CITY PLANNING COMMISSION

February 5, 2014 / Calendar No. 5 C 120178 ZMQ

IN THE MATTER OF an application submitted by Zirk Union Tpke, LLC pursuant to Sections 197-c and 200 of the New York City Charter for an amendment of the Zoning Map, Section No. 14c:

1. eliminating from within an existing R3-2 District a C1-2 District bounded by 79th Avenue, a line 100 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard;

2. changing from an R3-2 District to an R5D District property bounded by 79th Avenue, a line 540 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard; and

3. establishing within a proposed R5D District a C1-3 District bounded by 79th Avenue, a line 540 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard;

Borough of Queens, Community District 8, as shown on a diagram (for illustrative purposes only) dated September 23, 2013 and subject to the conditions of CEQR Declaration E-321.

This application for an amendment to the Zoning Map was filed by Zirk Union Tpke, LLC on January 23, 2012 to rezone a portion of an R3-2 district and an R3-2/C1-2 district to an R5D/C1-3 district to facilitate the construction of a four-story mixed-use commercial and residential building in the Hillcrest neighborhood of Queens Community District 8.

BACKGROUND

The applicant, Zirk Union Tpke, LLC, proposes a Zoning Map amendment to change R3-2 and R3-2/C1-2 districts to an R5D/C1-3 district on property bounded by 79th Avenue, a line 540 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard. The rezoning area consists of four tax lots (Block 6831; Lots 1, 7, 21, and 22). The development site consists of two of these tax lots (Lots 21 and 22). The applicant controls vacant Tax Lot 21, a through-lot of approximately 21,312 square feet in area with approximately 50 feet of frontage of Union Turnpike and approximately 100 feet of frontage of 79th Avenue. Lot 21 was merged with adjacent Lot 22, owned by Galway Properties, LLC, in 2009 pursuant to a Zoning Lot

Development Agreement recorded against both properties. Lot 22 is an approximately 72,475 square foot through-lot developed with a five-story building currently occupied by Cornerstone of Medical Arts Center, an in-patient alcohol and substance abuse treatment facility. The building formerly housed Hillcrest General Hospital.

The remainder of the rezoning area is comprised of Tax Lot 1, which contains a fast food restaurant, and Tax Lot 7, which contains a three-story mixed-use building with eight dwelling units and approximately 6,500 square feet of retail space. To the east of the rezoning area, the remainder of the block is developed with detached single- and two-family residences, a two-story commercial building, and a vacant automotive service station.

The proposed actions would facilitate the construction of a new four-story mixed use commercial and residential building of approximately 68,850 square feet at 158-15 Union Turnpike (Block 6831, Lot 21). Although the building would be located exclusively on Tax Lot 21, floor area would be generated by both Tax Lots 21 and 22 pursuant to the development agreement. Tax Lot 21 generates approximately 42,626 square feet of available floor area, while Tax Lot 22 generates approximately 75,348 square feet of available floor area. Approximately 21,312 square feet of commercial area would be located on the ground floor and a total of 39 dwelling units would be located on the remaining residential floors. A 60-foot-wide rear yard equivalent on the residential floors, located equidistantly from the front and rear yard boundaries of the through-lot, would separate the residential portion of the development into two massings. The required 73 accessory parking spaces (53 spaces for commercial use and 20 spaces for residential use) would be provided on two levels below grade, accessed via an existing curb cut on Union Turnpike. An existing curb cut on 79th Avenue would be eliminated.

In order to facilitate the construction of the mixed-use development, the applicant proposes to change a portion of the existing R3-2/C1-2 and R3-2 zoning districts to an R5D/C1-3 district. This zoning map change would increase the maximum permitted residential FAR from 0.6 (with attic allowance) to 2.0, as well as broaden the range of permitted uses to include local retail and service uses in Use Group 6. The proposed rezoning would set a maximum building height of 40 feet, compared to the current 35-foot maximum for residential development.

