



October 6, 2021 / Calendar No. 13

C 210192 ZMQ

**IN THE MATTER OF** an application submitted by 18517 Hillside LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15b:

1. changing from an R3X District to an R7A District property bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road;
2. changing from an R6A District to an R7A District property bounded by a line 100 feet northerly of Hillside Avenue, Chelsea Street, Hillside Avenue, and Dalny Road;
3. establishing within a proposed R7A District a C2-4 District bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road; and
4. establishing a Special Downtown Jamaica District (DJ) bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road;

Borough of Queens, Community District 8, as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-591.

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This application for a zoning map amendment was filed by 18517 Hillside LLC on November 27, 2020, in conjunction with the related application for a zoning text amendment (N 210193 ZRQ). The proposed actions would facilitate the development of a nine-story mixed-use building with residential and commercial uses located at 185-17 Hillside Avenue in the Jamaica Estates neighborhood of Queens, Community District 8.

## **RELATED ACTION**

In addition to the zoning map amendment (C 210192 ZMQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC or Commission) on the following application, which is being considered concurrently with this application:

- N 210193 ZRQ**      Zoning text amendment to extend the boundaries of the Special Downtown Jamaica District (DJ), enable Mandatory Inclusionary Housing (MIH) provisions within DJ, and modify Appendix F to establish an MIH Area.

## **BACKGROUND**

The applicant seeks a zoning map amendment and zoning text amendment to facilitate the development of a nine-story, mixed-use building with approximately 48 dwelling units, approximately 12 of which would be permanently affordable pursuant to MIH Option 1 requirements, as well as approximately 4,423 square feet of ground floor commercial space. The project area (Block 9954, p/o Lots 1, 49, 56, 66 and 70) is located on the north side of Hillside Avenue between Dalny Road and Chelsea Street. The project area contains the development site (Lot 56) at 185-17 Hillside Avenue, as well as four full or partial lots not owned by the applicant that are not expected to result in development from the proposed actions.

In 2007, the project area was rezoned as part of the city-sponsored Jamaica Plan Rezoning (C 070314(A) ZMQ, et al.), a series of land use actions proposed to strengthen economic opportunities in Jamaica and encourage both market-rate and affordable housing production in the downtown core and along major arterials, including Hillside Avenue, while limiting development in lower density residential areas outside of the downtown core. The Jamaica Plan established the DJ and accompanying Inclusionary Housing (IH) designated areas mapped throughout the special district.

Properties fronting on the south and north side of Hillside Avenue, including the project area, were primarily rezoned from an R3-2/C2-2 zoning district to an R6A/C2-4/DJ zoning district.

R6A zoning districts, however, were not included in the IH designated areas of the special district. Additionally, on Block 9954, the R6A/C2-4 zoning district is mapped at a depth of 100 feet from the northerly street line of Hillside Avenue, while the tax lots have a depth of approximately 160 feet from the street line. Each lot within the project area is partially located within the R6A/C2-4/DJ zoning district and partially within an R3X zoning district also established with the Jamaica Plan rezoning. In 2012, a City-sponsored application for a site selection and acquisition (C 120076 PCQ) of the development site was approved to facilitate the conversion of a pre-existing, non-conforming animal hospital to a public animal receiving facility. The City did not acquire the property and the site has been vacant since the facility ceased operations in 2014.

The project area encompasses approximately 79,300 square feet of lot area. Lot 1 is a corner lot with approximately 140 feet of frontage on Dalny Road, a 60-foot-wide narrow street, and 160 feet of frontage on Hillside Avenue. It is approximately 20,400 square feet in area and is improved with a single-story, approximately 3,525-square-foot bank. Lot 70 is an interior lot with 40 feet of frontage on Hillside Avenue and consists of approximately 6,400 square feet of lot area. It is improved with a single-story, approximately 2,080-square-foot laundromat. Lot 66 is an interior lot with 180 feet of frontage on Hillside Avenue and consists of approximately 28,000 square feet of lot area. It is improved with a six-story, approximately 95,040-square-foot, non-complying residential building. Lot 56, the development site, is an interior lot with 100 feet of frontage on Hillside Avenue and is approximately 16,000 square feet in area. It is improved with a vacant, single-story, approximately 1,690-square-foot building. Lot 49 is a corner lot with 140 feet of frontage on Hillside Avenue and 100 feet of frontage on Chelsea Street, a 60-foot-wide narrow street. It is approximately 17,600 square feet in area and is improved with a six-story, approximately 58,350-square-foot, non-complying residential building.

