



## **CITY PLANNING COMMISSION**

August 24, 2005/Calendar No. 24

C 050511 ZMQ

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 31a:

**1. changing from an R5 District to an R3X District property bounded by** Seagirt Boulevard, the boundary line of the City of New York, the northerly boundary line of a Public Beach, and Beach 4th Street;

**2. changing from an R5 District to an R4A District property bounded by** Seagirt Boulevard, Beach 4th Street, the northerly boundary line of a Public Beach, and Beach 6th Street and its northerly centerline prolongation;

**3. changing from an R3-1 District to an R4-1 District property bounded by** Hicksville Road, Reads Lane, a line 100 feet southeasterly of Hicksville Road, the boundary line of the City of New York, Seagirt Boulevard, and Beach 9th Street; and

**4. changing from an R5 District to an R4-1 District property bounded by** Seagirt Boulevard, the northerly centerline prolongation of Beach 6th Street, Seagirt Avenue, and Beach 9th Street;

Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated June 20, 2005.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on June 17, 2005, to rezone all or portions of 21 blocks in the southeast Queens neighborhoods of Far Rockaway and Mott Creek, from R3-1 and R5 districts to R3X, R4A and R4-1 districts.

## **BACKGROUND**

The Department of City Planning is proposing to rezone an approximately 21-block area in southeastern Queens that encompasses the Mott Creek neighborhood and the West Lawrence section of the Far Rockaway neighborhood, from R3-1 and R5 districts to R3X, R4A and R4-1 districts. The proposed zoning changes respond to requests from the

West Lawrence, the Neighbors of Mott Creek civic associations, Community Board 14 and Council Member James Sanders. Discussion with these groups started in July 2003, and included the Mott Creek area starting in April 2004, in response to their requests for a lower-density contextual rezoning in Mott Creek that better reflects the built forms of this low-scale neighborhood and would enhance the ability to enlarge existing residences north of Seagirt Boulevard in the existing R3-1 zoning district. The proposed action would ensure that future residential development would be consistent with the existing one- and two-family, detached and semi-detached housing mix that typifies much of the area. The proposed R4-1 zoning district would make additional floor area available to homeowners in the existing R3-1 district to enlarge their homes. The proposed contextual district designations of R3X and R4A will limit housing types and densities to more closely correspond to the Mott Creek neighborhood's existing context of one- and two-family detached buildings, but will not preclude new construction.

The Zoning Map amendment would affect an area generally bounded by Hicksville Road to the north, Beach 9<sup>th</sup> Street and Beach 6<sup>th</sup> Street to the west, Seagirt Avenue and the Far Rockaway Inlet to the south and the Nassau County line to the east. The West Lawrence section of the Far Rockaway neighborhood lies to the north of Seagirt Boulevard. The neighborhood of Mott Creek lies south of Seagirt Boulevard and is physically separated from the Far Rockaway neighborhood by Mott Creek and adjacent wetlands. Of the 364 lots in the rezoning area, 82% are residually developed and 18% are vacant. The area is predominantly developed with one- and two-family homes (82% - 300 lots). About 42% of the housing stock was built between 1950 and 1970, and 40% was built prior to

1940. Forty-three percent (43%) of the homes are detached and 57% are semi-detached. Recent development north of Seagirt Boulevard has included detached and semi-detached buildings. In Mott Creek, recent development has included semi-detached buildings as well as some attached multi-family buildings.

Currently, the area north of Seagirt Boulevard is zoned R3-1, and the area south of Seagirt Boulevard is zoned R5. The R3-1 district limits residential development to one- and two-family housing in detached or semi-detached buildings. Detached residences may be developed on lots with a minimum area of 3,800 square feet and a minimum lot width of 40 feet. Semi-detached residences are allowed on lots with a minimum area of 1,700 square feet and a minimum lot width of 18 feet. The maximum floor area ratio (FAR) is 0.6, which includes a 0.1 attic allowance. Front yards in this district are required to be at least 15 feet in depth. For detached residences, two side yards totaling at least 13 feet are required. For semi-detached residences, at least one side yard is required, at a minimum of eight feet. The maximum building height is 35 feet and the maximum perimeter wall height is 21 feet. One parking space per dwelling unit is required. Community facilities are allowed a maximum FAR of 1.0.

In R5 zoning districts, all housing types including detached, semi-detached, attached and multi-family residences are permitted. Detached residences are allowed on lots with a minimum area of 3,800 square feet and a minimum lot width of 40 feet. Other housing types are allowed on lots with a minimum area of 1,700 square feet, and which also have

a minimum lot width of 18 feet. The maximum FAR for all housing types is 1.25. Front yards in this district are required to be at least 10 feet in depth (18 feet if developed under the infill housing provisions). For detached residences, two side yards totaling at least 13 feet are required. For semi-detached residences, at least one side yard is required, at a minimum of eight feet. All other housing types require two side yards at eight feet each, or 10 percent of the building length. The maximum building height is 40 feet and the maximum perimeter wall height is 30 feet. One parking space per dwelling unit is required or, if grouped, 85% of dwelling units. Community facilities are allowed a maximum FAR of 2.0.

