



CITY PLANNING COMMISSION

October 7, 2020 / Calendar No. 3

C 200103 ZMQ

IN THE MATTER OF an application submitted by Tuchman Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10b, by changing from an R6B District to an R6 District property bounded by the southwesterly and southerly boundary line of Flushing Meadow Park, a line 100 feet easterly of Saultell Avenue and its northerly prolongation, a line midway between Corona Avenue and Van Cleef Street, and Saultell Avenue and its northerly centerline prolongation, Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated December 16, 2019, and subject to the conditions of CEQR Declaration E-558.

This application for a zoning map amendment was filed by Tuchman Associates, LLC on September 11, 2019. This application, in conjunction with the related zoning text amendment (N 200104 ZRQ), would facilitate the construction of a six-story mixed-use building at 110-40 Saultell Avenue in the Corona neighborhood of Queens, Community District 4.

RELATED ACTION

In addition to the zoning map amendment (C 200103 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 200104 ZRQ Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area

BACKGROUND

The applicant, Tuchman Associates, LLC, seeks a zoning map amendment and zoning text amendment to facilitate the construction of a six-story mixed-use building with a dialysis center on the ground floor and cellar and 25 residential units on the upper floors. The project area (Block 1972, Lots 27 and 28) is located at the intersection of Corona Avenue and Saultell Avenue in the Corona neighborhood of Queens.

The project area totals 11,289 square feet and is located on Block 1972, bounded by Corona Avenue to the north, the Horace Harding Expressway to the east, Van Cleef Street to the south and Saultell Avenue to the west. Corona Avenue, Saultell Avenue and the Horace Harding Expressway are wide streets. Lots 27 and 28 are located on the east side of Saultell Avenue and have a combined frontage of approximately 100 feet.

The development site (Block 1972, Lot 28) has a lot area of 8,494 square feet and is owned by the applicant. Lot 28 is improved with a two-story, two-family residential building and a one-story garage, totaling 3,168 square feet (0.37 FAR). Lot 27 has a lot area of 2,975 square feet and is not a part of the development site. It is developed with a two-family, two-story residential building, totaling approximately 1,614 square feet (0.58 FAR). There are currently no plans to redevelop Lot 27. The remainder of Block 1972 is developed with two- to three-story detached and attached residential buildings and community facility uses, including the six-story Rego Park Health Center, owned by the applicant, and Madison York, a six-story assisted living facility.

The area surrounding the project area is developed with a mix of residential, commercial and community facility uses. Commercial uses in the area are concentrated along 108th Street, a commercial thoroughfare located one block south and west of the project area that serves local retail needs. The Horace Harding Expressway service road, located on the eastern boundary of Block 1972, is primarily comprised of hotels and community facility uses, such as the seven-story Castle Heights Senior Living facility that contains 55 units. Residential development in the surrounding area includes two-to-three story multi-family attached and semi-detached buildings. Immediately north and east of the project area is the largest park in Queens, Flushing Meadows-Corona Park, containing numerous sports and recreational facilities. Schools in the area include P.S. 220, located four blocks southwest of the project area, and P.S. 104, located three blocks west of the project area.

The project area is located outside of the Transit Zone, and public transportation in the area is primarily served by local buses, including the Q23, which travels north-south along 108th Street and the Q58 and Q88, both of which travel east-west along Horace Harding Expressway. The closest subway stations are located approximately 0.7 miles north, at the 111th Street elevated

station, which provides service to the 7 line, and 1.2 miles south, at the 63rd Drive and 67th Avenue subway stations, which provide access to the M and R lines.