The surrounding area is characterized by a mix of land uses, including residential, commercial and community facility uses, with one- and two-family homes located along the side streets to the north and south of Hillside Avenue, a 100-foot-wide arterial. Development along Hillside Avenue is characterized by six- to 12-story multifamily residential buildings located on the

north side and low-density mixed-use buildings fronting on the south side. Community facility uses in the area include several medical offices and three houses of worship. In addition to two private day care facilities in the surrounding area, Intermediate School (IS) 238 is located on the south side of Hillside Avenue, one block to the west of the project area. Open space and recreational resources are limited to facilities located at IS 238, which are available to the public when school is not in session.

The area is also well served by public transit. The Jamaica-179<sup>th</sup> Street subway station, providing access to the F line, is located approximately one-quarter mile west of the project area at Hillside Avenue and 179<sup>th</sup> Street. Additionally, the area is served by eight local New York City Transit bus routes, including the Q1, Q2, Q3, Q17, Q36, Q43, Q76, and Q77, all of which traverse Hillside Avenue, providing access between Jamaica and several neighborhoods of eastern Queens. Bus service to Long Island is provided by the Nassau Inter-County Express bus line, with both the N1 and N6 routes traversing Hillside Avenue. With such proximity to public transit, the project area is located within the Transit Zone.

R6A zoning districts allow multi-family residential development with a maximum residential floor area ratio (FAR) of 3.6. Above a maximum base height of 65 feet, a setback of 10 or 15 feet is required on wide or narrow streets, respectively, and the maximum building height is 80 feet, or 85 feet if the building has a qualifying ground floor with a floor-to-ceiling height of at least 13 feet. C2-4 commercial overlays, when mapped with an R6 zoning district, allow a maximum commercial FAR of 2.0 and allow local retail uses such as grocery stores, restaurants, beauty parlors, funeral homes, and repair services. Provisions of the DJ include allowing accessory parking to be located off-site within 1,500 feet of a development, instead of the 1,000-foot radius for sites outside of the special district. New developments within the special district are required to provide an eight-foot-wide open area between the wall of a new building and the lot line that abuts a lower density zoning district. Additionally, within a 25-foot transition area abutting a lower density district, the maximum building height within the R6A zoning district is limited to 35 feet.

The proposed zoning map change would facilitate the construction of a nine-story, mixed-use

building with approximately 66,584 square feet of floor area. The building would include approximately 62,161 square feet of residential floor area and 4,423 square feet of ground floor commercial space. The proposed zoning would permit a wide range of commercial and community facility uses including restaurants, medical offices, and local retail. A roof terrace available to residential tenants is also proposed. The base of the building would rise to six stories, at approximately 61 feet, and above the required setback, the building would rise to a height of 91 feet. It would contain approximately 48 dwelling units, including approximately 12 permanently affordable units pursuant to Option 1 of the MIH program. Twenty-seven unattended accessory parking spaces would be provided at-grade in the rear yard, accessed through an existing 12-foot-wide curb cut located on the western portion of the development site. Twenty-four required bicycle spaces would be provided in the cellar.