Both Union Turnpike and Parsons Boulevard are major transportation corridors served by several local and express bus lines. The surrounding area is developed with local retail, low- and medium-density residential uses, and institutional uses. North of Union Turnpike and east of Parsons Boulevard, the area is zoned R3-2/C1-2 and R3-2, the lowest density zoning district within which multiple dwellings are permitted, and is comprised of a variety of low-rise attached, detached, and semi-detached residences. North of Union Turnpike and west of Parsons Boulevard, the area is zoned R4/C1-2 and R4 and allows all types of housing at a slightly higher density (0.75 FAR) than is permitted within the adjacent R3-2 district (0.6 FAR with attic allowance). Accordingly, the area contains a mixture of housing types, including single-family detached residences, low-rise attached residences, and multi-story apartment complexes. South of Union Turnpike and west of Parsons Boulevard, a 14-story mixed-use commercial and residential building is located within R6/C1-2 and R6 districts. Immediately adjacent to this is Parkway Village, a post-war garden apartment co-op complex listed on the National Register of Historic Places with 685 units, located within an R4 district. South of Union Turnpike and east of Parsons Boulevard, across from the development site, is an R5D/C1-3 district established in 2006 as part of the Department of City Planning sponsored Hillcrest/Jamaica Hill Rezoning (C 060337 ZMQ). The original purpose of establishing this district was to encourage new, moderate-density, residential and mixed-use buildings along portions of Parsons Boulevard and Union Turnpike, at a scale and density appropriate for these wide streets well-served by bus mass transit.

Nearby institutional uses include the church and school of St. Nicholas which is located diagonally across from the development site at the southeast corner of Union Turnpike and Parsons Boulevard, Queens Hospital Center, located one block south and east of the development site, and the Fire House for Engine 315 and Ladder 125, located directly across from the development site on the south side of Union Turnpike.

ENVIRONMENTAL REVIEW

This application (C 120178 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 and Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR Number is 12DCP096Q. The lead is the City Planning Commission (CPC).

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on September 23, 2013.

UNIFORM LAND USE REVIEW

The application (C 120178 ZMQ) was certified as complete by the Department of City Planning on September 23, 2013 and was duly referred to Queens Community Board 8 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 8 held a public hearing on the application (C 120178 ZMQ) on October 22, 2013, and on November 13, 2013, by a vote of 17 in favor, 14 opposed and 0 abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 120178 ZMQ) was considered by the President of the Borough of Queens, who issued a recommendation approving the application on November 27, 2013.

City Planning Commission Public Hearing

On December 18, 2013 (Calendar No. 4), the City Planning Commission scheduled January 8, 2014 for a public hearing on the application (C 120178 ZMQ). The hearing was duly held on January 8, 2014 (Calendar No. 29). There were 3 speakers in favor of the application and none in opposition.

The applicant's attorney noted that, due to the contextual nature of the R5D district, the proposed building would be limited to a height of 40 feet. In comparison, he stated that the height of an as-of-right building with community facility uses within the existing R3-2 district is governed by a sky exposure plane; therefore, the applicant would be able to develop a 10-story building under such conditions. He stated that the owner had received approximately 102 letters of support from his neighbors. Additionally, he addressed concerns regarding the vehicular trips generated by the proposed development and stated that that sufficient vehicular circulation could be provided from then existing curb cut on Union Turnpike, and that any additional trips generated by the proposed development would be inconsequential to the existing transportation infrastructure.

The applicant also made an appearance in favor, and discussed the details of the proposed commercial and residential development to be constructed the property. A local resident also spoke in favor of the proposed rezoning and development.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 120178 ZMQ) for an amendment of the Zoning Map is appropriate.

The Commission notes that the proposed rezoning would facilitate the development of a four-story mixed-use retail and residential development fronting on a major vehicular transportation

corridor. The Commission further notes that the proposed zoning change would extend an existing R5D/C1-3 zoning district northward, from the south side of Union Turnpike, and would facilitate new development that is consistent with the goals of the 2006 Hillcrest/Jamaica Hill rezoning (C 060337 ZMQ). The Commission believes that the proposed zoning will help reinforce Union Turnpike as an active residential-commercial corridor.