The project area was mapped with an R6 zoning district at the time of the enactment of the 1961 Zoning Resolution. The Elmhurst-Corona Rezoning (C 880920 ZMQ), adopted by the City Council on September 14, 1989, changed portions of the neighborhood from R5, R6, and M1-1 zoning districts to R4, R5, R6A, R6B, R7A, and R7B zoning districts to recognize existing development densities, reduce the depth of commercial overlays, and change certain commercial overlays from C1-2 and C2-2 overlays to C1-3 and C2-3 overlays. The zoning map amendments reflected land use policies that established zoning districts consistent with the built form of the neighborhood, encouraged the preservation of one-and-two family detached and semi-detached houses, and identified locations to accommodate additional density. Portions of Block 1972, including frontages along Saultell Avenue and Van Cleef Street, were rezoned from R6 to R6B to match the character of the existing three- to four-story row houses. By rezoning the majority of the project area from an R6 district to an R6B district, the Elmhurst-Corona Rezoning reduced the maximum floor area ratio (FAR) from 2.43 to 2.0, established height limits and made Quality Housing mandatory, requiring all new developments to match the existing character of the area.

The portion of the project area within 100 feet of Saultell Avenue is zoned R6B. R6B zoning districts are contextual zoning districts that permit a maximum residential FAR of 2.0 and restrict maximum building heights to 50 feet, or 55 feet with a qualifying ground floor. A 10-foot setback is required on a wide street (15 feet on a narrow street), and off-street parking is required for 50 percent of the dwelling units.

The applicant proposes to develop a six-story, 62-foot-tall mixed-use building containing 30,848 square feet of total floor area (3.63 FAR) and 25 new dwelling units, 25 percent of which (six units) would be permanently affordable pursuant to MIH Option 1. The ground floor and cellar would be comprised of a 9,181-square-foot dialysis center affiliated with the neighboring Rego Park Health Care Center that is owned and operated by the applicant. 28,545 square feet of residential floor area would be located on the second through sixth floors, with a residential lobby located on the ground floor. The ground floor would also include 13 accessory residential parking spaces accessed by an existing 12-foot-wide curb cut on Corona Avenue.

To facilitate the proposed development, the applicant seeks a zoning map amendment to change the zoning district from an R6B zoning district to an R6 zoning district. The proposed R6 zoning district permits residential buildings pursuant to either height factor or Quality Housing regulations. For height factor residential buildings, R6 districts allow a maximum residential FAR ranging from 0.78 to 2.43. Maximum allowable building height is determined by a sky exposure plane that begins at a height of 60 feet. Off-street parking is required for 70 percent of 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. When mapped within an MIH area within 100 feet of a wide street, the maximum residential FAR is 3.6. The corresponding maximum base height before setback is 65 feet, after which the building may rise to a maximum height of 115 feet. Beyond 100 feet of a wide street, Quality Housing provisions stipulate that the maximum residential FAR is 2.42. 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 proposed zoning map amendment would extend the existing R6 district line westward to the centerline of Saultell Avenue. The change from an R6B to an R6 zoning district would result in an increase of maximum permitted bulk for both residential uses (from 2.0 FAR to 3.6 FAR) and community facility uses (from 2.0 FAR to 4.8 FAR).

The applicant also proposes a zoning text amendment (N 200104 ZRQ) to designate the project area as an MIH area mapped with MIH Options 1 and 2. Option 1 requires that at least 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), including a 10 percent band at 40 percent of AMI. Option 2 requires that at least 30 percent of residential floor area be reserved for housing units affordable to residents with household incomes averaging 80 percent of AMI.

ENVIRONMENTAL REVIEW

This application (C 200103 ZMQ), in conjunction with the related application for a zoning text amendment (N 200104 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 lead is the City Planning Commission. The designated CEQR number is 20DCP010Q.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on December 16, 2019.

The Negative Declaration includes an (E) designation (E-558) related to hazardous materials, air quality and noise to avoid the potential for significant adverse impacts. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 200103 ZMQ) was certified as complete by the Department of City Planning on December 16, 2019, and 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 200104 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 200103 ZMQ) and the related application for a zoning text amendment (N 200104 ZRQ) on February 11, 2020 and on that date, by a vote of none in favor, 25 opposed, and none abstaining, voted to disapprove the application by issuing the following statement along with the recommendation: “Queens Community Board 4 takes re-zonings in our district very seriously as we are already experiencing many issues from overdevelopment and overcrowding. This rezoning proposal is

asking for more density to solely benefit the owner's profits and benefits and that is not a reason for Community Board 4 to approve such a project.”

