



**IN THE MATTER OF** an application submitted by Stemmax Realty Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 7.

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This application for a zoning text amendment (N 170181 ZRQ) to designate a Mandatory Inclusionary Housing (MIH) area was filed by Stemmax Realty Inc. on December 6, 2016, in conjunction with a zoning map amendment (C 170180 (A) ZMQ), to facilitate a mixed-use development on a portion of a block located in Flushing, Queens. Community District 7.

**RELATED ACTION**

In addition to the application (N 170181 ZRQ) for a zoning text amendment that is the subject of this report, implementation of the proposed development plan also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**C 170180 (A) ZMQ** Zoning map amendment

**BACKGROUND**

A full background discussion and description of this project appears in the report on the related application for a zoning map amendment (C 170180 (A) ZMQ).

**ENVIRONMENTAL REVIEW**

This application (N 170181 ZRQ), in conjunction with the related application (C 170180 (A) 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 designated CEQR number is 17DCP143Q. The lead is the City Planning Commission.

A summary of the environmental review appears in the report for the related zoning map amendment (C 170180 (A) ZMQ).

### **PUBLIC REVIEW**

The application (N 170181 ZRQ) was duly referred to Queens Community Board 7 and the Queens Borough President on May 8, 2017, in accordance with the procedures for non-ULURP matters, along with the related original application (C 170180 ZMQ), which was certified as complete by the Department of City Planning on May 8, 2017 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

#### **Community Board Public Hearing**

Community Board 7 held a public hearing on this application (N 170181 ZRQ) and on that date, by a vote of 30 in favor, nine opposed, and with none abstaining, adopted a resolution recommending approval with a condition. A summary of the vote and recommendations of Community Board 7 appears in the report for the related zoning map amendment action (C 170180(A) ZMQ).

#### **Borough President Recommendation**

The application (N 170181 ZRQ) was considered by the Queens Borough President who issued a recommendation to approve the application on July 17, 2017. A summary of the Borough President's recommendation appears in the report for the related zoning map amendment action (C 170180(A) ZMQ).

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

On July 12, 2017 (Calendar No. 6), the City Planning Commission scheduled July 26, 2017 for a public hearing on the application (N 170181 ZRQ) and related action (C 170180 ZMQ). The hearing was duly held on July 26, 2017 (Calendar No. 38), including the modified application (C 170180 (A) ZMQ). There were two speakers in favor of the application and no speakers opposed.

There were several speakers, as described in the report for the related application for a zoning map amendment (C 170180 (A) ZMQ), and the hearing was closed.

**CONSIDERATION**

The Commission believes that the zoning text amendment (N 170181 ZRQ), in conjunction with the related application is appropriate.

A full description of the Commission modification, and consideration for approving this application appear in the report on the related application for a zoning map amendment (C 170180 (A) ZMQ).

**RESOLUTION**

**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 hereby further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**Queens**

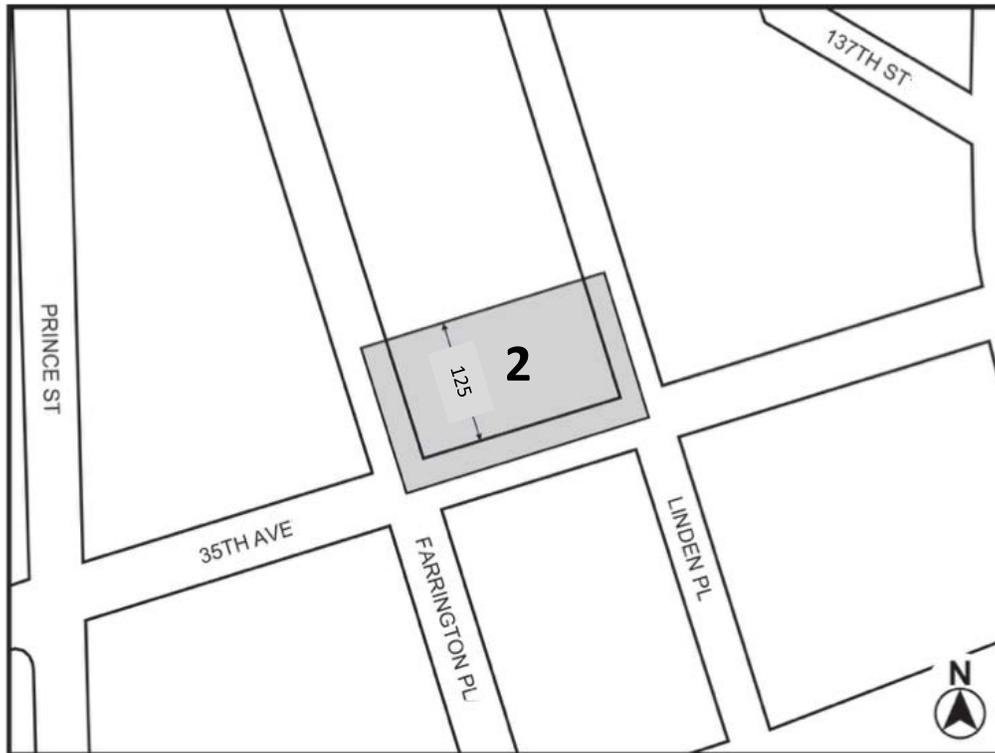
\* \* \*

**Queens Community District 7**

In the R7A and R7X Districts within the areas shown on the following Maps 1 and 2:

\* \* \*

Map 2 – [date of adoption]



■ Mandatory Inclusionary Housing area see Section 23-154(d)(3)  
Area 2 [date of adoption] – MIH Program Option 2

Portion of Community District 7, Queens

\* \* \*

The above resolution (N 170181 ZRQ), duly adopted by the City Planning Commission on September 6, 2017 (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.

**MARISA LAGO**, *Chair*  
**KENNETH J. KNUCKLES**, *Esq.*, *Vice-Chairman*  
**IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,**  
**MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,**  
**CHERYL COHEN EFFRON, HOPE KNIGHT,**  
**ORLANDO MARIN, LARISA ORTIZ** Commissioners





# Community Board 7

Borough of Queens

Bay Terrace, College Point, Beechhurst, Flushing  
Malba, Queensborough Hill, Whitestone and Willets Point

133-32 41st ROAD · 3rd FLOOR · FLUSHING, NY 11355

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Melinda Katz

Queens Borough President

Eugene T. Kelty Jr.

Chairperson

Marilyn McAndrews

District Manager

DATE: August 30, 2017

TO: Hye-Kyung Yang

FROM: Charles Apelian, Chairman  
Land Use Committee

RE: 135-01 35<sup>th</sup> Avenue Rezoning

Community Board #7 recommends approval of the application (C170180 ZMQ) with conditions.

We approved the Rezoning application, **but only with the condition that aforementioned commercial overlay be removed.**

We further recommend that a 30% MIH requirement be provided for the residential units at 80% average AMI. T be clear **“We Do Not Recommend the Work Force Option”**

CA/mac

**ERIC PALATNIK, P.C.**

ATTORNEY AT LAW  
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June 14, 2017

Community Board #7  
Mr. Chuck Apelian, Land Use Chair  
133-32 41st Road, Suite 3B,  
Flushing, NY, 11355

**Re: *Project ID No. P2015Q0168***  
***135-01 35<sup>th</sup> Avenue***  
***Block 4950, Lot 1***  
***Flushing, New York (the "Premises")***

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Dear Mr. Apelian:

As per the vote at last night's Community Board meeting, we are confirming that we will remove the C2-3 overlay.

We thank you in advance for your time and ask that you contact our office should you have any questions.

Sincerely,

Eric Palatnik



THE COUNCIL  
OF  
THE CITY OF NEW YORK

**PETER KOO**

COUNCIL MEMBER, 20<sup>TH</sup> DISTRICT, QUEENS

**DISTRICT OFFICE**  
135-27 38TH AVENUE, SUITE 888  
FLUSHING, NY 11354  
(718) 888-8747  
**FAX:** (718) 888-0331

**CITY HALL OFFICE**  
250 BROADWAY, SUITE 1768  
NEW YORK, NY 10007  
(212) 788-7022

CHAIRPERSON  
LANDMARKS

COMMITTEES  
CONTRACTS  
CULTURAL AFFAIRS  
HEALTH  
IMMIGRATION  
LAND USE  
SMALL BUSINESS

June 7, 2017

Attn: Charles Apelian  
Community Board 7  
133-32 41st Road - Room 3B  
Flushing, N.Y. 11355

**Re: 135-01 35<sup>th</sup> Avenue  
Flushing, NY 11354**

Dear Mr. Apelian,

I am writing to support the agreement reached between Community Board 7 and Eric Palatnik, representing Stemmax Realty, to amend the rezoning application for 135-01 35th Avenue in Flushing to only include residential use. The role of the Community Board in reaching such agreements is an invaluable one and I take it as a priority to respect that role, and support our Community Boards, whenever possible.

Yet, it has been brought to my attention that the application certified with the Department of City Planning does not properly reflect that agreement and instead includes a commercial overlay. In order to support your role in this process we will be amending the application to reflect the agreement that was reached, when it comes to the City Council for a vote.

If the opinion of the Community Board changes, or if any further discussions result in a new agreement, please inform my office immediately. Thank you.

Sincerely,

Peter Koo  
Council Member  
District 20

CC: Eric Palatnick, P.C.