The proposal would rezone the area from R3-1 and R5 districts to R3X, R4A and R4-1 districts. The proposed R3X district would be bounded by Seagirt Boulevard, the Nassau County line, the East Rockaway Inlet and Beach 4<sup>th</sup> Street. The proposed R4A district would be bounded by Seagirt Boulevard, Beach 4<sup>th</sup> Street, the East Rockaway Inlet and Beach 6<sup>th</sup> Street. The proposed R4-1 district would replace the existing R5 district in an area bounded by Seagirt Boulevard, Seagirt Avenue and the northern prolongation of Beach 6<sup>th</sup> Street and it would also replace the existing R3-1 district in the area bounded by Hicksville Road, Beach 9<sup>th</sup> Street, Seagirt Boulevard and the Nassau County line.

The proposed R3X district would limit new residential development to one- and two-family detached houses and would reflect the predominant existing character in the southeastern portion of the rezoning area, between Mott Creek and the East Rockaway Inlet. R3X districts require a minimum lot width of 35 feet and a minimum lot size of

3,325 square feet. The maximum floor area ratio permitted in the R3X district is 0.6, which includes the attic allowance, and the maximum building height is 35 feet.

The proposed R4A district allows only one- and two-family, detached residences, built to a maximum FAR of 0.9, on lots with a minimum area of 2,850 square feet and a minimum width of 30 feet. The maximum building height is 35 feet. This proposed zoning change will also ensure that future development in the area between Mott Creek and the East Rockaway Inlet will be consistent with the built character of the area.

The proposed R4-1 district allows only one- and two-family detached and semi-detached residences, and would not allow the construction of multi-family or attached buildings. A minimum lot size of 2,375 square feet and a minimum lot width of 25 feet are required for detached buildings, and a minimum lot size of 1,700 square feet and a minimum lot width of 18 feet are required for semi-detached buildings. The maximum FAR for the zoning district is 0.9 and the maximum building height is 35 feet. The R4-1 zone would replace a portion of the existing R5 district and the R3-1 district to ensure a consistent pattern of development in the remainder of the rezoning area. Where the proposed R4-1 zone would replace the existing R3-1 zone, the maximum FAR would be increased from 0.6 to 0.9. This increase in FAR would also increase the number of buildings complying with the maximum FAR from 54% with the existing R3-1 district to 98% with the proposed R4-1 district.

## **ENVIRONMENTAL REVIEW**

The application (C050511 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 05DCP091Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 20, 2005.

## **UNIFORM LAND USE REVIEW**

This application (C 050511 ZMQ) was certified as complete by the Department of City Planning on June 20, 2005, and was duly referred to Community Board 14 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

## **Community Board Public Hearing**

Community Board 14 held a public hearing on this application on July 12, 2005, and on that date, by a vote of 30 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on July 14, 2005.

### **City Planning Commission Public Hearing**

On July 27, 2005, Calendar No. 5, the City Planning Commission scheduled August 10, 2005 for a public hearing on this application (C 050511 ZMQ). The hearing was duly held on August 10, 2005 (Calendar No. 21). There were six speakers in favor of the application and nine in opposition.

The speakers in favor of the rezoning proposal were community residents. A member of the West Lawrence Civic Association spoke in support of the proposed R3-1 to R4-1 zoning change and described the general need of area residents to enlarge their homes. Several members of the Neighbors of Mott Creek civic association expressed concerns regarding current and impending developments that would harm the traditional character of the neighborhood, and they asked for a quick resolution of the rezoning process. Other members of the civic association spoke of the limited road access to and through the Mott Creek neighborhood, as well as the concern of increased flooding in buildings and streets in the area. A resident stated the rezoning study began nearly two years ago and explained that neighborhood residents are not against all development, but against development that destroys the character of the neighborhood. A member of the Neighbors of Mott Creek civic association also explained that there is water on three sides of the neighborhood, making access difficult and the area prone to street flooding.

Finally, a member of both Community Board 14 and West Lawrence Civic Association expressed his support of the rezoning proposal.