Borough President Recommendation

The Queens Borough President held a public hearing on this application (C 200103 ZMQ) and the related action for a zoning text amendment (N 200104 ZRQ) on February 20, 2020, and on February 23, 2020, issued a recommendation to disapprove the application with the following conditions:

“There is a commitment to additional units of affordable housing—including for seniors—to meet the growing need in the area and throughout the borough;

The community facility space will be used for a senior center and/or community center;

Housing also includes two- and three- bedroom units – not just studios and one-bedrooms—to accommodate growing families and to help augment stability in the neighborhood;

The proposed affordable housing on the site should be provided with deeper affordability to better match the AMI of the immediate surrounding neighborhood.”

City Planning Commission Public Hearing

On August 19, 2020 (Calendar No. 6), the City Planning Commission scheduled a public hearing on this application (C 200103 ZMQ), in conjunction with the hearing for the related application for a zoning text amendment (N 200104ZRQ). The hearing was duly held on September 2, 2020 (Calendar No. 11). Four speakers testified in favor of the application and one in opposition.

The project team included the owner, the applicant's representatives, and the architect. The applicant's representative presented an overview of the applications, and the architect described revisions to the proposed development based on feedback received throughout the ULURP process. The applicant's architect described a revision made to the proposed development that changed the use of the cellar from the initially proposed dialysis center to a community center. The applicant's architect also proposed that the ground floor space would be used for ambulatory/diagnostic treatment use, in place of the previously proposed dialysis center. He

explained that the originally proposed residential lobby, community facility offices, and 13 residential parking spaces are to remain on the ground floor. The applicant's architect also described proposed changes to diversify the unit type by including one two-bedroom unit and one studio unit on each floor to better meet the needs of the area's residents.

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

Following the public hearing, the applicant submitted a statement describing the proposed revisions, noting conversations about the proposed development with the local Council Member. Based on recent discussions, the applicant's architect is further exploring modifying the proposed five studio units into one-bedroom units, which would result in 20 one-bedroom units and five two-bedroom units in total, to better meet the housing needs of the area. The statement also explains that the architect and applicant would continue to review the unit layout and remain committed to providing a building that provides quality dwelling units to the area's residents and complements the surrounding neighborhood. The statement also assured the Commission that the MIH units would comply with all requirements of the Department of Housing Preservation and Development.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 200103 ZMQ), in conjunction with the related application for a zoning text amendment (N 1200104 ZRQ), is appropriate.

The proposed R6 zoning district will extend an existing R6 zoning district boundary line westward to the centerline of Saultell Avenue, facilitating the development of a six-story building containing residential and community facility uses. The development will contain approximately 25 units, six of which will be permanently affordable. The proposed community facility space will complement the existing Rego Park Health Center, located on the same block, and further benefit senior residents in nearby nursing homes and assisted living facilities.

The Commission believes that the proposed R6 zoning district is appropriate. The project area has frontage on Saultell Avenue and Corona Avenue, both of which are wide streets and are directly adjacent to Flushing Meadows-Corona Park. The proposed development is consistent with the existing built form of the block, as well as the area immediately east of the project area, which includes six- and seven-story buildings comprised of residential and community facility uses.

The Commission urges the applicant and its architect to better assess the feasibility of the diagrammatic layout of proposed residential units, as well as the ground floor space layout and use locations. While most aspects of building design, including unit size, are outside of the scope of the application, the Commission encourages the developer to continue working to design a more functional layout. The Commission notes the applicant's commitment to continuing to work with the local Council Member and the community to provide a quality building with units that serve the needs of the area's residents.

The proposed zoning text amendment to designate the R6 district as an MIH area is appropriate. The designation is consistent with the City's policy objectives for promoting housing production and affordability across the city, and the Commission supports the development of new affordable housing in a neighborhood with a significant need for new income-restricted units.

