CITY PLANNING COMMISSION

June 11, 2014/Calendar No. 7 C 140275 ZMQ

IN THE MATTER OF an application submitted by Hunters Point 49 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9b:

1. changing from an M1-4 District to an M1-5/R7X District property bounded by the northerly centerline prolongation of 11th Place, a northerly and northwesterly boundary line of the Long Island Rail Road Right-Of-Way, and its northeasterly prolongation, 21st Street, and 49th Avenue; and

2. establishing a Special Long Island City Mixed Use District (LIC) bounded by the northerly centerline prolongation of 11th Place, a northerly and northwesterly boundary line of the Long Island Rail Road Right-Of-Way, and its northeasterly prolongation, 21st Street, and 49th Avenue;

as shown on a diagram (for illustrative purposes only) dated February 18, 2014, and subject to the conditions of CEQR Declaration E-335, Borough of Queens, Community District 2.

This application to amend the zoning map for an area generally located at the northwest corner of the intersection of 21st Street and 49th Avenue in Hunter's Point, Queens (Block 61, Lots 50, 55 and portion of Lot 5; and Block 72, portion of Lot 1) from an M1-4 District to an M1-4/R7X District, and to establish the Special Long Island City Mixed Use District (LIC District) within this area, was filed on February 6, 2014 by Hunters Point 49 LLC. The proposed action would facilitate the construction of a multi-use building with 140 residential units, ground-floor commercial use, and a 100-space accessory off-street parking garage at 11-55 49th Avenue (Block 61, Lot 55).

RELATED ACTIONS

In addition to the application for changes to the zoning map which is the subject of this report (C 140275 ZMQ), implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

N 140274 ZRQ, application for zoning text amendments to extend the boundary of the Hunters Point Subdistrict to include the area affected by the application for zoning map

amendments and to allow unenclosed sidewalk cafes along both sides of 49th Avenue between 11th Street and 21st Street.

BACKGROUND

The applicant, Hunters Point 49 LLC, is proposing to amend the zoning map for an area generally located at the northwest corner of the intersection of 21st Street and 49th Avenue in Hunter's Point, Queens (Block 61, Lots 50, 55 and portion of Lot 5; and Block 72, portion of Lot 1) from an M1-4 District to M1-4/R7X District, and to establish the Special Long Island City Mixed Use District (LIC District) within this area. The proposed rezoning area consists of the development site at 11-55 49th Avenue (Block 61, Lot 55), portions of the 21st Street roadbed, and Long Island Rail Road ("LIRR") property, which abuts the development site on the north, but is approximately 15-feet below grade. A concrete wall separates the railroad property from the development site. The development site is an approximately 26,500 square-foot privately-owned public parking lot with approximately 340 feet of frontage along 49th Avenue and approximately 45 feet of frontage along 21st Street. The parking lot is licensed for 100 cars and 70 bicycle spaces.

The proposed rezoning would facilitate the construction of an approximately 140-unit, eight- to 12-story building. The ground floor would be occupied by the building's lobby and mailroom, approximately 6,100 square feet of retail space, an accessory bicycle parking room for 40 bikes, a community room, gym, tenant storage space, and mechanical equipment rooms. The cellar would house 100 accessory off-street parking spaces accessed by a 13' 6" two-way curb cut located at the western end of the development site and an additional 70 bicycle parking spaces. The applicant intends to apply for 421-a tax benefits, which would ensure that 20 percent of the units (approximately 28) would be affordable and located on site.

The rezoning area, including most of the development site, is zoned M1-4 (2.0 FAR). The M1-4 District allows manufacturing uses, office uses, and most retail uses as-of-right; the M1-4 District does not allow residential uses. The M1-4 District provides for a maximum base height

of 60 feet, after which the building must be set back 15 feet on a narrow street and 10 feet on a wide street. A sky exposure plane provision determines the building height.

In 2004, approximately 2,080 square feet of the western-most portion of the development site was rezoned from M1-4 to M1-5/R7X (LIC) as part of an area-wide rezoning of the Hunters Point Subdistrict. The M1-5/R7X District (LIC) allows most light manufacturing, residential, commercial, and community facility uses generally as-of-right. The M1-5/R7X District (LIC) has a maximum FAR of 5.0, a minimum base height of 60 feet, a maximum base height of 85 feet, and a maximum building height of 125 feet. The applicant is seeking to extend the M1-5/R7X District (LIC) over the entire Rezoning Area. Neither the existing M1-4 District nor the proposed M1-5/RX District (LIC) requires accessory parking.

