



**IN THE MATTER OF** an application submitted by AA 304 GC TIC LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d:

1. eliminating from within an existing R6 district a C1-3 district bounded by a line 180 feet southerly of Roosevelt Avenue, Baxter Avenue, the northwesterly centerline prolongation of Ithaca Street, and 82<sup>nd</sup> Street; and
2. changing from an R6 district to a C4-5X district property bounded by a line 180 feet southerly of Roosevelt Avenue, Baxter Avenue, the northwesterly centerline prolongation of Ithaca Street, and 82<sup>nd</sup> Street;

Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated January 29, 2018, and subject to the conditions of CEQR Declaration E-463.

---

This application for a zoning map amendment was filed on September 25, 2017 by AA 304 GC TIC LLC in conjunction with an application for an amendment to the Zoning Resolution. The proposed actions would facilitate the development of a new, mixed-use building consisting of community facility, commercial and residential uses at 40-31 82<sup>nd</sup> Street (Block 1492, Lot 15), in the Elmhurst neighborhood of Queens, Community District 4.

**RELATED ACTION**

In addition to the proposed zoning map amendment (C 180098 ZMQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 180099 ZRQ            Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

## **BACKGROUND**

This application (C 180098 ZMQ) and the related application for a zoning text amendment (N 180099 ZRQ) would facilitate development of a new, mixed-use building with approximately 120 residential units of which approximately 24 would be made permanently affordable, in the Elmhurst neighborhood in Queens, Community District 4. The development site (project area) is a 23,439 square-foot triangular block bounded by 82<sup>nd</sup> Street, Ithaca Street, and Baxter Avenue. Each of these adjacent streets operates in a one-way direction that allows vehicular traffic to flow around the site beginning from 82<sup>nd</sup> Street heading southward, to Ithaca Street heading eastward, and then Baxter Avenue heading toward the northeast. The project area formerly contained a shuttered movie theater and several one- to two-story retail stores that were demolished in late 2017; the site is currently vacant.

The surrounding area is developed with a vibrant mix of residential and commercial uses. Retail and office uses are concentrated along nearby commercial corridors, such as Roosevelt Avenue, 37<sup>th</sup> Avenue, and Broadway, which have numerous small businesses that reflect the neighborhood's ethnic diversity. The 82<sup>nd</sup> Street Business Improvement District (BID) contains the project area at its southern end and runs along 82<sup>nd</sup> Street to cross Roosevelt Avenue just north of the site into the Jackson Heights neighborhood up to 37<sup>th</sup> Avenue at its northern end. This shopping corridor contains a diverse mix of two-story local and chain retail stores. The Jackson Heights Historic District is located one block north of the project area, spanning an area between 76<sup>th</sup> and 88<sup>th</sup> streets, and Roosevelt Avenue and Northern Boulevard, including the 82<sup>nd</sup> Street BID. The area along 37<sup>th</sup> Avenue includes a variety of one- to six-story buildings with a broad mix of ground floor commercial uses, reflecting its traditional role as a prime east-west retail corridor. Residential development in the surrounding area includes a diverse housing stock, with six-to-seven story pre-war multi-family buildings, two-to-three story multi-family attached row houses, and one-to-two family detached houses. Elmhurst Hospital is located one block south of the project area. It has 11 stories, and it is approximately 180 feet tall. P.S. 89 is located approximately one block east of the project area.

The zoning in the surrounding area reflects this range of uses. A medium density R6 district paired with a commercial overlay district is the zoning pattern along Roosevelt Avenue, as well

as the project area. C1-3 and C2-3 commercial overlay districts are mapped along Roosevelt Avenue, and C1-3 overlay districts are located at the southern portion of the 82<sup>nd</sup> Street BID (which includes the project area), as well as 37<sup>th</sup> Avenue to the north and the section of Broadway south and east of the project area. A C4-3 district, which is a regional commercial district that has a residential equivalent of an R6 district, is mapped along 82<sup>nd</sup> Street from the north side of Roosevelt Avenue up to 37<sup>th</sup> Avenue. Residential districts in the surrounding area include R7-1 north of Roosevelt Avenue, covering the majority of the Jackson Heights Historic District. An R7B district is mapped south and east of the project area, and includes most of the Elmhurst Hospital block. The block frontage along Broadway is zoned R7A, as is the rest of this corridor moving to the south and east. West of the project area is mapped R5, and east of the project area includes R5 and R4 districts.

