



May 24, 2017 / Calendar No. 10

C 170162 ZMQ
CORRECTED

IN THE MATTER OF an application submitted by H&M, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d, changing from a C8-1 District to a C4-3 District property bounded by Northern Boulevard, 75th Street, a line 100 feet southerly of Northern Boulevard, and 74th Street, Borough of Queens, Community District 3, as shown on a diagram (for illustrative purposes only) dated January 3, 2017 and subject to the conditions of CEQR Declaration E-407.

This application for an amendment of the Zoning Map was filed by H & M, LLC on November 29, 2016, in conjunction with an application for an amendment to the Zoning Resolution text. The proposed actions would facilitate the development of a new eight-story mixed-use retail, community facility and office development containing approximately 90,357 square feet of floor area with 219 accessory parking spaces at 74-04 Northern Boulevard (Block 1247, Lot 1), in the Jackson Heights neighborhood of Queens, Community District 3.

RELATED ACTION

In addition to the zoning map amendment (C 170162 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 170163 ZRQ Zoning Text Amendment to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

This application (C 170162 ZMQ) for a zoning map amendment, in conjunction with the related application (N 170163 ZRQ) for a zoning text amendment, would facilitate construction of an approximate 90,357-square-foot, mixed-use retail, office and community facility development in the Jackson Heights neighborhood of Queens Community District 3.

The area to be rezoned consists of one 20,000-square-foot tax lot that encompasses the full blockfront on the south side of Northern Boulevard, between 74th Street and 75th Street. It is located at 74-04 Northern Boulevard (Block 1247, Lot 1) and currently occupied by a 10,066 square-foot car wash with an open parking area. As developed, the site has nearly continuous curb cuts on Northern Boulevard, 74th and 75th streets.

Northern Boulevard, a wide street mapped at 100 feet, is a major east-west arterial thoroughfare that links downtown Flushing with Manhattan via the 59th Street/Ed Koch Bridge. In the area of the proposed rezoning, both sides of Northern Boulevard are generally developed with retail, including stores, fast-food franchises and catering establishments, and some automotive-related uses. West of the project site, lots facing Northern Boulevard are mapped with C2-2 and C1-2 overlay districts that are also developed with retail uses. Properties behind these commercial districts are generally developed with attached one- and two-family residential buildings. The area south of the boulevard is generally developed with multi-family apartment buildings. Travers Park, a Department of Parks and Recreation playground, is located three blocks east of the rezoning area and was the subject of a recent expansion (C 120378 PCQ). The Jackson Heights Historic District, south and east of the rezoning area, was designated in 1993.

Two subway lines, the R and the 7, have stations about a half-mile south of the rezoning and the surrounding areas. The R train stops at Broadway and 65th Street and the 7 train has a station at 74th Street and Broadway. Bus service includes the Q66, which runs along Northern Boulevard from Queens Plaza to Flushing Main Street, and the QM3 express bus, which provides a direct connection to Midtown Manhattan.

The rezoning area is located within a C8-1 zoning district that was established in 1961. The blockfronts on both sides of this part of Northern Boulevard are developed with automobile related uses including new and used sales dealerships, car washes and automobile repair facilities. In 1997, two blockfronts north of the rezoning area and east of 77th Street on Northern Boulevard were rezoned from R4/C1-2 to C8-1 (C 970274 ZMQ) to allow future development as an automobile sales and service establishment.

C8-1 zoning allows community facility, transient hotel, commercial, recreational and general service uses. It permits a maximum floor area ratio (FAR) of 2.40 for community facilities and 1.0 for commercial uses. The maximum street wall height in a C8-1 District is 30 feet or two stories, whichever is less, after which a 15-foot setback from the street line is required along a wide street and a 20-foot setback is required along a narrow street. Beyond the initial setback distance, a building may rise above 30 feet, provided it complies with the applicable sky exposure plane.

The applicant proposes to change the existing C8-1 district to a C4-3 district, which also allows community facility uses, local retail and service establishments, home maintenance or repair services, amusement or service establishments, retail and service establishments that serve a larger area, and fairly large entertainment facilities. C4-3 districts have a residential R6 equivalent and allow a maximum permitted FAR of 3.6 for residential development, 3.40 for commercial uses and 4.80 for community facility uses. For these uses, the maximum street wall height is 60 feet or 4 stories, whichever is less, after which a 15-foot setback from the street line is required along a wide street and a 20-foot setback is required from a narrow street.

The zoning change would facilitate a proposal to construct a 90,357-square-foot building mixed use building with an FAR of 4.52 and rise to a height of approximately 83 feet. It would contain approximately 64,365 square feet of floor area for commercial use and 18,400 square feet of community facility floor area.