The applicant proposes to rezone the project area from the R3X and R6A/C2-4/DJ zoning districts to an R7A/C2-4/DJ zoning district. R7A districts allow a maximum FAR of 4.6 for residential uses with MIH provisions and a maximum FAR of 4.0 for community facility uses. The maximum base height for MIH developments is 75 feet, and the minimum building setback is 10 feet for portions located above the maximum base height on wide streets such as Hillside Avenue. Above the required setback, the maximum building height for MIH developments is 90 feet, or 95 feet with a qualifying ground floor. Accessory off-street parking spaces would be required for 50 percent of market-rate dwelling units and no parking would be required for affordable units since the project area is in the Transit Zone. The rezoning would also reduce the amount of lot area within the R3X zoning district for all lots within the project area.

In addition to the zoning map amendment, the applicant also proposes a zoning text amendment with three distinct components to facilitate the development. The applicant proposes to extend the boundaries of the DJ to be coterminous with the proposed R7A/C2-4/DJ district. The regulations of the DJ currently facilitate voluntary inclusionary housing within the IH designated areas, but there are no existing provisions enabling use of the MIH program. To enable the designation of MIH areas within the DJ, the applicant also proposes to amend the special district provisions to enable MIH therein.

The applicant also proposes to map an MIH area coterminous with the project area. Though both Options 1 and 2 are proposed, the applicant intends to utilize Option 1, resulting in approximately 12 permanently affordable units. Option 1 requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 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 residents with household incomes at an average of 40 percent of the AMI, with no unit targeted to households with incomes exceeding 130 percent of the AMI. Option 2 requires that 30 percent of residential floor area be devoted to housing units affordable to residents with household incomes at an average of 80 percent of the AMI.

## **ENVIRONMENTAL REVIEW**

This application (C 210192 ZMQ), in conjunction with the application for a zoning text amendment (N 210193 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 20DCP075Q.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on May 3, 2021. It includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-591). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

## **UNIFORM LAND USE REVIEW**

On May 3, 2020, this application (C 210192 ZMQ) was certified as complete by the Department of City Planning and duly referred to Queens Community Board 8 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 210193 ZRQ), which was referred for information and review in accordance with the procedures for non-Uniform Land Use Review Procedure (ULURP) matters.

## **Community Board Public Hearing**

Queens Community Board 8 held a public hearing on this application (C 210192 ZMQ) on September 14, 2021, and, on that date, by a vote of 32 in favor, four opposed, and none abstaining, adopted a resolution recommending disapproval of the application.

## **Borough President Recommendation**

The Queens Borough President held a public hearing on this application (C 210192 ZMQ) on July 1, 2021, and on August 9, 2021, issued a recommendation to approve the application with the following conditions:

“There should be a minimum goal of 30% for local hiring and use of MWBE businesses in the construction and development of this project. There should also be quarterly reporting on the numbers of people hired and if the 30% goal has been reached.

As discussed during the public hearing, there should be meeting space provided in the building where the tenants could gather or hold meetings as needed.”

## **City Planning Commission Public Hearing**

On July 28, 2021 (Calendar No. 23), the CPC scheduled August 18, 2021, for a public hearing on this application (C 210192 ZMQ) and the related application for a zoning text amendment (N

210193 ZRQ). The hearing was duly held on August 18, 2021 (Calendar No. 50). One speaker testified in favor of the application and none in opposition.

The applicant's land use attorney described the requested zoning map amendment and zoning text amendment and the goals and objectives of the proposed development. He stated that the applicant proposed the zoning map amendment to facilitate the proposed mixed-use development on the underutilized development site. He explained that the rezoning would reduce the degree of the existing split lot condition of the project area and the proposed development would reflect the existing context of multifamily elevator buildings that front on Hillside Avenue. Additionally, he explained that the project would be consistent with goals of transit-oriented development due to its proximity to both subway and bus transit resources.

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

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 210192 ZMQ), in conjunction with the related application for a zoning text amendment (N 210193 ZRQ), is appropriate.