Furthermore, the Commission believes that the circulation and traffic patterns to be generated by the proposed development would not have a significant adverse impact on the exiting traffic infrastructure, and further believes that the proposed an R5D/C1-3 zoning district is appropriate.

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 for an amendment of the Zoning Map, Section No. 14c:

1. eliminating from within an existing R3-2 District a C1-2 District bounded by 79th Avenue, a line 100 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard;

2. changing from an R3-2 District to an R5D District property bounded by 79th Avenue, a line 540 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard; and

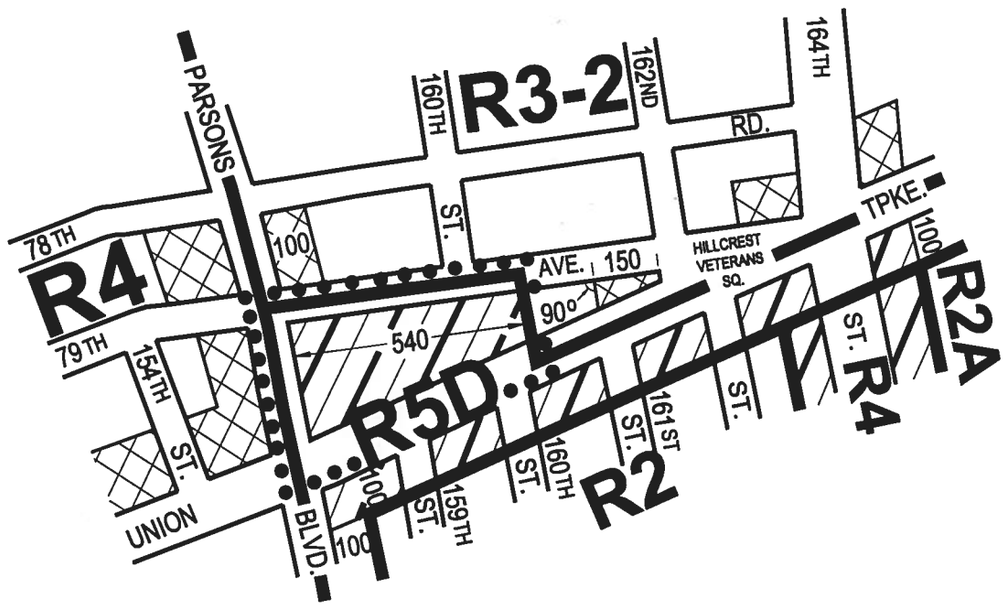
3. establishing within a proposed R5D District a C1-3 District bounded by 79th Avenue, a line 540 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard;

Borough of Queens, Community District 8, as shown on a diagram (for illustrative purposes only) dated September 23, 2013 and subject to the conditions of CEQR Declaration E-321.

The above resolution (C 120178 ZMQ), duly adopted by the City Planning Commission on February 5, 2014 (Calendar No. 5) is filed with the Office of the Speaker, City Council, and the

Queens Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

KENNETH J. KNUCKLES, *Esq., Vice Chairman*
ANGELA M. BATTAGLIA, RAYANN BESSER, ALFRED C. CERULLO, III,
BETTY Y. CHEN, MICHELLE DE LA UZ, MARIA M. DEL TORO,
JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, *Commissioners*



CITY PLANNING COMMISSION

CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED

ZONING CHANGE

ON SECTIONAL MAP

14c

BOROUGH OF

QUEENS

New York, Certification Date
SEPTEMBER 23, 2013

J. Miraglia, Director
Technical Review Division

SCALE IN FEET

400 0 400

NOTE:

Indicates Zoning District Boundary.

The area enclosed by the dotted line is proposed to be rezoned by eliminating a C1-2 District from within an existing R3-2 District, by changing an R3-2 District to an R5D District, and by establishing a C1-3 District within the proposed R5D District.

Indicates a C1-2 District.