RESOLUTION

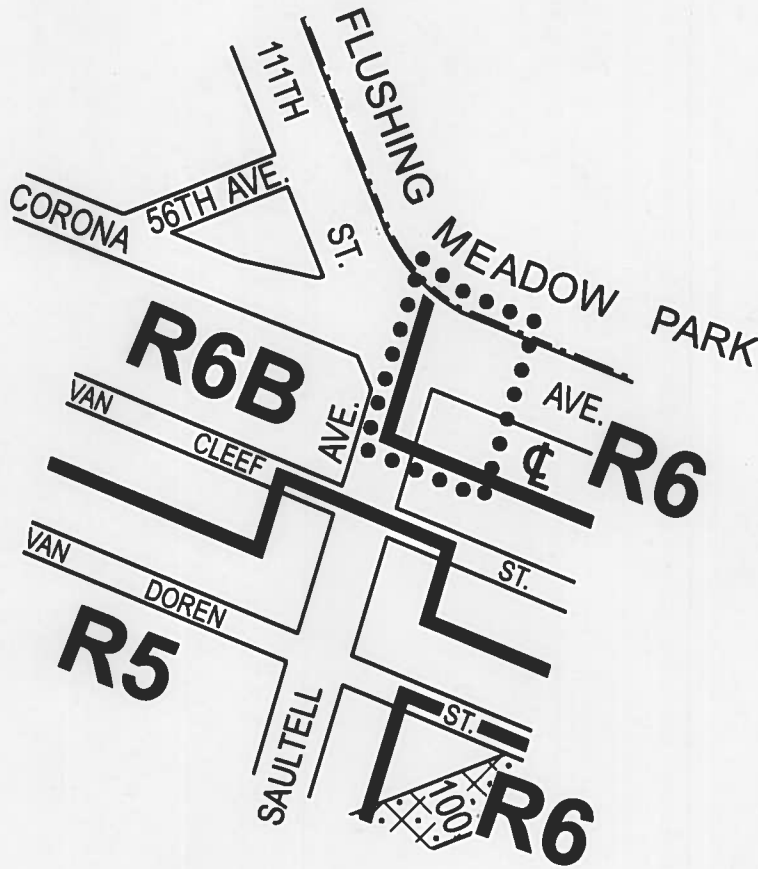
RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on December 16, 2019 with respect to this application (CEQR No. 20DCP010Q), the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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. 10b by changing from an R6B District to an R6 District property bounded by the

southwesterly and southerly boundary line of Flushing Meadow Park, a line 100 feet easterly of Saultell Avenue and its northerly prolongation, a line midway between Corona Avenue and Van Cleef Street, and Saultell Avenue and its northerly centerline prolongation, Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated December 16, 2019, and subject to the conditions of CEQR Declaration E-558.

The above resolution (C 200103 ZMQ), duly adopted by the City Planning Commission on October 7, 2020 (Calendar No. 3), 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*
KENNETH J. KNUCKLES, ESQ., *Vice Chairman*
DAVID J. BURNEY, FAIA; ALLEN P. CAPPELLI, ESQ.,
ALFRED C. CERULLO, III, MICHELLE de la UZ, JOSEPH DOUEK,
RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARÍN, LARISA ORTIZ, RAJ RAMPERSHAD *Commissioners*



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

10b

**BOROUGH OF
 QUEENS**

S. Lenard, Director
 Technical Review Division



New York, Certification Date:
 December 16, 2019



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by changing an existing R6B District to an R6 District.
- Indicates a C2-2 District



COMMUNITY BOARD # 4Q

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Sharon Lee
Acting Borough President

Louis Walker
Chairperson

Christian Cassagnol
District Manager

February 20, 2020

Addendum to Community/Borough Board Recommendation

The following statement was submitted by Community Board 4's First Vice Chair Marialena Giampino who is also a member of the ULURP/Zoning Committee to be included into the record:

Queens Community Board 4 takes re-zonings in our district very seriously as we are already experiencing many issues from overdevelopment and overcrowding. This rezoning proposal is asking for more density to solely benefit the owner's profits and benefits and that is not a reason for Community Board 4Q to approve such a project.

