



## **CITY PLANNING COMMISSION**

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December 5, 2007 / Calendar No. 24

C 050491 ZMQ

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**IN THE MATTER OF** an application submitted by Damroc Realty Corp. and KDP Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b changing from an M1-5 District to a C4-2A District property bounded by 34<sup>th</sup> Avenue, 35<sup>th</sup> Street, 35<sup>th</sup> Avenue, and a line midway between 34<sup>th</sup> Street and 35<sup>th</sup> Street, Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated July 23, 2007 and subject to the conditions of CEQR Declaration E-190.

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This application for a zoning map amendment was submitted by Damroc Realty Corp. and KDP Realty LLC on May 31, 2005 to change an existing M1-5 zoning district to a C4-2A zoning district to facilitate the development of a seven story residential building with commercial/retail uses on the ground floor.

### **BACKGROUND**

The applicant is seeking a zoning map amendment to establish a C4-2A zoning district on a portion of Block 642, Lots 1, 30, 36, 42, 44, 45, 46 and 47.

The subject property is located on the west side of 35<sup>th</sup> Street between 34<sup>th</sup> and 35<sup>th</sup> Avenues in Astoria, Queens Community District 1 in an M1-5 zoning district. The rezoning area consists of eight (8) tax lots, three of which are owned by the applicant. The applicant's property, Lots 36, 42 and 44 is developed with a coat factory which is scheduled to move (Lot 36), a vacant parking lot (Lot 42) and a two story dwelling (Lot 44). The remaining five lots are developed with commercial uses (Lots 1 & 30), vacant/parking uses (Lot 47) and two-story residential uses (Lots 45 & 46).

The surrounding area is zoned M1-5 from 37<sup>th</sup> to the west side of 35<sup>th</sup> Street between 36<sup>th</sup> and 34<sup>th</sup> Avenues and developed with a mix of light industrial, residential and commercial uses. The other half of Block 642 is zoned R5 and is residentially developed. Astoria Kaufman Studios is located immediately east of the site on 35<sup>th</sup> Street. Low-density light manufacturing districts (M1-1) can be found further south of the rezoning area. Steinway Street, Astoria's major shopping street is located 4 blocks east of the rezoning area and is zoned C4-2A.

M1-5 districts permit no new residential development and allow only light manufacturing, commercial or retail uses at a maximum FAR of 5.0. The building height is determined by the sky-exposure plane.

C4-2A zoning districts permit residential uses and commercial uses, including movie studios, at a maximum FAR of 3.0 for all uses (R6A equivalent). Use of the Quality Housing Program is mandatory for residential uses. The C4-2A district limits the base height to 60' and the maximum building height to 70'.

The proposal would change the zoning district from M1-5 to C4-2A along the entire block front on the west side of 35<sup>th</sup> Street to facilitate development of a seven-story residential building containing 60 dwelling units, approximately 7,800 square feet of ground floor retail space and approximately 62 parking spaces on block 642 (Lots 36, 42

and 44). The proposed rezoning would also bring the existing residential uses into conformance.

## **ENVIRONMENTAL REVIEW**

This application (C 050491 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 lead agency is the City Planning Commission. The designated CEQR number is 06DCP042Q.

After a study of the potential environmental impacts of the proposed action, a Conditional Negative Declaration, signed by the applicant, was prepared on July 23, 2007 which included an (E) designation for hazardous materials.

To avoid the potential impacts related to air quality, the proposed zoning map amendment includes (E) designations for air quality on the Project Site (Block 642, Lots 30, 45, 46 & 47). The (E) designation would require that the applicant, Damroc Realty Corp., agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential

hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken to the remediation plan.

The restrictive declaration was executed on April 23, 2007. On May 21, 2007, the DEP confirmed, via written correspondence, that the applicant filed a DEP-approved Restrictive Declaration with the New York City Department of Finance and the City Register.

With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur. The Conditional Negative Declaration was issued on July 23, 2007.

#### **UNIFORM LAND USE REVIEW**

This application (C 050491 ZMQ) was certified as complete by the Department of City Planning on July 23, 2007 and was duly referred to Queens Community Board 1 and the Queens Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application on September 18, 2007, and on that date, by a vote of 34 in favor, 1 opposed with 1 abstention adopted a resolution approving the application.

### **Borough President Recommendation**

This application was considered by the Queens Borough President who issued a recommendation approving the application on October 29, 2007.

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

On October 17, 2007 (Calendar No. 6), the City Planning Commission scheduled October 31, 2007 for a public hearing on this application (C 050491 ZMQ). The hearing was duly held on October 31, 2007 (Calendar No. 20).

There were three speakers in favor of the application and no speakers in opposition.

A representative of the applicant spoke in favor of the proposal. The representative indicated that the proposed development is a good fit with the rest of the neighborhood and will meet the need for more housing in a rapidly growing area of Astoria, Queens. The representative also spoke about the benefits the rezoning and proposed development would have in terms of improving the quality of life and strengthening the presence of the Astoria Kaufman Studios.

The project architect spoke in favor of the proposal and described the design of the proposed building. The architect said that the proposed new zoning district of C4-2A was more contextual than the M1-5 and would allow the development of a better building. The architect also noted that many of the building elements would utilize principles of sustainable and green design and that the applicant was providing many more parking spaces than is required.

The president of Astoria Kaufman Studios spoke in favor of the application and indicated that the proposed development would relate well to the neighborhood context of mixed-residential and commercial uses and revitalize the area.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The City Planning Commission believes the application for a Zoning Map amendment (C 050491 ZMQ) is appropriate due to the fact that the M1-5 zoning is outdated and many light manufacturing uses have already left the area. In addition, the block is surrounded by residential and commercial uses more compatible with the proposed C4-2A zoning district.

The proposed rezoning would facilitate the construction of a 7-story residential building with commercial/retail uses on the ground floor. The Commission notes that Kaufman

Astoria Studios has been responsible for much of the renewed economic activity in this part of Astoria as well as being a leader of the film and television industry in all of New York City. The proposed rezoning will provide additional housing for studio employees as well as actors and other personnel affiliated with the film and television industry. The proposed rezoning also allows opportunities for future mixed-use development on the west side of 35<sup>th</sup> Street between 34<sup>th</sup> and 35<sup>th</sup> Avenues that is compatible with the surrounding context.

The Commission finds that the change in zoning from M1-5 to C4-2A would permit development that is more similar in scale and use to the immediate area anchored by the Astoria Kaufman studios complex, and consisting of restaurants, movie theaters, a major museum, gym, residential uses and office uses. No active industrial uses remain on the block. And the east side of the block is completely residential.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, subject to the following conditions: The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

**RESOLVED** by the City Planning Commission, pursuant to Sections 197-a 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.9b, changing from an M1-5 District to a C4-2A district property bounded by 34<sup>th</sup> Avenue, 35<sup>th</sup> Street, 35<sup>th</sup> Avenue, and a line midway between 34<sup>th</sup> Street and 35<sup>th</sup> Street, Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated July 23, 2007 and which includes CEQR designation E-190.

The above resolution (C 050491 ZMQ), duly adopted by the City Planning Commission on December 5, 2007 (Calendar No. 24), 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.

**AMANDA M. BURDEN, AICP, Chair**  
**KENNETH J. KNUCKLES, ESQ., Vice Chairman**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,**  
**ANGELA CAVALUZZI, R.A., ALFRED C. CERULLO, III, BETTY CHEN,**  
**RICHARD W. EADDY, NATHAN LEVENTHAL,**  
**JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**  
**MARIA M. DEL TORO abstaining**