Indicates a C1-3 District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

NYCPLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 120178 ZMQ**	Project Name: **158-15 Union Turnpike Rezoning**
CEQR Number: 12DCP096Q	Borough(s): Queens Community District Number(s): 8

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department of City Planning by one of the following options:
   - **EMAIL (recommended):** Send email to **CalendarOffice@planning.nyc.gov** and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
   - **MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
   - **FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by Zirk Union Tpke, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14c:

1. eliminating from within an existing R3-2 District a C1-2 District bounded by 79th Avenue, a line 100 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard;

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3. establishing within a proposed R5D District a C1-3 District bounded by 79th Avenue, a line 540 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard;

Borough of Queens, Community District 8, as shown on a diagram (for illustrative purposes only) dated September 23, 2013 and subject to the conditions of CEQR Declaration E-321.

Applicant(s):	Applicant's Representative:
Zirk Union Tpke, LLC 108-18 68th Avenue Forest Hills, NY 11375	Richard Lobel, Esq. Sheldon Lobel, P.C. 18 East 41st Street, 5th Floor New York, NY 10017

Recommendation submitted by:
Queens Community Board 8

Date of public hearing: 10/22/13 **Location:** Hillside Manor 188-11 Hillside Ave. Hollis,NY 11423

Was a quorum present? YES [X] NO [ ]

A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Date of Vote: 11/13/2013 **Location:** Hillcrest Jewish Center 183-02 Union Tpke. Fresh Meadows, NY

RECOMMENDATION

[X] Approve
[ ] Approve With Modifications/Conditions
[ ] Disapprove
[ ] Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting

 # In Favor: 17 **# Against:** 14 **# Abstaining:** 0 **Total members appointed to the board:** 47

Name of CB/BB officer completing this form	*Title*	*Date*
Alvin Warshawsky (mao)	CHAIR	11/18/2013

Queens Borough President Recommendation

APPLICATION: ULURP# 120178 ZMQ **COMMUNITY BOARD: Q08**

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Sheldon Lobel, P.C. on behalf of Zirk Union Turnpike, LLC, pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning Map, Section no. 14c:

1. eliminating from within an existing R3-2 District a C1-2 District bounded by 79th Avenue, a line 100 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard;
2. changing from an R3-2 District to an R5D District property bounded by 79th Avenue, a line 540 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard; and
3. establishing within a proposed R5D District a C1-3 District bounded by 79th Avenue, a line 540 feet easterly of Parsons Boulevard, Union Turnpike, and Parsons Boulevard;

Borough of Queens, Block 6831, Lots 21, 22, 1 & 7 Community District 8, as shown on a diagram (for illustrative purposes only) dated September 23, 2013 and subject to the conditions of CEQR Declaration E-321.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, November 14, 2013, at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There was one (1) speaker in favor. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is proposing to rezone an existing R3-2 and R3-2/C1-2 area to R5D/C1-3 to facilitate development of a four-story mixed commercial/residential building. The proposed R5D district is a contextual zone with a maximum 2 FAR, limits building heights to 40 feet and requires 66% parking. C1-3 overlays allow local retail and commercial uses and a maximum 2 FAR when mapped within a R5D district.;

- The proposed 67,750 sf building would provide 18,304 sf of ground floor commercial space with three residential floors with 16,482 sf on each floor containing a total of 62 dwelling units. There would be a total of 87 accessory parking spaces, 46 for the commercial space and 41 for the residences located in the sub cellar and cellar of the building.

- The proposed 93,785 sf development site is currently vacant. The other lots are developed with a medical facility, eating and drinking establishment and a mixed commercial residential building. The site is located between 79th Avenue and Union Turnpike between Parsons Boulevard and approximately 160th Street. Union Turnpike and Parsons Boulevard are major thoroughfares that are heavily traveled particularly during the morning and evening peak hours. The surrounding areas are predominantly developed with 1- and 2-family homes. However, there are medium rise multiple dwelling buildings to the west of the site.;

- Community Board 8 (CB 8) approved this application by a vote of seventeen (17) in favor with fourteen (14) against at a meeting held on Wednesday, November 13, 2013.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application.

Helen Marshall — **PRESIDENT, BOROUGH OF QUEENS**

11/26/13 — **DATE**