Block frontages on both sides of 49th Avenue between 11th Street and 21st Street comprise the sidewalk cafe area, an area where zoning text changes are proposed to allow unenclosed sidewalk cafes. Because the sidewalk café area is located within the LIC District, a special zoning district, sidewalk cafes are not currently allowed as-of-right because 49th Avenue is not listed as a street within the LIC District where sidewalk cafes are allowed. Land uses within the sidewalk café area include the Hunters View condominium building on the north side of 49th Avenue and LHaus, a condominium building, as well as a row of single-story industrial buildings and a four-story apartment building at the eastern-most end of the street. Excepting the development site, lots within the sidewalk cafe area are within the LIC District and are zoned M1-5/R7X (5.0 FAR), M1-4/R6B (2.0 FAR), or R6/C1-5 (3.0 FAR). All of these zoning districts allow ground-floor retail.

The Hunters Point Ave station for the #7 train is located across 21st Street from the development site and the 21 St/Jackson Avenue station for the G train is located one block north of the site at the intersection of Jackson Avenue and 21st Street. An entrance to the Queens-Midtown Tunnel is approximately two blocks south of the site and is accessed via 21st Street. The Pulaski Bridge, connecting Queens and Brooklyn over Newtown Creek, is located at the western end of 49th

Avenue. A slip ramp off the bridge affords access to 49th Avenue for north-bound vehicles on the bridge.

ENVIRONMENTAL REVIEW

This application (C 140275 ZMQ), in conjunction with the related action (N 140274 ZRQ), 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 designated CEQR number is 14DCP066Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on February 18, 2014. The Negative Declaration included an (E) designation on the project site in order to preclude future air quality impacts which could occur as a result of the proposed action, as described below. The (E) designation number is E-335.
The (E) designation requirements related to air quality would apply to the following development site:

> Queens, Block 61, Lot 55
> Any new residential/commercial development on the above referenced properties must ensure that fossil fuel-fired heating and hot water system(s) use only natural gas, and that the heating and hot water system(s) exhaust stack(s) are located at least 67 feet from the lot line facing 11th Street to avoid any significant impacts.

The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

UNIFORM LAND USE REVIEW

This application (C 140275 ZMQ) was certified as complete by the Department of City Planning on February 18, 2014 and was duly referred to Community Board 2 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b). The related application (N 140274 ZRQ) was duly referred to Community Board 2 and the Borough

President for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Public Hearing

Community Board 2 held a public hearing on this application (C 140275 ZMQ) on March 19, 2014. On April 3, 2014, by a vote of 31 in favor, one opposed, and one abstention, adopted a resolution in favor of the applications with the following conditions:

1. Provide 20% affordable housing.
2. Move artist studio space to higher floor.
3. Preference to CB 2 residents.
4. Work with NYC Department of Transportation to request traffic signage, traffic calming, crosswalks.

Borough President Recommendation

This application (C 140275 ZMQ) was considered by the Borough President, who issued on May 2, 2014 a recommendation approving the application.

City Planning Commission Public Hearing

On April 23, 2014 (Cal. No. 9), the City Planning Commission scheduled May 7, 2014 for a public hearing on this application (C 140275 ZMQ). The hearing was duly held on May 7, 2014 (Cal. No. 21) in conjunction with the hearing for the related action (N 140274 ZRQ). There were two appearances in favor of the application and no appearances in opposition.

The speakers in favor of the application included the applicant's attorney, who described the proposed actions, and the applicant's architect, who described the proposed building.

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

CONSIDERATION

The Commission believes this application for an amendment to the zoning map, and the related application for zoning text amendments, are appropriate.

The zoning map amendment would facilitate the redevelopment of a 100-space public parking lot into a 140-unit apartment building with ground-floor retail and accessory residential space and a fully enclosed below-grade accessory parking facility for 100 vehicles and 70 bicycles. The Commission further notes that the applicant, in a letter to the City Planning Commission dated May 15, 2014, stated his intention to use the 421-a tax abatement program, resulting in the development of approximately 28 affordable housing units within the proposed building.

