulations. Further, the Commission notes that the 13 feet provided between buildings is equivalent to the minimum side yard requirement if each home were constructed on individual zoning lots in an R3-2 district and more closely reflect the existing built character of the surrounding Whitestone and Beechhurst neighborhood. The Commission believes that the private system will function well and is pleased that the applicant modified the original proposal from two-family to single-family homes.

The Commission recognizes the condition of Community Board 7 and notes that this issue is outside of the Commission's purview.

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(s):

For the property located at 151-45 Sixth Road (Block 4487, Lots 160, 169, 170, & 200; Block 4524, Lots 77 & 92; Block 4531, Lots 79 & 92), the applicant 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; 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. 7d, changing from an M1-1 District to an R3-2 District property bounded by the U.S. Pierhead Line, a line 560 feet westerly of the westerly street line and the northerly prolongation of the westerly street line of 154th Place (straight line portion), a line 670 feet northerly of 10th Avenue (straight line portion) and its westerly prolongation, a line 100 feet easterly of the northerly prolongation of the easterly street line of 152nd Street, a line 85 feet northerly of the easterly prolongation of the northerly street line of Powell's Cove Boulevard, the northerly centerline prolongation of 152nd Street, a line 130 feet northerly of Powell's Cove Boulevard, 151st Place, 6th Road and a line 280 feet easterly of 151st Street and its northerly

prolongation, as shown on a diagram (for illustrative purposes only), Borough of Queens, Community District 7, is approved.

The above resolution (C 080203 ZMQ), duly adopted by the City Planning Commission on October 29, 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, FAICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

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

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