The surrounding area is well-served by public transportation, including the elevated no. 7 transit line, which runs along Roosevelt Avenue immediately north of the project area. The 82<sup>nd</sup> Street – Jackson Heights station is located at the intersection of 82<sup>nd</sup> Street and Roosevelt Avenue, and the Q29 bus line serves the project area, with a terminus located on 82<sup>nd</sup> Street. The 74<sup>th</sup> Street-Roosevelt Avenue transit hub is located eight blocks west of the project area, which serves the 7, E, M, F and R subway lines. The Victor M. Moore Bus Terminal serves the Q33, Q49, and Q70 bus lines, and the Q47, Q32, and Q53 bus lines have terminal stops in the immediate area around the bus terminal.

The project area was mapped with an R6 zoning district and a C1-3 commercial overlay at the time of the enactment of the New York City Zoning Resolution in 1961, and it has not been subsequently rezoned. The R6 zoning district permits residential buildings development pursuant to either height factor or Quality Housing regulations. For height factor residential buildings, R6 districts allow a maximum residential floor area ratio (FAR) ranging from 0.78 to 2.43. A sky exposure plane, which begins at a height of 60 feet above the street line and slopes inward over the zoning lot, determines the maximum allowable building height. Off-street parking is required for 70 percent of a building's dwelling units. Optional Quality Housing regulations for R6 districts allow buildings to have a higher lot coverage with front walls set at or near the street line. Within 100 feet of a wide street, the maximum residential FAR is 3.0; the maximum base

height before setback is 60 feet, and the maximum building height is 70 feet. Beyond 100 feet of a wide street, outside of the Manhattan Core, Quality Housing provisions stipulate that the maximum residential FAR is 2.2; the maximum base height before setback is 45 feet, and the maximum building height is 55 feet. Off-street parking is required for 50 percent of all dwelling units. R6 districts also allow community facility uses at a maximum FAR of 4.8. The C1-3 commercial overlay district is mapped in conjunction with residential zones along neighborhood shopping streets to support local retail and service needs. The maximum commercial FAR in a C1-3 district within an underlying R6 district is 2.0. Off-street parking requirements vary for allowed uses in C1-3 districts, but typically one parking space is required for each 400 square feet of retail floor area.

Under the existing R6/C1-3 zoning district, a total of 4.8 FAR is permitted for a mixed-use development containing community facility, commercial and residential use (based on height factor regulations). This as-of-right development would total 104,202 square feet, comprised of 19,774 square feet of commercial use in the cellar and ground floor; 36,401 square feet of community facility use on the second and third floors, and 48,027 square feet of residential use on the fourth through tenth floors. The building could have a total height of approximately 114 feet. There would be 56 new dwelling units and 130 accessory, below-grade parking spaces. And since the site is not currently within an Inclusionary Housing designated area, no affordable housing would be required.

The applicant is proposing a zoning map change to create a C4-5X zone over the project area to facilitate the development of a 13-story, mixed-use building, approximately 145 feet tall, at 40-31 82<sup>nd</sup> Street (Block 1492, Lot 15). As proposed, the new building would contain approximately 203,830 square feet of floor area and approximately 120 dwelling units. The proposed development would also contain approximately 76,375 square feet of commercial space in the cellar and on the first two floors. Approximately 1,996 square feet of community facility space would be located on the ground floor. Approximately 128 accessory parking spaces would be provided, but only 48 spaces are required under the proposed zoning. The below-grade accessory parking area and loading docks would be accessed by two new curb cuts measuring 25 feet each, located on Baxter Avenue. Residential and community facility entrances would be located on

Baxter Avenue. Retail entrances would be located on Baxter Avenue and 82<sup>nd</sup> Street. The proposed development's FAR would total 5.99.

The applicant also requests a zoning text amendment (N 180099 ZRQ) to designate the proposed rezoning area as an MIH designated area that would be mapped with Option 1 and the Deep Affordability Option. Option 1 requires that 25 percent of residential floor area be reserved for housing units affordable to residents with household incomes averaging 60 percent of the area median income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to households whose annual incomes do not exceed 40 percent of the AMI, and no income bands may exceed 130 percent of AMI. The Deep Affordability Option requires that at least 20 percent of the residential floor area be reserved for households whose incomes average 40 percent of the AMI, with no income band above 130 percent of the AMI.

