



January 19, 2022 / Calendar No. 2

C 210189 ZMQ

IN THE MATTER OF an application submitted 99-20 Realty Corp., pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9c, establishing within the existing R3-2 District a C2-3 District bounded by 27th Avenue, 100th Street, Astoria Boulevard, and 99th Street, Borough of Queens, Community District 3, as shown on a diagram (for illustrative purposes only) dated August 30, 2021, and subject to the conditions of CEQR Declaration E-640.

This application for a zoning map amendment was filed by 99-20 Realty Corp. on November 24, 2020. The proposed action would facilitate the development of a new one-story commercial building at 99-07 Astoria Boulevard in the East Elmhurst neighborhood of Queens, Community District 3.

BACKGROUND

The applicant seeks a zoning map amendment to establish a C2-3 commercial overlay within an R3-2 zoning district to facilitate the construction of a one-story commercial building with a total floor area of approximately 5,573 square feet.

The project area (Block 1379, Lots 14, 15, 17 and 23) consists of the development site (Lots 14 and 23), as well as two lots (Lots 15 and 17) that are not owned by the applicant. It comprises the entirety of a triangular-shaped block bounded by 27th Avenue to the northwest, 100th Street to the northeast, and Astoria Boulevard to the south. Lots 14 and 23 contain a semi-detached single-story residence and a vacant lot and are owned by the applicant. The remainder of the project area consists of a semi-detached single-story residence on Lot 15, and Lot 17 is also vacant. Lots 15 and 17 are not expected to result in development from the proposed actions.

The surrounding area is developed with a mix of residential, commercial, and community facility uses. Local commercial uses are concentrated along Astoria Boulevard, a 130-foot-wide east-west corridor that comprises six traffic lanes with a median in this part of East Elmhurst. Astoria

Boulevard runs approximately four-and-a-half miles in length from First Street in Astoria to the World's Fair Marina at Flushing Bay. This portion of Astoria Boulevard is predominantly developed with single-story commercial buildings and two-story buildings with small retail stores on the ground floor and residential uses above. An R6B zoning district with a C1-3 commercial overlay is mapped west and south of the project area along Astoria Boulevard, and a C2-3 commercial overlay is mapped east of the project area along the south side of the corridor between 103rd and 108th streets. The area east of the project area on the north side of Astoria Boulevard is mapped with an R3X zoning district and is comprised of two-story single-family homes. Areas north, south and east of the project area and Astoria Boulevard are characterized by one- and two- family attached, semi-detached, or detached residences in R3-2, R4, R3X and R3A zoning districts. The project area was mapped with an R3-2 zoning district in 1961 and has remained unchanged since then. R3-2 zoning districts permit a maximum floor area ratio (FAR) of 0.5 for residential uses, and a maximum FAR of 1.0 for community facility uses. One off-street parking space is required for each dwelling unit.

Community facility uses in the surrounding area include the First Baptist Church of East Elmhurst, located one block southeast of the project area. New York City Fire Department Station Engine 316 is located on the block east of the project area, and the Elmcors Youth and Senior Center is located one block west of the project area. Open space in the area includes the Trolley Car Triangle Park, located three blocks west of the project area, and the Barclay Triangle Park, located three blocks east, both of which are owned and operated by the New York City Department of Parks and Recreation. LaGuardia Airport is located approximately 1.5 miles north of the project area.

The project area is located outside of the Transit Zone and is primarily served by bus routes along Astoria Boulevard, including the Q19, with service between Flushing and Astoria, and the Q59, with service between Williamsburg, Brooklyn and Rego Park, Queens. A bus stop that provides service to both lines is located directly in front of the development site.

The applicant proposes the construction of a single-story commercial building on the development site with a total of approximately 5,573 square feet of floor area (0.91 FAR). The

development would include three separate commercial spaces with retail frontages located along Astoria Boulevard. The building would rise to a height of approximately 20 feet, and off-street parking requirements are waived.