# Queens Borough President Recommendation

APPLICATION: ULURP #N170181 ZRQ

COMMUNITY BOARD: Q07

## DOCKET DESCRIPTION

**IN THE MATTER OF** an application submitted by Stemmax Realty Inc. pursuant to Sections 197-c and 201 of the New York City Charter for a zoning text amendment to amend Appendix F of the NYC Zoning Resolution (Inclusionary Housing Designated Areas) to establish the Project Area as a Mandatory Inclusionary Housing Area (MIHA), Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated May 8, 2017 and subject to the conditions of CEQR Declaration E-424. (related item: ULURP #C 170180 ZMQ)

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on June 29, 2017 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 speakers for the application. The hearing was closed.

## CONSIDERATION

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

- The applicant has filed this application concurrently with an application for a zoning map amendment (ULURP #C170180 ZMQ) as the accompanying zoning text amendment. The text amendment designates and maps the area coterminous with the proposed rezoning area as a Mandatory Inclusionary Housing Area (MIHA). The applicant has chosen Option 2 which would dedicate 30% of residential floor area for households with an average income of 115% AMI;
- The area to be rezoned is located on the north side of 35<sup>th</sup> Avenue to a depth of 150' between Farrington Street and Linden Place in Flushing. The 38,500 sf combined total rezoning area includes Block 4950, Lot 1 and part of Lots 7 and 103. Lot 1 is currently improved with a single-story eight-unit commercial retail building constructed in 1928. The commercial spaces are occupied by an eating and drinking establishment, beauty supply stores, a hardware store and restaurant supply store. Lot 7 is developed with a single-story commercial/manufacturing facility constructed in 1983 that currently houses a food warehouse. Lot 103 is a city-owned under the jurisdiction of the Department of Cultural Affairs and utilized as an accessory parking lot for the nearby Flushing Town Hall cultural facility;
- The existing M1-1 district allows most commercial uses, community facility (Use Group 4) and light industrial uses and the maximum base FAR is 1.0 and 2.4 with a community facility. The proposed R7A with C2-3 overlay would allow residential, community facility and commercial uses. The maximum allowed base residential FAR is 3.45 and 4.6 with affordable housing. The maximum commercial FAR would be 2. The maximum base height is 75' and maximum building height is 95' ;
- The applicant proposes to construct an eight-story mixed-use building on Lot 1. The site is a 15,570 sf irregularly shaped corner lot facing 35<sup>th</sup> Avenue and Farrington Street. The total proposed zoning floor area is 72,442 sf. The proposed building will include 59,833 sf of residential space, 12,609 sf of commercial/retail space with a 6,720 sf cellar level commercial space (not included in zoning floor area calculation). There will be a total of 76 dwelling units including 22 affordable units. There will be 68 accessory parking spaces on the cellar and sub-cellar levels with ingress and egress to the garage will be from Farrington Street;
- The area north of the rezoning is zoned M1-1, the areas to the south and east and immediately to the west are mapped with an R6/C2-2 district. The south side of Northern Boulevard is zoned C4-3. The surrounding area is composed of a varied mixture of land uses, including residential, commercial, retail, medical office, hotels and light manufacturing. There are a number of ground floor commercial/retail uses in the area concentrated along the side streets between Northern Boulevard and 35<sup>th</sup> Avenue, along 35<sup>th</sup> Avenue Northern Boulevard and Prince Street which are currently mapped with C2-2 commercial overlays;
- At a precertification meeting with the Community Board 7 (CB 7) Land Use Committee, the committee had requested the applicant to remove the proposed commercial overlay because they were concerned that traffic congestion may be generated by new businesses at that location. The applicant agreed to remove the overlay. However, the application was certified with the C2-3 commercial overlay;
- CB 7 Land Use Committee recommended approval of the proposed rezoning with a modification to remove the commercial overlay. Councilmember Peter Koo wrote a letter dated June 7, 2017 to CB 7 in support of the CB 7 Land Use Committee's modification and that it would be addressed during the City Council's review of this application;

- o CB 7 approved this application with a condition by a vote of thirty (30) in favor, nine (9) against and none (0) abstaining at a public hearing held on June 17, 2017. The condition of CB 7's approval is that the proposed C2-3 commercial overlay should be eliminated from the proposal and the area should be rezoned to R7A without any commercial overlay.

RECOMMENDATION

There is a rationale for the proposed commercial overlay based on the existing use of the property and others along this corridor. However, the applicant had agreed to remove the overlay as requested by the CB 7 Land Use Committee, the Councilmember has written in support of removing the overlay and concerns have been expressed by the community about mapping the commercial overlay.

Based on the above consideration, I hereby recommend approval of this application with a modification to remove the proposed commercial C2-3 overlay.

  
\_\_\_\_\_  
PRESIDENT, BOROUGH OF QUEENS

  
\_\_\_\_\_  
DATE