A total of 219 required and accessory attended parking spaces (161 for commercial users and 46 for community facility users) would be provided on the second and third floors of the building. Because the height of the two floors used for parking is below 23 feet in elevation, these floors are not counted as floor area as defined by the Zoning Resolution. However, as the third floor will have 73 double vehicle stackers, the area produced by the elevated spaces (calculated as 8 feet X 13 feet / space) will generate 7,592 square feet of floor area. The proposed building will have two curb cuts for parking access and egress. The first, on 75th Street and adjacent to the 10 foot side yard, will provide entry to a one-way entry ramp that leads to the parking levels. A second curb-cut, adjacent to the 10 foot side yard on 74th Street, will serve the one-way exit ramp from the parking levels. Both parking ramps are located within the building. Next to the 74th

Street parking curb cut, a two-bay width curb cut is proposed for the commercial delivery area located at the street level within the building. No curb cuts are proposed on Northern Boulevard.

The ground floor and cellar would be used for retail space. The required parking would be provided on the building's second and third floors. The building's fourth floor would contain community facility uses. The fifth through eighth floors would contain business offices.

Although residential development is not proposed, the applicant is also requesting a zoning text amendment (N 170163 ZRQ) to designate the proposed rezoning area as an MIH area. Should residences be developed on the site in the future, Option 1 of the MIH program would require that at least 25 percent of the residential floor area be provided as housing affordable to households at an average of 60 percent of area median income (AMI), including a 10 percent band at 40 percent of AMI. Option 2 requires that at least 30 percent of the residential floor area be affordable to households at an average of 80 percent of AMI. Both options are proposed to be mapped over the project area.

ENVIRONMENTAL REVIEW

This application (C 170162 ZMQ), in conjunction with the related application for a zoning text amendment (N 170163 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 17DCP072Q. 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 3, 2017.

On May 19, 2017, a Revised Environmental Assessment Statement (EAS) was issued which includes an updated analysis year and revised visuals representing the Applicant's intended project. The Revised EAS concluded that the proposed actions would not result in any new or

different significant adverse environmental impacts not already identified in the previous Negative Declaration. A Revised Negative Declaration was issued on May 22, 2017¹. The Revised Negative Declaration supersedes the Negative Declaration issued on January 3, 2017².

The Revised Negative Declaration includes an (E) Designation (E-407) related to hazardous materials, 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, and noise would apply to the following development site:

Block 1247, Lot 1

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

Any new residential, commercial and/or community facility development with parking facilities must provide a completely enclosed garage that is mechanically ventilated." The parking garage stack must be located on the top of the building (at the highest tier) or at least 83 feet above ground in order to avoid any potential significant air quality impacts.

With the assignment of the above-referenced (E) designation for air quality, 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 development must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation 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.

¹ A mistake regarding the date of the Revised Negative Declaration is corrected to May 22, 2017.

² A mistake regarding the date of the Original Negative Declaration is corrected to January 3, 2017

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

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

Task 1

The fee owners of the lot restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to the Mayor's Office of Environmental Remediation (OER) for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis. No sampling program may begin until written approval of a work plan and sampling protocol is received from the OER. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. 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 choosing sampling sites and performing sampling will be provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be presented to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided 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 necessary according to test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owners of the lot restricted by this (E) designation must perform such remediation as determined necessary by OER. After completing the remediation, the fee owners of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan 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 City Planning Commission has determined that the proposed action will have no significant effect on the environment.

UNIFORM LAND USE REVIEW

This application (C 170162 ZMQ) was certified as complete by the Department of City Planning on January 3, 2017, and was duly referred to Community Board 3 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 170163 ZRQ), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 3 held a public hearing on this application (C 170162 ZMQ) on March 9, 2017 and on that date, by a vote of 17 in favor, eight opposed and with five abstentions, adopted a resolution recommending approval of the application with the following conditions:

- 1) The applicant will provide an attendant to oversee and direct loading dock activities at the proposed building's freight entrance on 74th Street.
- 2) Provide freight loading area entry and exit in a semi-circled pattern, to avoid backing in or out of trucks, and offset vehicular congestion on 74th street.
- 3) Delivery time for all loading and off-loading activities shall be restricted to between 10:00 AM to 2:00 PM.
- 4) A meeting room shall be made available for community-related activities.
- 5) Comply with the conditions of CEQR Declaration E- 407.

Borough President Recommendation

This application (C 170162 ZMQ) and the application for the related action (N 170163 ZRQ) were considered by the Queens Borough President, who issued a recommendation on April 21, 2017, approving the applications.