To facilitate this development, the applicant proposes a zoning map amendment to establish a C2-3 commercial overlay within the R3-2 zoning district. Within low-density residential districts, C2-3 commercial overlay districts allow commercial uses at a maximum FAR of 1.0 and allow local-serving commercial uses, such as bicycle shops, yoga studios, and more. The maximum building height within an R3-2 district is 30 feet or two stories, whichever is less. Off-street parking requirements vary by use and generally require one space per 1,000 square feet of floor area for general retail uses, and parking spaces may be waived if fewer than 25 spaces are required.

ENVIRONMENTAL REVIEW

This application (C 210189 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 designated CEQR number is 21DCP176Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 30, 2021, which includes an (E) designation (E-640) related to hazardous materials and air quality 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 210189 ZMQ) was certified as complete by the Department of City Planning on August 30, 2021 and was duly referred to Queens 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).

Community Board Public Hearing

Queens Community Board 3 held a public hearing on this application (C 210189 ZMQ) on November 18, 2021, and on that date, by a vote of 12 in favor and 21 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 210189 ZMQ) on December 2, 2021, and on December 6, 2021, issued a recommendation approving the application with the following conditions:

- “To protect the abutting owner’s building, there should be a pre-construction survey of existing conditions that would be useful in case there are any structural changes or impacts related to the proposed construction;
- A letter with proof of receipt establishing a point of contact for the project site with a phone number, email address should be sent immediately to the neighboring property owner;
- During construction precautions should be taken to minimize any demolition and construction impacts including traffic disruptions, noise, and vibrations;
- As soon as construction drawings are finalized and available these should be shared with Community Board 3 and the adjoining property owner for review.”

City Planning Commission Public Hearing

On December 1, 2021 (Calendar No. 3), the City Planning Commission scheduled December 15, 2021, for a public hearing on this application (C 210189 ZMQ). The hearing was duly held on December 15, 2021 (Calendar No. 21). Two speakers testified in favor of the application, and none in opposition.

The applicant’s representative, who testified in favor of the application, provided an overview of the application, stating that the proposed zoning map amendment is appropriately situated on Astoria Boulevard, which is an established commercial corridor with ground-floor retail uses that

serve the local community. The applicant's representative also stated that, in response to Community Board 3's concerns around construction activity, the applicant commits to ensure minimal disturbance, to be in close consultation with the adjacent property owner, to cover any legal and engineering fees accrued by the adjacent neighbor, and to share any changes to the site plan. The applicant also commits to consulting with Community Board 3 on prospective commercial tenants.

One speaker testified on behalf of the Queens Chamber of Commerce (QCC) in favor of the application. The speaker stated that the QCC supports new local retail on this underutilized property to support the established commercial character of Astoria Boulevard and to create new construction and permanent jobs.

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

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 210189 ZMQ), is appropriate.

The Commission believes that the proposed zoning map amendment to establish a C2-3 commercial overlay within the existing R3-2 zoning district is appropriate to facilitate the proposed commercial building. The project area has frontage on Astoria Boulevard, which is a wide, well-established commercial corridor in this part of East Elmhurst.

The proposed development reinforces existing local commercial land use patterns along the Astoria Boulevard corridor. The Commission notes that the blocks west, east and south of the project area are mapped with a C1-3 commercial overlay and believes that the proposed C2-3 commercial overlay, which allows for greater flexibility for prospective commercial uses, would extend the commercial continuity of Astoria Boulevard and further support the commercial needs of the local community. The Commission also notes the additional commitments made by the applicant to ensure minimal disturbance and to provide transparency to the Community Board and the adjacent property owner during construction activity.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on August 30, 2021, with respect to this application (CEQR No. 21DCP176Q), 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. 9c, establishing within the existing R3-2 District a C2-3 District bounded by 27th Avenue, 100th Street, Astoria Boulevard, and 99th Street, Borough of Queens, Community District 3, as shown on a diagram (for illustrative purposes only) dated August 30, 2021, and subject to the conditions of CEQR Declaration of E-640.

The above resolution (C 210189 ZMQ), duly adopted by the City Planning Commission on January 19, 2022 (Calendar No. 2), 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.