Several housing developers who own property in the Mott Creek area spoke against the proposal on the basis that the proposed rezoning would limit the number of units they would be able to build. One developer who also owns land in the rezoning area stated that he was willing to widen streets and add new access routes, and also create a new beach habitat area with help from the New York State Department of Environmental Conservation (DEC). A Far Rockaway resident testified against the rezoning because she believes that there is a lack of affordable housing for new families in the area. A real estate broker active in the area spoke against the rezoning and stated that the area has a strong demand for new housing. A representative of area developers spoke against the rezoning because he believes the downzoning does not reflect that some of the affected property lies across the street from a twenty-story, multi-family apartment building and he does not think low-density residential development is appropriate for these sites. Another speaker against the rezoning stated that he would like to move to the area but believes that the rezoning would make this difficult by limiting the amount of housing that can be built.

There were no other speakers and the hearing was closed.



### **Waterfront Revitalization Program Consistency Review**

This application 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 Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is WRP 05-055.

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

### **CONSIDERATION**

The Commission believes that this amendment of the Zoning Map is appropriate.

The Commission notes that the proposal was developed through a series of meetings with the West Lawrence Civic Association and representatives from Community Board 14 and Council Member James Sanders' office starting in July 2003 and with the Neighbors of Mott Creek starting in April 2004. The Commission further notes that the full rezoning proposal was presented to the community board in February 2005.

The Far Rockaway and Mott Creek neighborhoods are primarily developed with one- and two- family detached and semi-detached homes. However, the current zoning south of Seagirt Boulevard permits the new construction of multi-family and row house development, housing types that are not consistent with the existing neighborhood

context. The current R3-1 zone north of Seagirt Boulevard allows only one- and two-family detached and semi-detached development which is consistent with the context of the neighborhood, but does not allow residents the floor area flexibility they have requested.

The Commission believes that the R3X, R4A and R4-1 districts proposed to replace the existing R5 district would ensure that future development or expansion of existing homes would be within building envelopes that better reflect the area's existing context. The Commission notes that the proposed R3X and R4A would limit future residential development to one- and two- family detached homes, and that the proposed R4-1 district would limit future residential development to one- and two-family detached and semi-detached homes. The proposed rezoning would be consistent with the land use in the area, maintaining its prevailing character while continuing to provide future residential development opportunities.

The Commission notes that the R4-1 district proposed for the area north of Seagirt Boulevard would restrict future residential development to one- and two- family detached and semi-detached homes. The maximum allowable FAR in the R4-1 district is 0.9. This proposed zone would therefore ensure that future development would be consistent with the prevailing neighborhood housing type and land use, but would also allow property owners to enlarge their homes with the proposed increase in FAR from 0.6 to 0.9.

The Commission is aware of the several development proposals for the Mott Creek area which have been advanced in recent months. The Commission believes that the significant amount of development contemplated under these proposals within this relatively small but distinct area threatens to overwhelm and significantly alter the character of the neighborhood. Accordingly, if built under the existing zoning, these developments would undermine the ability of the zoning proposal to achieve its stated purposes. These proposals highlight the need for the rezoning to protect existing neighborhood character.

The Commission has carefully considered the concerns of property owners and developers of land in the Mott Creek area and has determined that the proposed zoning changes would produce new development that would be more characteristic of the low-density, detached housing type found in the neighborhood. The Commission believes new development in the rezoning area should be of a density which is appropriate for the area's infrastructure, especially the limited road network in the Mott Creek neighborhood which has one relatively narrow east-west street (Seagirt Avenue) and a series of cul-de-sacs that terminate in wetlands, either along the East Rockaway Inlet or Mott Creek. The proposed rezoning would also minimize any negative effects caused by new development by ensuring that new units would not overwhelm the existing infrastructure and ecologically sensitive environs.

## **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**, 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. 31a:

- 1. changing from an R5 District to an R3X District property bounded by** Seagirt Boulevard, the boundary line of the City of New York, the northerly boundary line of a Public Beach, and Beach 4th Street;
- 2. changing from an R5 District to an R4A District property bounded by** Seagirt Boulevard, Beach 4th Street, the northerly boundary line of a Public Beach, and Beach 6th Street and its northerly centerline prolongation;
- 3. changing from an R3-1 District to an R4-1 District property bounded by** Hicksville Road, Reads Lane, a line 100 feet southeasterly of Hicksville Road, the boundary line of the City of New York, Seagirt Boulevard, and Beach 9th Street; and
- 4. changing from an R5 District to an R4-1 District property bounded by** Seagirt Boulevard, the northerly centerline prolongation of Beach 6th Street, Seagirt Avenue, and Beach 9th Street;

Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated June 20, 2005.

The above resolution (C050511 ZMQ), duly adopted by the City Planning Commission on August 24, 2005 (Calendar No. 24), 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, AICP, Chair**  
**KENNETH J. KNUCKLES, ESQ., Vice Chairman**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,**  
**ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL,**  
**LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO, DOLLY WILLIAMS,**  
Commissioners

**KAREN A. PHILLIPS, Commissioner, abstained**