City Planning Commission Public Hearing

On April 5, 2017 (Calendar No. 1), the City Planning Commission scheduled April 26, 2017 for a public hearing on this application (C 1170162 ZMQ), in conjunction with the related application (N 170163 ZRQ). The hearing was duly held on April 26, 2017 (Calendar No. 24). There were eight speakers in favor of the application and one in opposition.

Speakers in favor of the application included the applicant, the applicant's representative, the applicant's architect, a local community leader, a member of the Queens Chamber of Commerce, a community advocate and a representative for the City Council member representing Council District 22.³

³ A mistake regarding the City Council District is corrected to District 22.

The applicant's representative described the site, the surrounding area and the proposed mixed-use commercial building. He stated that the site is currently developed with a car washing facility and that the nearby properties within the C8-1 District had changed little since 1961. The representative said that some community board members were concerned about truck deliveries on a residential street and others were concerned about the bulk and density of the proposed building. The representative said that the architect had modified the building in response to some of these concerns in an effort to make the frontage facing adjacent residential buildings more attractive. The representative also noted that, under the current C8-1 zoning, an eight-story community facility building could be developed as-of-right.

The owner said that he had owned the site since 1997 and that the proposed C4-3 district would make the mixed-use project financially viable.

A local community leader endorsed the project, stating that it would create jobs and benefit the neighborhood.

A member of the Queens Chamber of Commerce spoke in support of the application, stating that this part of Queens is in need of office space.

A community advocate, representing a not-for-profit organization interested in renting part of the community facility space, stated that his organization would occupy approximately one-quarter of the community facility space where it would provide a safe space to members of the local community.

The applicant's architect described the four retail spaces on the ground floor and vehicular access to the attended parking on the second and third level attended parking spaces. He explained the second level would be provided with stackers and the spaces created by them would be applied to count as floor area. He said that it was cost prohibitive to provide sub-cellar parking due to the high water levels of the site.

A representative for the City Council Member for District 22 also spoke in support of the proposal.⁴

One speaker in opposition, a local home-owner, cited the impact of truck delivery and refuse collection on a residential street and questioned whether the proposed building's bulk was appropriate for this residential block.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 170162 ZMQ, in conjunction with the related application for a zoning text amendment (N 170163 ZRQ), is appropriate.

The existing C8-1 zoning was mapped more than 50 years ago. It does not provide commercial density at a level that warrants the redevelopment for this underutilized lot. Furthermore, although some automotive-related uses remain, the area is also developed with retail uses, including stores, fast-food franchises and restaurants, which are typical in other commercial districts.

The C4-3 zoning is compatible for this site due to its location on a wide street and major vehicular thoroughfare with transit access nearby. It is consistent with the 2003 North Corona Rezoning (C 030403 ZMQ), which mapped R6 zoning districts with commercial overlays on both sides of Northern Boulevard one mile east of the project site.

The Commission acknowledges the concerns expressed by nearby residents about the portion of the proposed building that would face their rear yards. The Commission supports the applicant's stated willingness to modify the design of the proposed building to better fit the existing residential context of the adjacent residential neighborhood, but recognizes that it is not a condition of this action.

⁴ A mistake regarding the City Council District is corrected to District 22.

Regarding the concerns expressed by the Community Board and Borough President about traffic circulation on 74th Street, the Commission is encouraged that, in a letter dated May 22, 2017, the applicant stated that, in the proposed development, commercial truck deliveries would only take place between 10:00 am and 2:00 pm.

The proposed zoning text amendment (N 170163 ZRQ) is appropriate. The proposed commercial district would allow future residential development on the site. The proposed text amendment would establish an MIH area mapped with Options 1 and 2 over an area coterminous with the project site, ensuring that any future residential development on the site would include permanently affordable units.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on January 3, 2017 with respect to this application (CEQR No. 17DCP072Q), and the Revised Environmental Assessment Statement (EAS), for which a Revised ⁵Negative Declaration was issued on May 22, 2017 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, changing from a C8-1 District to a C4-3 District property bounded by Northern Boulevard, 75th Street, a line 100 feet southerly of Northern Boulevard, and 74th Street, as shown on a diagram (for illustrative purposes only) dated January 3, 2017 and subject to the conditions of CEQR Declaration E-407.

⁵ A mistake regarding the description of the Negative Declaration is corrected to be labeled the Revised Negative Declaration.

The above resolution (C 170162 ZMQ), duly adopted by the City Planning Commission on May 24, 2017 (Calendar No. 10), 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*

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
MICHELLE DE LA UZ, RICHARD W. EADDY, CHERYL COHEN EFFRON,
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,
LARISA ORTIZ**, *Commissioners*