The proposal will facilitate the redevelopment of an underutilized site into a nine-story mixed-use building that will include market-rate and affordable housing along with ground floor commercial space. The building will have a total of approximately 48 dwelling units, 12 of which will be permanently affordable pursuant to MIH Option 1. The development will provide transit-oriented, sustainable development by concentrating higher zoning densities in transit-rich areas. The Commission notes that the project area is located approximately a quarter mile east of the Jamaica-179<sup>th</sup> Street subway station and is proximate to several bus route stops that traverse Hillside Avenue. This project will help address the growing need for more housing in Queens and throughout the city, consistent with City objectives for promoting housing production and affordability outlined in *Housing New York*.

The project area is located adjacent to Hillside Avenue, an appropriate location for the proposed R7A/C2-4/DJ zoning district. The proposed rezoning will better reflect the density and bulk of the existing two seven-story residential buildings in the project area.

Hillside Avenue is a major thoroughfare developed with mixed-use buildings that contain ground floor commercial uses with residential uses on upper floors. Expanding the depth of the existing C2-4 commercial overlay is appropriate and would reflect the depths already established along the Hillside Avenue corridor.

The Commission appreciates the applicant's acknowledgement of the strong demand for off-street parking from both local residents and the employees and customers of the ground floor commercial uses. The applicant has voluntarily proposed to provide an additional nine parking spaces beyond the 18 required by zoning. The Commission also acknowledges that existing zoning rules permit the accessory parking spaces to be used by the commercial tenant's employees or customers.

The Commission appreciates that the applicant has committed to provide meeting space within the building for tenants in response to the Queens Borough President's recommendation. The Commission encourages the applicant to meet this condition but recognizes that it is not a condition of this action.

The proposed text amendment to extend the boundaries of the DJ, enable MIH within the DJ, and designate the project area as an MIH area is appropriate. The Commission believes this to be consistent with the City's goal to promote the development of affordable housing across the city, particularly in areas well served by transit. The Commission supports the development of new affordable housing in a neighborhood with a significant need for additional affordable housing units.

## **RESOLUTION**

**RESOLVED**, that the having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on May 3, 2021 with respect to this application (CEQR No. 20DCP075Q), 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 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 15b:

1. changing from an R3X District to an R7A District property bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road;
2. changing from an R6A District to an R7A District property bounded by a line 100 feet northerly of Hillside Avenue, Chelsea Street, Hillside Avenue, and Dalny Road;
3. establishing within a proposed R7A District a C2-4 District bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road; and
4. establishing a Special Downtown Jamaica District (DJ) bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road;