## **ENVIRONMENTAL REVIEW**

This application (C 180098 ZMQ), in conjunction with the related application for a zoning text amendment (N 180099 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 18DCP045Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on January 26, 2018.

The Negative Declaration includes an (E) designation (E-463) related to hazardous material, air quality, and noise to avoid the potential for significant adverse impacts, as described below.

The (E) designation requirements related to hazardous materials, air quality or noise would apply to the following development site:

Block 1493, Lot 15

The (E) Designation related to hazardous materials is as follows:

***Task 1:***

**Sampling Protocol**

**Prior to construction, the applicant must submit to the New York City Mayor's Office of Environmental Remediation (OER), for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. No sampling should begin until written approval of a protocol is received by OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.**

***Task 2:***

**Remediation Determination and Protocol**

**A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.**

**If remediation is indicated for the test results, a proposed remedial action plan (RAP) must be submitted by OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.**

**An OER-approved construction-related health and safety plan (CHASP) would be**

**implemented during excavation and construction activities to protect workers and the 40-31 82nd Street Rezoning Environmental Assessment Statement (EAS) Attachment G: Hazardous Materials G-4 community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation. If remediation is indicated for the test results, a proposed RAP must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.**

**An OER-approved CHASP would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.**

With the assignment of the above-referenced (E) Designation for hazardous materials, the Proposed Actions would not result in significant adverse impacts.

The (E) designation text related to noise is as follows:

**To ensure an acceptable interior noise environment, future residential, hotel, community facility uses, and/or hotel uses on Block 1493, Lot 15 must provide a closed window condition with a minimum 31 dBA window/wall attenuation on all northern facades facing the elevated 7 subway line (Roosevelt Avenue) and 28 dBA of attenuation on all other facades to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning. The minimum required composite building facade attenuation for future commercial uses would be 5 dBA lower than that for residential and community facility uses.**

With the assignment of the above-referenced (E) Designation for noise, the Proposed Actions would not result in significant adverse impacts.

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

### **UNIFORM LAND USE REVIEW**

This application (C 180098 ZMQ) was certified as complete by the Department of City Planning on January 29, 2018, 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), along with the related application for a zoning text amendment (N 180099 ZRQ), which was referred for information and review in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Queens Community Board 4 held a public hearing on this application (C 180098 ZMQ) on March 13, 2018, and on that date, by a vote of 24 in favor, none opposed, and with four abstentions adopted a resolution recommending disapproval of the application.

### **Borough President Recommendation**

The Queens Borough President held a public hearing on this application (C 180098 ZMQ) on May 3, 2018, and on May 9, 2018, issued a recommendation approving the application with the following conditions:

- “The number of affordable units offered to date are a good starting point. Affordable housing is necessary to accommodate individuals and families in the lowest to middle income range;
- Every effort should be made to redistribute bulk of the building to lessen the overall height;
- Based on conversations with Target, Target is committed to local hiring, through multiple job fairs to be held in the local community. Target will also sell locally sourced foods in

their store; Target is also open to discussions on the pre-training of applicants prior to the application deadline;

- Per the applicant's presentation there is approximately 20,000 square feet of retail space that will be available for rent. The developer should work with community based organizations to identify local retailers and service providers that may be interested in the new retail/commercial space. This is necessary to assure that local neighborhood based providers are given real opportunities to local into the new development;
- Concerns were raised about potential traffic impacts created by vehicular movement in and out of the development. When operational, the parking entrances and loading docks should be supervised by personnel assigned throughout the day to direct or assist with any vehicular movements in and out of the development that may block the sidewalk or create traffic congestion on the street.”

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

On May 9, 2018 (Calendar No. 8), the City Planning Commission scheduled a public hearing on this application (C 180098 ZMQ), in conjunction with the hearing for the related application for a zoning text amendment (N 180099 ZRQ). The hearing was duly held on May 23, 2018 (Calendar No. 21). Twelve speakers testified in favor of the application, and nine persons testified in opposition.