The proposed zoning map change to extend the existing M1-5/R7X (LIC) district to the rezoning area, including the majority of the development site, would close one of the last gaps in the LIC District boundaries and ensure development that is consistent with newly developed apartment buildings adjacent to and across the street from the development site. The related zoning text amendment to extend the boundary of the Hunters Point Subdistrict is needed to ensure the building is developed in accordance with the LIC District provisions.

The Commission notes that, because the site will be located in a special zoning district, sidewalk cafes would not be allowed as-of-right along 49th Avenue unless the street is identified in Appendix A of the LIC District. The Commission believes that allowing sidewalk cafés along 49th Avenue would help to activate the street and consequently agrees with the amendment to allow sidewalk cafes along 49th Avenue between 11th Street and 21st Street.

The Commission acknowledges Community Board 2's recommendation to deploy appropriate traffic calming and crosswalks in the vicinity of the project. Although the Commission recognizes that the environmental analysis did not disclose any potential traffic impacts, it notes Department staff is collaborating with the community board and the New York City Department of Transportation as part of the department's Western Queens Transportation Study and it encourages department staff to discuss the 49th Avenue issue as part of this project.

The Commission also acknowledges the Community Board's recommendations regarding the inclusion of affordable housing and a community preference for the affordable units. In response, the Commission is pleased to note that the applicant, in a letter to the City Planning

Commission dated May 15, 2014, stated his intention to use the 421-a tax abatement program. This program requires that up to 20 percent of residential units be set aside for affordable housing during the term of the abatement. The Commission notes that the applicant's property is within a 421-a Geographic Exclusion Area, which provides substantial incentives for the creation of affordable housing. In order to receive a tax exemption pursuant to 421-a for a new residential building, the developer would be required to provide within the building 20 percent of all of the housing units as affordable to low-income households for the 25-year term of the abatement. Affordable housing units developed under the 421-a tax exemption program go through the Marketing Division at the New York City Department of Housing Preservation and Development; the Marketing Division has a 50 percent community district resident preference.

The Commission also notes that, as described in *Housing New York*, the Mayor's recently released plan for affordable housing, the Department of City Planning is currently initiating a study intended to establish a framework for the creation of a mandatory Inclusionary Housing program, which would be applied to land use actions that substantially increase the potential for new housing. Following this study, and consideration of relevant legal and policy issues, the Department will consider whether follow-up actions may be warranted to apply an Inclusionary Housing requirement to areas such as that of the proposed action, which was rezoned as part of actions already in the ULURP process at the time *Housing New York* was released.

The Commission also acknowledges the recommendations by Community Board 2 regarding the location of proposed artist studio space in the proposed building. However, the Commission recognizes that this application is for a zoning map amendment, not the review of a specific building or site plan and therefore this issue is beyond the scope of the proposed action.

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 Section 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 modified, is further amended by changing the Zoning Map, Section 9b:

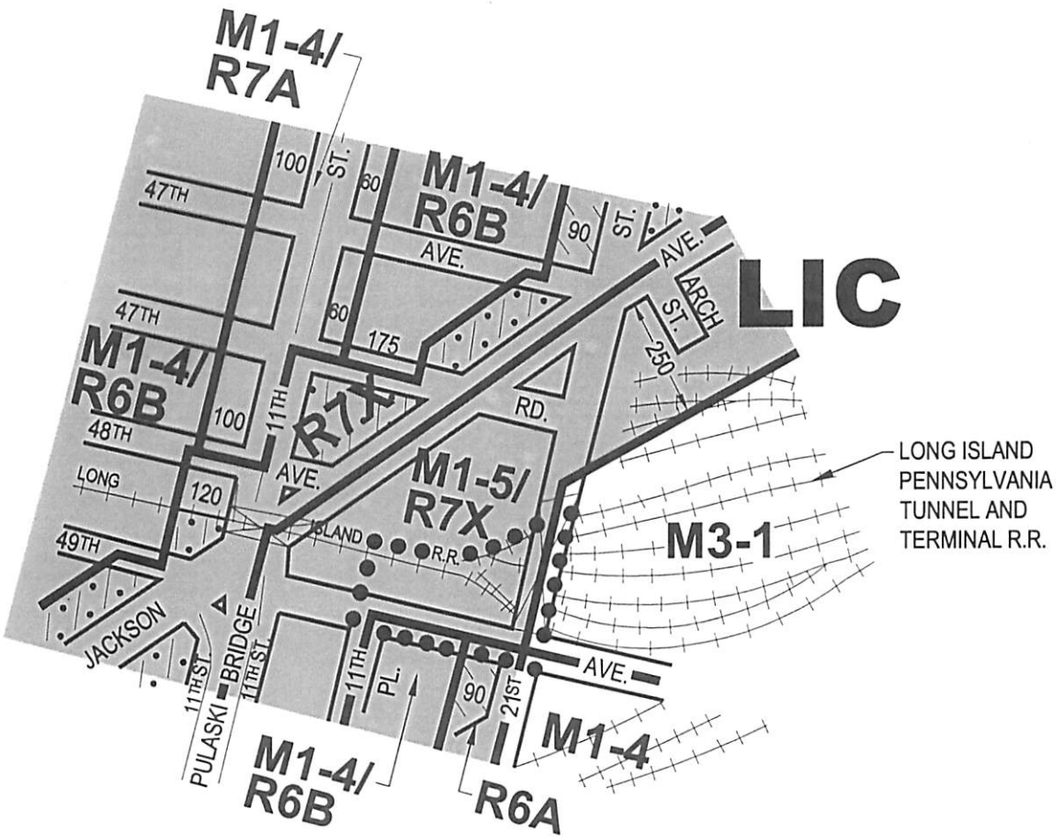
1. changing from an M1-4 District to an M1-5/R7X District property bounded by the northerly centerline prolongation of 11th Plaza, a northerly and northwesterly boundary line of the Long Island Rail Road Right-Of-Way, and its northeasterly prolongation, 21st Street, and 49th Avenue; and

2. establishing a Special Long Island City Mixed Use District (LIC) bounded by the northerly centerline prolongation of 11th Plaza, a northerly and northwesterly boundary line of the Long Island Rail Road Right-Of-Way, and its northeasterly prolongation, 21st Street, and 49th Avenue;

as shown on a diagram (for illustrative purposes only) dated February 18, 2014, and subject to the conditions of CEQR Declaration E-335.

The above resolution (C 140275 ZMQ), duly adopted by the City Planning Commission on June 11, 2014 (Cal. No. 7), 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.

CARL WEISBROD, *Chairman*
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, *P.E.*, ALFRED C. CERULLO, III, MICHELLE DE LA UZ, MARIA M. DEL TORO, JOSEPH I. DOUEK, RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN, *Commissioners*



CITY PLANNING COMMISSION

CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED

ZONING CHANGE

ON SECTIONAL MAP

9b

BOROUGH OF

QUEENS

New York, Certification Date
FEBRUARY 18, 2014

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 changing an M1-4 District to an M1-5/R7X District and by establishing a Special Long Island City District (**LIC**).

Indicates a C1-5 District.

Indicates a C2-5 District.

LIC Indicates a Special Long Island City Mixed Use District.

RECEIVED
FEB 25 2014
COMMUNITY BOARD 2Q

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 140275 ZMQ**	Project Name: **11-55 49th Avenue**
CEQR Number: 14DCP066Q	Borough(s): Queens Community District Number(s): 2

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 Hunters Point 49 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9b:

1. changing from an M1-4 District to an M1-5/R7X District property bounded by the northerly centerline prolongation of 11th Place, a northerly and northwesterly boundary line of the Long Island Rail Road Right-Of-Way, and its northeasterly prolongation, 21st Street, and 49th Avenue; and

2. establishing a Special Long Island City District (LIC) bounded by the northerly centerline prolongation of 11th Place, a northerly and northwesterly boundary line of the Long Island Rail Road Right-Of-Way, and its northeasterly prolongation, 21st Street, and 49th Avenue;

Borough of Queens, Community District 2, as shown on a diagram (for illustrative purposes only) dated February 18, 2014, and subject to the conditions of CEQR Declaration E-335.