ANITA LAREMONT, *Chair*
KENNETH J. KNUCKLES, ESQ., *Vice Chairman*
DAVID J. BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,
JOSEPH I. DOUEK, RICHARD W. EADDY, LEAH GOODRIDGE,
ANNA HAYES LEVIN, ORLANDO MARIN,
LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*



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(ULURP) CPC#: C210189ZMQ – CEQR21DCP176Q – 99-07 Astoria Boulevard

Block: 1379, Lot: 14 & 23 – Zoning District R3-2

Community Board 3 at its monthly meeting on November 18, 2021, held a public hearing to review ULURP – CPC# C210189ZMQ, an application for a zoning map amendment from a R3-2 zoning district to a R3-2/C2-3 zoning commercial overlay (the proposed action) district over the property located at 99-07 Astoria Boulevard (Block: 1397, Lots: 14 and 23) in East Elmhurst, Queens. The rezoning area includes Block: 1379, lots 14, 15, 17, and 23 located on the Northside of Astoria Boulevard, between 27th Avenue and 100th Street in the East Elmhurst section of Queens. The proposed action would facilitate the development of a one-story plus cellar, 11,339 Gross Square Feet commercial (Use Group 6) building (The proposed project) on the applicant's owned Block: 1379, Lots: 14 and 23 (the development site).

Discussion:

Residents and members of the board registered their concerns about the impact the demolition would have on the adjoining property at 99-18. There were concerns that the supporting beam, wall and roof may be shared. Depictions or renderings of the rear wall were also requested. The applicant did not offer any construction documentation or renderings that would indicate the safeguards that would be put in place to protect the neighboring property.

The owner of the neighboring property was concerned about the development of the cellar and the potential impacts that it would have on the property. Further, that there were no reports or feasibility studies that were made available for review.

There was uncertainty as to whether the proposed plan would be implemented.

The Community Board has requested that the applicant come back to us should the plans for the site change.

The applicant has agreed to pay for reasonable engineering and attorney fees that the neighbor may incur.

Vote:

Upon review of the aforementioned proposal, the motion to Disapprove the application was passed as follows:

21 In Favor, 12 Opposed and 0 Abstentions

Renetta English
Chair, Queens Community Board 3

Queens Borough President Recommendation

APPLICATION: ULURP #210189 ZMQ

COMMUNITY BOARD: Q03

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Belkin Burden Goldman LLP on behalf of 99-20 Realty Corp., pursuant to Section 197-c and 201 of the New York City Charter, for the amendment of the Zoning Map, Section No. 9c, establishing within the existing R3-2 District a C2-3 District bounded by 27th Avenue, 100th Street Astoria Boulevard, and 99th Street, Borough of Queens, Community District 3, as shown on a diagram (for illustrative purposes only) dated August 30, 2021, and subject to the conditions of CEQR Declaration E-640

PUBLIC HEARING

A Public Hearing was held by the Borough President via Zoom webinar and livestreamed on www.queensbp.org on Thursday, December 2, 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 was one (1) speaker. 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 The applicant is proposing to map a C2-3 commercial overlay onto an existing R3-2 District that would allow development of retail stores on the blockfront on the north side of Astoria Boulevard between 27th Avenue and 100th Street (Block 1379, Lots 14, 15, 17, 23);
- o The proposed retail space would be a 5,573 SF one-story and cellar building on the applicant's irregularly shaped property (Lots 14 and 23) with frontage on Astoria Boulevard. The building would be subdivided into retail stores (approximately three) with cellar storage. No parking would be provided because a waiver is allowed in C2-3 Districts where the required parking for new development is less than 25 cars. The sidewalk on 27th Avenue would be widened by five feet. There are no redevelopment plans for the other affected properties Lots 15 and 17;
- o The four lots to be mapped with the commercial overlay are located on a triangular block. The blocks directly to the east and west of the site and across Astoria Boulevard to the south are mapped with C1-3 commercial overlays in R6B and R3-2 Districts. Lot 14 is developed with a home that would be demolished. Lots 17 and 23 are vacant. Lot 15 is developed with an occupied residence. Astoria Boulevard is a major thoroughfare and portions are developed with commercial and retail businesses. The areas north and south of Astoria Boulevard around the development site are mostly developed with 2-story residences;
- o The Community Board 3 (CB 3) Land Use Committee voted to recommend approval of this application to the full board. However, CB 3 voted to disapprove a motion to approve (11 in favor, 22 against) this application, and then approved a second motion to disapprove (21 in favor, 12 against) this application, at the November 18, 2021 monthly meeting, for the following concerns that were raised: construction related damage/impacts on the abutting property; commercialization of the entire block; traffic generated by new retail stores; lack of parking;
- o During the Borough President's Land Use Public Hearing the applicant's representative addressed the issues raised by Community Board 3. The applicant stated that attempts had been made to contact the adjoining property owner. A letter had been sent to the neighbor that was copied to Community Board 3 regarding potential construction impacts and that the applicant would provide financial assistance with insurance coverage for construction related damage and other professional fees. There was one speaker representing Community Board 3 (CB 3) who elaborated on the concerns raised regarding the proposed construction. The main concern was potential construction impacts on the abutting semi-attached property and lack of clarity as to what the actual construction would entail because plans were not made available for review.