Two members and a representative of the 32BJ service employees union spoke in favor of the application, citing the new jobs and affordable housing that the proposed development would generate and stating that the developer had committed to provide 32BJ with a contract to service the building.

Three members of Local Union 731 and one member from Local Union 110 spoke in favor of the applications, stating that the city needs more jobs.

A representative of Urban Upbound read a letter from the Queens Chamber of Commerce (QCC) in favor of the proposed development that stated that the QCC supports the over 200 retail jobs that the project will make available to the community, and looks forward to assisting in local

hiring efforts. The letter also stated that the QCC does not believe that the proposed development will displace small businesses, as the area has historically been a commercial hub with a diverse mix of small immigrant-owned businesses and larger chain stores. The QCC expects that the continuation of this retail diversity will continue to serve the local needs of the community.

A representative of the Mount Olivet Gospel Church of Corona spoke in support of the application and stated that his congregation would benefit from the new jobs and affordable housing associated with the proposed development. He also spoke about the potential for the community facility space to be occupied by a non-profit business incubator. A representative of the Mount Horeb Baptist Church of Corona testified in favor of the project based on similar considerations.

A representative of the First Baptist Church of East Elmhurst spoke in favor of the proposal, citing the need for very low-income housing for his congregants, as well as the need to have housing available for a range of incomes.

Representatives from Queens Neighborhoods United (QNU), a community organizing group, testified in opposition. Several speakers stated that the proposed development is in contrast with the existing character of the neighborhood. Representatives from QNU also stated that the proposed development would exacerbate the area's already strained infrastructure and services, including subways, schools, and roads. Several speakers stated that the 128 proposed parking spaces are excessive compared to what would be required under the proposed zoning, and contradict the proposal's description of this development as transit-oriented. Some speakers stated that parking and commercial delivery activities at the proposed curb cut on Baxter Avenue could conflict with existing activities on Baxter Avenue, including emergency vehicles traveling to and from Elmhurst Hospital, commercial deliveries from surrounding retail establishments, and the Q29 bus route.

Representatives from QNU also expressed concerns that Target, the retail tenant confirmed to occupy approximately 23,000 square feet within the proposed development, could threaten the livelihood of surrounding small businesses by selling products at lower prices that directly

compete with neighborhood businesses. Speakers also expressed concerns about the lease that Target has established with the applicant, which includes clauses prohibiting certain businesses from occupying the same building.

Representatives of QNU and other local residents expressed concerns about residential displacement as a result of the proposed development, stating that the number of permanently affordable units proposed pursuant to the Deep Affordability Option would not adequately address affordability issues for neighborhood residents, and that market-rate units would further increase upward pressure on residential rents in the surrounding area, potentially displacing some of the area's low-and-moderate income residents. Several speakers stated that the applicant should consult the community to envision a development that provides more public benefit, such as increased community facility space.

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

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 180098 ZMQ), in conjunction with the related application for a zoning text amendment (N 180099 ZRQ), is appropriate.

The proposed rezoning from an R6/C1-3 zoning district to a C4-5X district would facilitate the development of a 13-story, mixed-use building with retail uses on the cellar level and first and second floors, and approximately 120 dwelling units on the remaining 11 floors, of which approximately 24 would be made permanently affordable pursuant to the Deep Affordability Option of the MIH program.

The Commission believes that the proposed C4-5X district is an appropriate zoning district designation to facilitate the proposed mixed-use development. C4 districts are mapped in regional commercial centers that serve a larger catchment area of shoppers, workers and other visitors. The Commission recognizes that this area is a regional retail destination, and that the

project area is located within the 82<sup>nd</sup> Street BID. The Commission believes that the proposed project can provide a retail anchor to the 82<sup>nd</sup> Street corridor, as well as new residents to shop along it.

The Commission notes that the C4-5X district's total allowable FAR of 6.0 provides an increase of 25 percent from the currently allowable total FAR of 4.8, an increase from 2.20 to 6.0 of permitted residential density, and an increase from 2.0 to 4.0 of permitted commercial density. The Commission believes that this location can support this increase given its immediate proximity to a subway station at 82<sup>nd</sup> Street and Roosevelt Avenue and its block end configuration with three street frontages. Similarly, the increase in building height – of roughly 30 feet or three stories – from as-of-right development under the current R6/C1-3 zoning can also be accommodated in this prominent portion of the block.