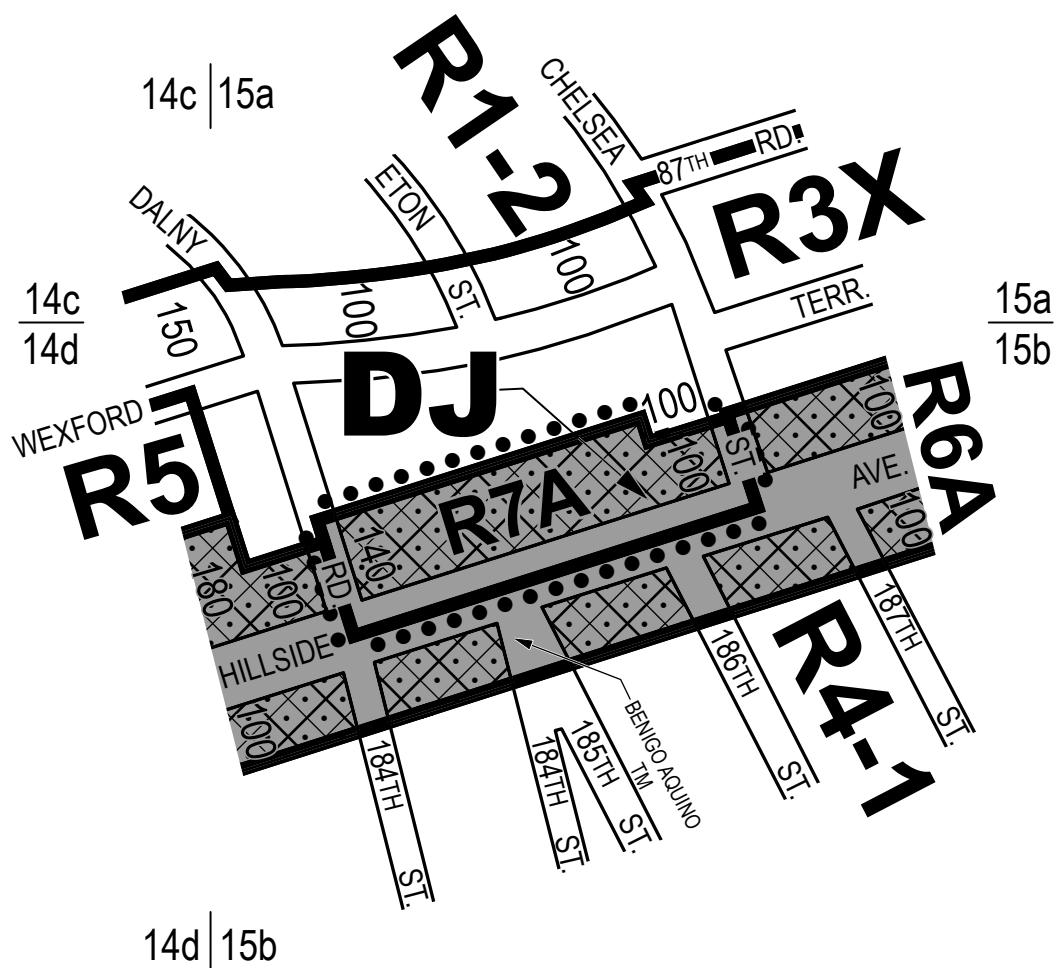
Borough of Queens, Community District 8, as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-591.

The above resolution (C 210192 ZMQ), duly adopted, by the City Planning Commission on October 6, 2021 (Calendar No. 13), 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.

**ANITA LAREMONT, *Chair***

**KENNETH J. KNUCKLES, Esq., *Vice-Chairman***

**DAVID J. BURNEY, ALFRED C. CERULLO, III, JOSEPH I. DOUEK,  
RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD *Commissioners***



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**



New York, Certification Date:  
May 3, 2021

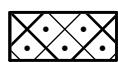
# BOROUGH OF QUEENS

  
S. Lenard, Director  
Technical Review Division

**NOTE:**

### Indicates Zoning District Boundary

- • • • The area enclosed by the dotted line is proposed to be rezoned by changing from existing R3X and R6A Districts to an R7A District, by establishing a C2-4 District within a proposed R7A District, and by establishing a Special Downtown Jamaica District (DJ).



Indicates a C2-4 District



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 185-17 Hillside Avenue Rezoning	
<b>Applicant:</b> 185-17/19 Hillside Ave. LLC.	<b>Applicant's Primary Contact:</b> David Rosenberg
<b>Application #</b> 210192ZMQ	<b>Borough:</b>
<b>CEQR Number:</b> 20DCP075Q	<b>Validated Community Districts:</b> Q08

**Docket Description:**

IN THE MATTER OF an application submitted by 18517 Hillside LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15b:

1. changing from an R3X District to an R7A District property bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road;
2. changing from an R6A District to an R7A District property bounded by a line 100 feet northerly of Hillside Avenue, Chelsea Street, Hillside Avenue, and Dalny Road;
3. establishing within a proposed R7A District a C2-4 District bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road; and
4. establishing a Special Downtown Jamaica District (DJ) bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road;

as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-591.

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

**RECOMMENDATION: Unfavorable**

# In Favor: 2	# Against: 32	# Abstaining: 0	Total members appointed to the board: 50
<b>Date of Vote:</b> 9/14/2021 12:00 AM		<b>Vote Location:</b> Virtual - Webex	

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

**Date of Public Hearing:** 9/14/2021 7:30 PM

**Was a quorum present?** No *A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:** Virtual

**CONSIDERATION:** Community Board 8's members cited concerns with the infrastructure, lack of parking in this area and not enough affordable housing for the project.