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QUEENS BOROUGH PRESIDENT RECOMMENDATION

ULURP #210189 ZMQ

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RECOMMENDATION

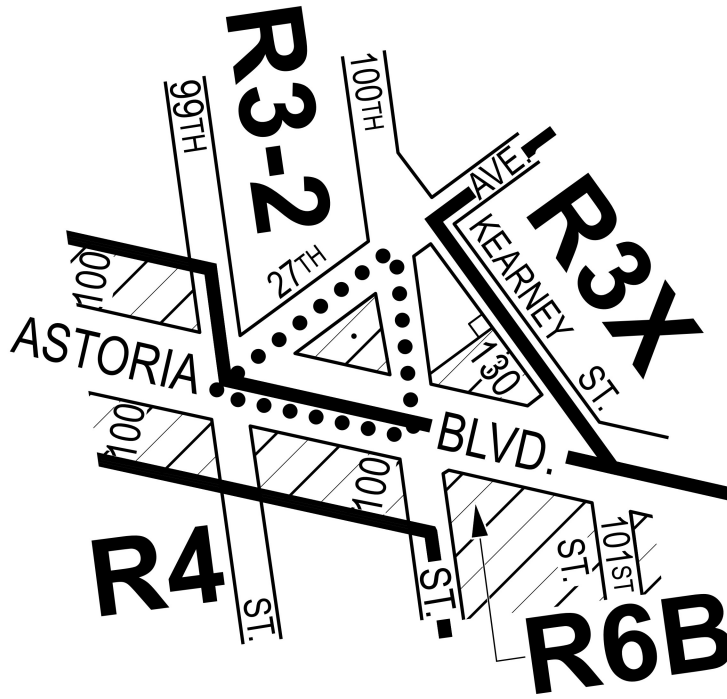
Based on the above consideration, I hereby recommend approval of this application with the following conditions:

- To protect the abutting owners building, there should be a preconstruction survey of existing conditions that would be useful in case there are any structural changes or impacts related to the proposed construction;
- A letter with proof of receipt establishing a point of contact for the project site with a phone number, email address should be sent immediately to the neighboring property owner;
- During construction precautions should be taken to minimize any demolition and construction impacts including traffic disruptions, noise, and vibrations;
- As soon as construction drawings are finalized and available these should be shared with Community Board 3 and the adjoining property owner for review.



PRESIDENT, BOROUGH OF QUEENS

12/6/2021
DATE



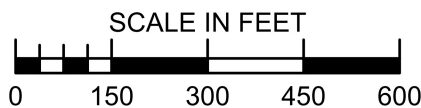
CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

9c
 BOROUGH OF
QUEENS

for *Kenny Romnane*
 S. Lenard, Director
 Technical Review Division



New York, Certification Date:
 August 30, 2021



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by establishing a C2-3 District within an existing R3-2 District.

Indicates a C1-3 District

Indicates a C2-3 District