The Commission believes that the proposed zoning text amendment to Appendix F to designate the rezoning area for MIH and map Option 1 and the Deep Affordability Option is consistent with one of the key initiatives of *Housing New York*, Mayor de Blasio's housing plan, which is to require that a share of new housing be permanently affordable when land use actions permit substantial new residential development. The Commission notes that the area is in need of affordable housing, and that providing 24 permanently affordable units begins to address the need for affordable housing for low-income households in the community.

The Commission notes that 48 parking spaces would be required for the proposed development under the C4-5X district; however, the applicant proposes to provide 128 accessory parking spaces that includes the use of vehicle stackers. The Commission believes that, given the close proximity of public transit in the area, the applicant should consider eliminating some or all of the vehicle stackers and provide less than the proposed 128 parking spaces.

The Commission appreciates the applicant's efforts to update the proposed parking and commercial unloading plan in response to concerns to ensure that the proposed development's vehicle and delivery truck activities would not impede through traffic on Baxter Avenue heading towards Roosevelt Avenue. The Commission notes that the proposed parking and unloading

conditions would be permitted under current zoning. Nonetheless, the Commission still has concerns over the potential for the proposed development's operations to affect the ability of Baxter Avenue, which is a narrow street, to accommodate this increase in activity. Although not a condition of its determination, the Commission believes that a delivery schedule protocol should be devised to ensure that commercial delivery would occur outside of AM and PM peak hours, so as not to unduly congest traffic on Baxter Avenue during these periods.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on January 26, 2018, with respect to this application (CEQR No. 18DCP045Q), 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:

1. eliminating from within an existing R6 district a C1-3 district bounded by a line 180 feet southerly of Roosevelt Avenue, Baxter Avenue, the northwesterly centerline prolongation of Ithaca Street, and 82<sup>nd</sup> Street; and
2. changing from an R6 district to a C4-5X district property bounded by a line 180 feet southerly of Roosevelt Avenue, Baxter Avenue, the northwesterly centerline prolongation of Ithaca Street, and 82<sup>nd</sup> Street;

Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated January 29, 2018, and subject to the conditions of CEQR Declaration E-463.

The above resolution (C 180098 ZMQ), duly adopted by the City Planning Commission on July 9, 2018 (Calendar No. 1), is filed with the Office of the Speaker, the City Council, and the

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

**MARISA LAGO**, *Chair*

**ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III, JOSEPH DOUEK,  
RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT,  
ORLANDO MARÍN**, *Commissioners*

**ANNA HAYES LEVIN, LARISA ORTIZ**, *Commissioners*, Voting “No”



**Community/Borough Board Recommendation**  
Pursuant to the Uniform Land Use Review Procedure

Application # **C 180098 ZMQ**

Project Name **40-31 82nd Street Rezoning**

CEQR Number: **18DCP045Q**

Borough(s): **Queens**

Community District Number(s): **4**

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

**SUBMISSION INSTRUCTIONS**

- 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](mailto: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, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271
  - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- 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 AA 304 GC TIC LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d:

- eliminating from within an existing R6 District a C1-3 District bounded by a line 180 feet southerly of Roosevelt Avenue, Baxter Avenue, the northwesterly centerline prolongation of Ithaca Street, and 82<sup>nd</sup> Street; and
- changing from an R6 District to a C4-5X District property bounded by a line 180 feet southerly of Roosevelt Avenue, Baxter Avenue, the northwesterly centerline prolongation of Ithaca Street, and 82<sup>nd</sup> Street;

Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated January 29, 2018, and subject to the conditions of CEQR Declaration E-463.