Recommendation submitted by	QN CB8	Date: 9/23/2021 3:37 PM
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# Queens Borough President Recommendation

APPLICATION: ULURP # #210192 ZMQ

COMMUNITY BOARD: Q08

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by 18517 Hillside LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15b:

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4. establishing a Special Downtown Jamaica District (DJ) bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road;

Borough of Queens, Community District 8, as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-591. (Related ULURP #N210193 ZRQ)

## PUBLIC HEARING

A Hybrid Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard and livestreamed on [www.queensbp.org](http://www.queensbp.org) on July 1, 2021 at 9:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. 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:

- The applicant has proposed to rezone the northside blockfront of Hillside Avenue between Dalny Road and Chelsea Street from an R3X and R6A/C2-4 District to an R7A/C2-4 District. The affected properties include Block 9954, Lots p/o 1, p/o 70/ p/o 66, p/o 56 and p/o 49;
- An application (ULURP #N210193 ZRQ) was also filed proposing zoning text amendments that would amend Appendix F to map and establish the area to be rezoned as a Mandatory Inclusionary Housing Area, and extend to boundary of the Special Downtown Jamaica District to the proposed area to be rezoned;
- The proposed rezoning to R7A/C2-4 only covers parts of the affected lots because these lots range in depth from 100 Feet to 160 Feet with frontage on Hillside Avenue. The proposed rezoning would cover the majority of these lots. The remaining smaller portions of those lots would remain in an R3X District. The area to be rezoned abuts Jamaica Estates to the north which is developed with single-family homes on large lots. The existing and proposed zoning districts are contextual zoning districts which are meant limit building heights in relation to the surrounding neighborhood.
- The applicant owns 185-17 Hillside Avenue (Block 9954, Lot 56) and is proposing to build a nine-story building with 48 apartments (including 12 affordable units - MIH Option 1 25% units @ 60% AMI) above 4423 SF of ground floor retail space. Parking for 27 vehicles (18 required) and 24 bicycles would be provided in the rear yard with access from Hillside Avenue.
- Hillside Avenue is a major thoroughfare developed with a mix of commercial, retail and residential buildings and well by served subway and multiple bus lines. Of the five lots to be rezoned two are already developed with six-story apartment buildings at 185-01 Hillside Avenue (Block 9954, Lot 56) and 87-46 Chelsea Street (Block 9954, Lot 49) located on either side of the applicant's property. The proposed rezoning would bring these building into compliance. The two other properties on the block 184-01 Hillside Avenue (Block 9954, Lot 1) and 184-17 Hillside Avenue (Block 9954, Lot 70) are respectively developed with a one-story bank and laundromat. The areas north and south of Hillside Avenue are predominantly developed with single-family housing;
- Community Board 8 (CB 8) has not yet taken a position on this application. We have been informed that CB 8 will be considering this application and provide input this September.

# QUEENS BOROUGH PRESIDENT RECOMMENDATION

ULURP #210192 ZMQ

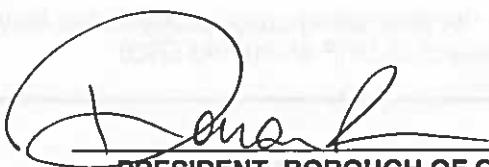
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## RECOMMENDATION

The applicant's proposed residential development would be built between two existing 6-story residential buildings on Hillside Avenue. The inclusion of the rezoning area in the Special Downtown Jamaica District would require new development to transition down to the shorter buildings in the lower density districts as required in the special district.

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

- There should be a minimum goal of 30% for local hiring and use of MWBE businesses in the construction and development of this project. There should also be quarterly reporting on the numbers of people hired and if the 30% goal has been reached;
- As discussed during the public hearing, there should be meeting space provided in the building where the tenants could gather or hold meetings as needed.



PRESIDENT, BOROUGH OF QUEENS

8/9/2021

DATE