Applicant(s):	Applicant's Representative:
Hunters Point 49 LLC 15 Verbena Avenue Floral Park, NY 11001	Steven Sinacori Akerman Senterfitt LLP 666 Fifth Avenue, 20th Flr New York, NY 10103

Recommendation submitted by:
Queens Community Board 2

Date of public hearing: 3/19/14 Location: 1-50 51st Avenue - Auditorium

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: 4/3/14 Location: 43-31 39th Street, Sunnyside

RECOMMENDATION

- [X] Approve with Stipulations attached
- [ ] 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: 31 # Against: 1 # Abstaining: 1 Total members appointed to the board: 49
Chairman present and not voting

Name of CB/BB officer completing this form	Title	Date
Deborah Mahell Klein	District Manager	4/4/14

The City of New York

Community Board No. 2

43-22 50th Street, 2nd Floor
Woodside, New York 11377
(718) 533-8773
Fax (718) 533-8777
Email qn02@cb.nyc.gov
www.CB2Queens.org

Melinda Katz
Queens Borough President

Joseph Conley
Chairman
Debra Markell Kleinert
District Manager

COMMUNITY /BOROUGH BOARD RECOMMENDATION

APPLICATION # C 140275 ZMQ

CEQR Number: 14DCP066Q

Project Name: 11-55 49th AVENUE

Borough: Queens
Community District Number: 2

With a quorum present, a motion was made and seconded to not oppose the zoning map and text change with the following CB 2 stipulations:

1. **Provide 20% affordable housing.**
2. **Move artist studio space to higher floor.**
3. **Preference to CB 2 Residents.**
4. **Work with NYC Department of Transportation to request traffic signage, traffic calming, crosswalks.**

The vote was 31 in favor of the motion; 1 opposed and 1 abstention with the Chairman of Community Board 2 present and not voting.

Queens Borough President Recommendation

APPLICATION: ULURP #140275 ZMQ **COMMUNITY BOARD: Q02**

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Hunters Point 49 LLC, pursuant to Sections 197-c and 201 of the NYC Charter, for the amendment of Zoning Map Section No. 9b:

1. Changing from an M1-4 District to an M1-5/R7X District property bounded by the northerly centerline prolongation of 11th Place, a northerly and northwesterly boundary line of the Long island Rail road Right-of-Way, and its northeasterly prolongation, 21st Street, and 49th Avenue; and
2. Establishing a Special Long island City District (LIC) bounded by the northerly centerline prolongation of 11th Place, a northerly and northwesterly boundary line of the Long Island Rail Road Right-Of-Way, and its northeasterly prolongation, 21st Street, and 49th Avenue;

Community District 2, Borough of Queens as shown on a diagram (for illustrative purposes only) dated February 18, 2014, and subject to the conditions of CEQR Declaration E-335. (Related application ULURP #120274 ZRQ)

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, April 24, 2014, 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 were no other speakers. 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 a zoning change from M1-4 to M1-5/R7X to facilitate construction of a mixed-use development. The proposed zoning map change would extend an existing M1-5/R7X district and would establish the area in the Special Long Island City District;

- The proposed development is a 173,715 sf building in a stepped eight- to ten-story structure. The proposed building would be occupied by 6,085 sf of ground floor retail space, 141,826 sf of residential space with 140 apartments that includes 28 (20%) affordable units, between 1500 to 3000 sf of working artist space, a sidewalk café and 100 below grade accessory parking spaces;

- The applicant's site is Block 61 Lot 55 is bounded directly to the north by an open rail yard which is included in the proposed rezoning area. The applicant's development site is currently used for open storage of approximately 100 vehicles. The areas to the east and south are occupied by industrial uses. To the west there are a mix of commercial and residential buildings;

- Community Board 2 approved this application with conditions by a vote of thirty-one (31) in favor with one (1) opposed and one (1) abstention at a public hearing held on April 3, 2014. The conditions of approval were as follows: provision of 20% affordable housing; artist space should be moved to a higher floor; housing preference for Community Board 2 residents and work with the NYC Department of Transportation on pedestrian safety which may include new signage, traffic calming measures or crosswalks.

RECOMMENDATION

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

PRESIDENT, BOROUGH OF QUEENS

5/2/14
DATE