Applicant(s): AA 304 GC TIC LLC 31 West 34th Street, Suite 1012 New York, NY 10001		Applicant's Representative: Steven M. Sinacori Akerman LLP 666 Fifth Avenue, 20th Fl New York, NY 10103	
Recommendation submitted by: <b>Queens Community Board 4</b>			
Date of public hearing: <b>Tuesday March 13, 2018</b>		Location: <b>Elmhurst Hospital 79-01 Broadway - Room A122</b>	
Was a quorum present? <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/>		<b>Elmhurst, NY</b> <i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: <b>March 13, 2018</b>		Location: <b>Elmhurst Hospital 79-01 Broadway Elmhurst, NY</b>	
<b>RECOMMENDATION</b> <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Disapprove <input type="checkbox"/> Approve With Modifications/Conditions <input checked="" type="checkbox"/> Disapprove With Modifications/Conditions			
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
<b>Voting</b> # In Favor: <b>0</b> # Against: <b>24</b> # Abstaining: <b>4</b> Total members appointed to the board: <b>44</b>			
Name of CB/BB officer completing this form 		Title <b>DISTRICT MGR.</b>	Date <b>4/6/18</b>

# Queens Borough President Recommendation

APPLICATION: ULURP #180098 ZMQ

COMMUNITY BOARD: Q04

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by AA 304 GC TIC LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d:

- eliminating from within an existing R6 District a C1-3 District bounded by a line 180 feet southerly of Roosevelt Avenue, Baxter Avenue, the northwesterly centerline prolongation of Ithaca Street, and 82nd Street; and
- changing from an R6 District to a C4-5X District property bounded by a line 180 feet southerly of Roosevelt Avenue, Baxter Avenue, the northwesterly centerline prolongation of Ithaca Street, and 82nd Street;

Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated January 29, 2018, and subject to the conditions of CEQR Declaration E-463. (Related application ULURP # 180099 ZRQ)

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, May 3, 2018, 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 19 speakers in favor and 17 speakers against. 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:

- o This application for a zoning map amendment proposes to rezone the southern portion of a block (Block 1493, Lot 15) bounded by a line 180 feet southerly of Roosevelt Avenue, Baxter Avenue, the northwesterly centerline prolongation of Ithaca Street, and 82<sup>nd</sup> Street from an R6/C1-3 District to a C4-5X District;
- o The applicant has also filed a related application (ULURP #18099 ZRQ) to amend Appendix F of the Zoning Resolution designating the proposed rezoned area as a Mandatory Inclusionary Housing Area;
- o The proposed rezoning would facilitate construction of a new 13-story, mixed-use building with 128 attended accessory parking spaces in the sub-cellar, commercial (approximately 39,282 sf) and community facility (approximately 1967 sf) uses in the cellar, ground floor and second floor, with up to 120 residential units on the 3<sup>rd</sup> to 13<sup>th</sup> floors. The plan calls for a base height of 105 feet, provide 15' setbacks, and then rise to a maximum building height of 145 feet;
- o The project area is located within an R6/C1-3 District which consists of Block 1493, Lot 15 an irregularly shaped 23,428 sf tax lot bounded by 82<sup>nd</sup> Street to the west, Ithaca Street to the south and Baxter Avenue to the east. The site has been historically occupied by commercial development including a movie theatre with several one-story retail stores which are now closed. The project area is located in close proximity to public transportation, the elevated # 7 train subway station at the corner of 82<sup>nd</sup> Street and Roosevelt Avenue, the M and R subway lines located at approximately 5 blocks away at Broadway and Baxter Avenue, and is served by the Q33, Q32, Q29 bus lines at 82<sup>nd</sup> Street and Roosevelt Avenue;
- o The site is in an existing R6/C1-3 zoning district and is located within a Transit Zone. The existing zoning permits a maximum 4.8 FAR for community facility use, 2.0 FAR for commercial use, and up to 2.43 FAR for residential use. The as-of right permits a 10-story, 113'-10' tall building with approximately 104,203 sf of floor area;
- o The proposed C4-5X zoning district (R7X equivalent), combined with a Mandatory Inclusionary Housing Area designation (Options 1 and 2), would allow a maximum 5.0 FAR for community facility uses, 4.0 FAR for commercial uses, and 6.0 FAR for residential uses resulting in the proposed 13-story, 145' tall building;
- o The surrounding area is developed with a variety of residential, commercial, retail uses and range in building heights. Properties fronting along 82<sup>nd</sup> Street and Roosevelt Avenue include a concentration of two (2) and three (3) story buildings containing local retail shops, salons and food establishments on ground floors with commercial uses such as offices occupying second floor, and residential units on the third floor. Along Roosevelt Avenue include clothing stores, eating drinking establishments, bakeries and small grocery stores. Across Baxter Avenue from the project area, properties include a six-story, 72 unit residential building, as well as single-story commercial establishments developed with a laundromat, a bar/restaurant and a Food Town supermarket;

