



## **CITY PLANNING COMMISSION**

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July 25, 2007 / Calendar No. 23

C 070065 ZMQ

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IN THE MATTER OF an application submitted by Plaza 75, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d, changing from an R6B District to an R7X District property bounded by Broadway, 75<sup>th</sup> Street, 41st Avenue and a line midway between 74<sup>th</sup> Street and 75<sup>th</sup> Street, Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated March 12, 2007 and subject to the conditions of CEQR Declaration E-179.

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This application for a zoning map amendment was submitted by Plaza 75 LLC, Inc. on August 22, 2006 to change an existing R6B zoning district to an R7X zoning district.

### **BACKGROUND**

The applicant is seeking a zoning map amendment to establish an R7X zoning district on a half block portion of Block 1485, Lots 35, 37,43,45,47, 49 and 51 to facilitate the development of a new residential building with a ground floor community facility.

The rezoning area consists of seven (7) tax lots in Elmhurst, Queens Community District 4 and is located in an R6B zoning district with a C2-3 overlay mapped at a depth of 100 feet on Broadway. The rezoning area is generally the western block front of 75th Street between Broadway and 41<sup>st</sup> Avenue. Broadway is a wide street and 75<sup>th</sup> Street which runs north and south and has a center median is 73 feet in width.

The development site consists of lots 43, 45 and 47 and fronts on 75th Street and is owned by the applicant, Plaza 75 LLC. It is currently vacant. The remaining properties are not controlled by the applicant and include: a 2-story commercial building on lot 35, a seven-story apartment

building on lot 37, a 2-story residential building on lot 49 and a seven-story apartment building on lot 51.

R5 and R6 zoning districts are mapped north and south of the development site and the area is predominately improved with 1-3 story residential buildings with commercial development located on Broadway. The site is also within two blocks of the Roosevelt Ave/Broadway transit hub. The #7, E, F, G, R and V lines stop here, as do many bus lines serving Queens.

The proposal would change the underlying zoning from R6B to R7X. R6B is a contextual zoning district with a maximum allowable FAR of 2.0 and a maximum building height of 50 feet. The proposed R7X is also a contextual district with a maximum FAR of 5.0 and a maximum building height of 125 feet. The residential parking requirement for both districts is 50% of the dwelling units. No change is proposed for the C2-3 overlay on Broadway.

If the zoning change is approved, the applicant proposes to construct a 9-story residential building with 63 units (50,176 square feet) and community facility space (9,819 square feet) on lots 43, 45 and 47. The building would be approximately 87 feet high. The applicant intends to give 5,000 square feet of the community facility space to the New York City Department of Education to provide pre-kindergarten services. Accessory parking for 40 vehicles would be located on the cellar level of the building. Access to the parking would be located at the south end of the building on 75<sup>th</sup> Street.

## **ENVIRONMENTAL REVIEW**

This application (C 070065 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the City Planning Commission. The designated CEQR number is 07DCP009Q.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on March 12, 2007 which included an (E) designation for air quality.

To avoid the potential for impacts related to air quality, the proposed zoning map amendment includes (E) designations for air quality on the Project Site (Block 1485, Lots 43, 45 and 47). The (E) designation would require that any new residential, community facility and/or commercial development on the above-referenced properties must use natural gas as the type of

fuel for space heating and hot water (HVAC) systems and must locate the vent stack at least 50 feet from the edge of the roof.

To avoid the potential for impacts related to air quality, the proposed action includes (E) designations for air quality on Block 1485, Lot 49. The (E) designation would require that any new residential, community facility and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

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

This application (C 070065 ZMQ) was certified as complete by the Department of City Planning on March 12, 2007 and was duly referred to Queens Community Board 4 and the Queens 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 4 held a public hearing on this application on May 1, 2007, and on that date, by a vote of 13 in favor, 13 opposed with 3 abstentions failed to adopt a resolution disapproving the application.

### **Borough President Recommendation**

This application was considered by the Queens Borough President who issued a recommendation approving the application on May 31, 2007.

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

On, June 6, 2007 (Calendar No. 5), the City Planning Commission scheduled June 20, 2007 for a public hearing on this application (C 070065 ZMQ). The hearing was duly held on June 20, 2007 (Calendar No.24).

There were three speakers in favor of the application and one speaker in opposition.

A representative of the applicant spoke in favor of the proposal. The representative indicated that they have addressed community concerns regarding the development throughout the public review process. These included increasing the parking spaces from thirty-six to forty spaces and working with the Department of Transportation and the Department of Education to establish No Standing signs on 75<sup>th</sup> Street in front of the proposed school.

The Councilmember from the 25th District spoke in favor of the project and emphasized that the project was located near a major transit hub for Queens at 74<sup>th</sup> Street and Roosevelt Avenue and that this was in keeping with the City's strategy of locating higher density development near mass transit. The Councilmember also stated that the project would provide needed additional housing for the area, particularly those who work at Elmhurst Medical Center and that the Pre-kindergarten facility will provide school seats for a district that is extremely underserved.

A representative from the Department of Education spoke in favor of the project and indicated that the facility will have four classrooms, will serve 144 children and provide educational services for one of the most underserved districts in the City of New York.

A representative of the Newtown Civic Association spoke in opposition and raised concerns regarding light and air requirements of the property adjacent to the proposed development on lot 37.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The City Planning Commission believes the application for a Zoning Map amendment (C 070065 ZMQ) is appropriate.

The proposed rezoning would facilitate construction of a 63 unit residential building with much needed pre-kindergarten space. The Commission notes that the proposed rezoning area is developed with two seven story buildings which are currently non-complying in the existing R6B district. The proposed rezoning would make one of these buildings complying and the other less non-complying. The rezoning area is located within two blocks of the Broadway/Roosevelt Avenue transit hub which serves several subways and bus lines. The site's frontage is located on 75<sup>th</sup> Street which is 73 feet in width, and taller buildings are appropriate on this street. The Commission notes that the windows of the adjacent seven -story apartment building are not required windows. The proposed rezoning would provide additional housing

opportunities where it can be accommodated.

**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. 9d, changing from an R6B District to an R7X district property bounded by Broadway, 75<sup>th</sup> Street, 41st Avenue and a line midway between 74<sup>th</sup> Street and 75<sup>th</sup> Street, Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated March 12, 2007 and which includes CEQR designation E-179 .

The above resolution (C 070065 ZMQ), duly adopted by the City Planning Commission on July 25, 2007 (Calendar No.23), 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.,  
**ANGELA CAVALUZZI**, R.A., **ALFRED C. CERULLO, III**, **BETTY CHEN**,  
**RICHARD W. EADDY**, **LISA A.GOMEZ**, **NATHAN LEVENTHAL**, **JOHN MEROLO**,  
**KAREN A. PHILLIPS**, **DOLLY WILLIAMS**, Commissioners