Application #: **C 200103 ZMQ**

Project Name: **110-40 Saultell Avenue Rezoning**

CEQR Number: **20DCP010Q**

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

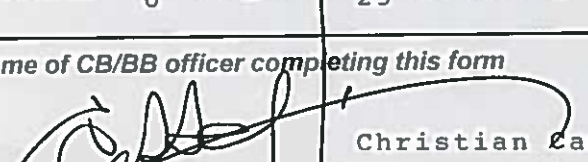
Please use the above application number on all correspondence concerning this application

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 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, 31st 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 Tuchman Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10b, by changing from an R6B District to an R6 District property bounded by the southwesterly and southerly boundary line of Flushing Meadow Park, a line 100 feet easterly of Saultell Avenue and its northerly prolongation, a line midway between Corona Avenue and Van Cleef Street, and Saultell Avenue and its northerly centerline prolongation, Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated December 16, 2019, and subject to the conditions of CEQR Declaration E-558.

Applicant(s): Tuchman Associates, LLC 111-26 Corona Avenue Flushing, NY 11368	Applicant's Representative: Richard Lobel Sheldon Lobel, P.C. 18 East 41st Street, 5th Floor New York, NY 10017				
Recommendation submitted by: Queens Community Board 4					
Date of public hearing: Feb. 11, 2020 Location: VFW Post #150 51-11 108 Street, Corona, NY					
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <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: Feb. 11, 2020 Location: VFW Post #150 51-11 108 Street, Corona, NY					
RECOMMENDATION <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input checked="" type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions Please attach any further explanation of the recommendation on additional sheets, as necessary.					
Voting # In Favor: 0 # Against: 25 # Abstaining: 0 Total members appointed to the board: 44					
Name of CB/BB officer completing this form  Christian Cassagno	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 5px;">Title</td> <td style="width:50%; padding: 5px;">Date</td> </tr> <tr> <td style="padding: 5px;">District Mgr.</td> <td style="padding: 5px;">2/29/20</td> </tr> </table>	Title	Date	District Mgr.	2/29/20
Title	Date				
District Mgr.	2/29/20				



BOROUGH PRESIDENT RECOMMENDATION

Project Name: 110-40 Saultell Avenue Rezoning	
Applicant: Tuchman Associates, LLC	Applicant's Administrator: Richard Lobel
Application # 200103ZMQ	Borough: Queens
CEQR Number: 20DCP010Q	Validated Community Districts: Q04

Docket Description:

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

RECOMMENDATION: Conditional Unfavorable

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

CONSIDERATION:

Recommendation submitted by	QN BP	Date: 3/22/2020 9:01 PM
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Sheldon Lobel &

ATTORNEYS AT LAW

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www.sheldonlobelpc.com

September 8, 2020

VIA EMAIL

Hon. Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

**Re: ULURP Nos.: 200103 ZMQ and 200104 ZRQ
110-40 Saultell Avenue Rezoning
Queens, New York**

Dear Chair Lago and Commissioners:

This letter is submitted in response to the comments and questions raised at the September 2, 2020, public hearing for the above-referenced rezoning application.

As stated at the public hearing, changes were made to the architectural plans since this application was certified in response to comments made by Queens Community Board 4, the Queens Borough President and Council Member Francisco Moya. Specifically, a portion of the proposed community facility space has been dedicated to a community center/senior center use. In addition, the proposed unit type has been modified from 25 one-bedroom units to a mix of unit types; including, five studios, 15 one-bedroom and five two-bedroom units. After a recent conversation with the Council Member, the applicant is further exploring modifying the five studio units to be one-bedroom units. Thus, the building would consist of 20 one-bedroom units and five two-bedroom units to better meet the housing needs of families in the neighborhood. The applicant will continue to work with the Council Member regarding the community facility space and unit types within the proposed building.

With regard to the architectural design, the architect is reviewing the plans in light of the comments made by the Commission regarding the unit layouts and the façade and window design. The applicant and architect remain committed to producing a building which compliments the character of the surrounding neighborhood and which provides quality dwelling units to its residents. Further, the applicant wishes to assure the Commission that the permanently affordable housing units will comply with all regulatory requirements of HPD.

Should you have any questions, please do not hesitate to contact our office.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'RLM', is positioned above the name Richard Lobel.

Richard Lobel

RL:ai

cc: Kathi Ko (DCP)