**Queens Borough President Recommendation**

**ULURP #180098 ZMQ**

**Page two**

- o Community Board 4 (CB 4) disapproved the application by a vote of twenty-four (24) opposed, none (0) in favor with four (4) abstaining at board meeting held on March 13, 2018. CB 4 reasons for disapproving the application included concerns regarding: concerns of gentrification causing increased housing and commercial rents, threat to existing small business, further impacts on traffic and transportation systems, and increased overcrowding in local schools. A letter had been submitted to CB 4 by the applicant after the February 27, 2018 CB 4 Land Use Committee. The letter, in response to issues raised at the committee meeting, committed to no hotel development on the subject site, willingness to work with CB 4 based groups to connect local residents to job opportunities by coordinating local hiring initiatives, and a search for a local non-profit for tenant to occupy community facility space proposed in the development;
- o At the Queens Borough President's Land Use Public Hearing testimony was received from 36 speakers on the application. In addition to the testimony, petitions and letters were presented from several organizations detailed concerns about the proposed project. The petitions and letters included were from the following local organizations: Queensboro Houses Association, People's Cultural Plan, and Queens Neighborhoods United. The concerns outlined were community need for employment of local residents, the "Big Box" store Target would not hire locally, increased overcrowding on the #7 subway line and in local schools, raised area commercial rents, and gentrification of neighborhood.
- o There has been much discussion and negotiation since the community board has met and voted.
  - A letter of support from Councilmember Moya was submitted that states he has worked with the developer and constituents to arrange a more equitable plan which supports the deepest affordability under Mandatory Inclusionary Housing (Option 3);
  - In addition to deeper affordability, the developers will also provide 32BJ with a contract to service the building and create prevailing wage jobs; and
  - Target has committed to items listed below in the recommendation;

**RECOMMENDATION**

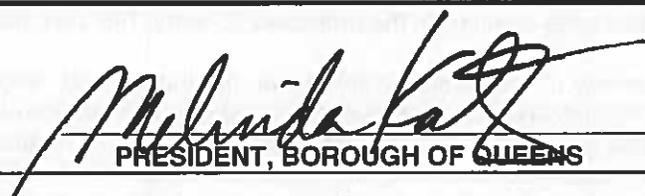
As-of-right development in the existing R6/C1-3 district with no rezoning would allow construction of market rate residential units as well as commercial/retail space at 40-31 82<sup>nd</sup> Street. According to the applicant's architect, 10-stories are allowed as-of-right. No affordable housing would be required in an as-of-right development.

The proposed development would provide at least 30% of all residential units that are affordable (less than market rate) as required in a rezoning by the Mandatory Inclusionary Housing provisions of the Zoning Resolution.

The applicant/property owner's attorney has submitted a letter stating that the lease with Target is not contingent on the rezoning proposed in this application. The current zoning allows retail uses which would allow Target to operate there today.

Based upon the above consideration, I hereby recommend approval of this application with the following conditions:

- The number of affordable units offered to date are a good starting point. Affordable housing is necessary to accommodate individuals and families in the lowest to middle income range;
- Every effort should be made to redistribute the bulk of the building to lessen the overall height;
- Based on conversations with Target, Target is committed to local hiring, through multiple job fairs to be held in the local community. Target will also sell locally sourced goods in their store; Target is also open to discussions on the pre-training of applicants prior to the application deadline;
- Per the applicant's presentation there is approximately 20,000 sf of retail space that will be available for rent. The developer should work with community based organizations to identify local retailers and service providers that may be interested in the new retail/commercial space. This is necessary to assure that local neighborhood based providers are given real opportunities to locate into the new development;
- Concerns were raised about potential traffic impacts created by vehicular movement in and out of the development. When operational, the parking entrances and loading docks should be supervised by personnel assigned throughout the day to direct or assist with any vehicular movements in and out of the development that may block the sidewalk or create traffic congestion on the street.

  
PRESIDENT, BOROUGH OF QUEENS

5/9/18  
DATE