



CITY PLANNING COMMISSION

May 11, 2011 / Calendar No. 21

C 100457 ZMQ

IN THE MATTER OF an application submitted by 10-24 Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d:

1. changing from an R2A District to an R3-1 District property bounded by 10th Avenue, 154th Street, 11th Avenue and a line 100 feet westerly of 154th Street; and
2. establishing within an existing and proposed R3-1 District a C2-2 District bounded by 10th Avenue, 154th Street, 11th Avenue and a line 135 feet westerly of 154th Street;

Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated December 13, 2010, and subject to the conditions of CEQR Declaration E-267.

The application for an amendment to the Zoning Map was filed by 10-24 Associates on June 17, 2010 to rezone the western block front of 154th Street between 10th and 11th Avenues from R2A and R3-1 zoning districts to an R3-1 zoning district with a C2-2 commercial overlay, in the Whitestone neighborhood of Queens, Community District 7.

BACKGROUND

10-24 Associates is seeking to amend the Zoning Map on the western block front of 154th Street between 10th and 11th Avenues (Block 4539, Lots 52, 57, 58, 61 and 66) to change from R2A and R3-1 zoning districts to an R3-1/ C2-2 zoning district. The rezoning area is developed with a mix of uses. Lots 61 and 66 are owned by the applicant, and comprise one zoning lot at the northwest corner of 154th Street and 11th Avenue.

Lot 61 is an 8,244 square foot property located in an R2A district, and it is developed with a mixed-use building containing a restaurant on the ground floor, a cellar level accessory banquet room and a vacant residential unit on the second floor. Located on the northwest corner of 11th Avenue and 154th Street, Lot 66 is an L-shaped 11,500 square foot lot that wraps around the rear lot line of Lot 61, and it is zoned R2A and R3-1. Lot 66 contains a two-story mixed-use building with ground floor retail uses and residential uses on the second floor.

The remaining lots within the rezoning area include a one-story bank building located at the southwest corner of 154th Street and 10th Avenue (Lot 52), and two two-story, single-family residences (Lots 57 and 58). Lot 52 measures approximately 7,908 square feet, and it is zoned R2A and R3-1. Lot 57 is approximately 4,350 square feet in area, and it is zoned R2A, while Lot 58 is approximately 7,333 square feet in area and zoned R2A and R3-1.

The rezoning area is located on the west side of 154th Street, and is a continuation of a commercial corridor which serves the surrounding Whitestone and Beechhurst neighborhoods and is predominately developed with ground-floor commercial uses, some with residences above. The commercial corridor mapped with a C1-2 commercial overlay district which terminates at 11th Avenue, just south of the proposed rezoning area. The area north of the rezoning area is an M1-1 zoning district, which is developed with a 60,000 square foot shopping center and a number of large warehouse and distribution buildings. The surrounding area to the east and west of the rezoning area consists of predominately single-family, detached and semi-detached houses located in an R2A district. An elementary school (PS 193) and a playground are located southwest of the rezoning area, across 11th Avenue, within an R3-1 zoning district.

R2A zoning districts allow single-family detached residences at a maximum floor area ratio (FAR) of 0.5, while R3-1 districts allow one-and two-family, semi-detached and detached residences at an FAR of 0.6, including attic allowance. Both R2A and R3-1 zoning districts allow a maximum perimeter wall height of 21 feet and they have a maximum building height of 35 feet.

A maximum commercial FAR of 1.0 is allowed in both C1 and C2 districts when mapped in R2A and R3-1 districts. The C2 district allows a wider range of uses, such as plumbing and electrical shops, home maintenance and repair services, funeral parlors and caterers among other uses. The pre-existing nonconforming commercial uses located on the applicant's properties (Lots 61 and 66) and on Lot 52 within the rezoning area may not expand or increase their degree of non-conformance in the existing R2A zoning district.

The proposed rezoning to establish a C2-2 zoning district would permit the applicant to expand the existing restaurant and catering facility on Lot 61, which has been in operation since 1956. The applicant proposes to enlarge the ground floor of the existing building by 667 square-feet and add 7,455 square feet to the second floor. The applicant proposes to eliminate the vacant residential unit on the second floor and relocate the catering hall from the basement to the renovated and enlarged second floor. The ground floor would continue to operate as a restaurant, and the cellar level would be used for offices and storage. The proposed enlargement would have a total of approximately 20,512 square feet of floor area, which is slightly below the maximum permitted FAR of 1.0. In addition, the applicant plans to develop an attended accessory parking lot in the rear of the building using an existing 20-foot wide curb cut on 154th Street and construct a cellar-level attended accessory parking garage equipped with vehicle stackers.

ENVIRONMENTAL REVIEW

This application (C 100457 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 and of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 10DCP051Q. The lead is the New York City Planning Commission. After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 13, 2010. On May 6th, 2011, a Technical Memorandum was issued which describes and analyzes the other modifications to the Proposed Actions, adopted herein. The Technical Memorandum concluded that the proposed actions with modifications 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 11, 2011. The Revised Negative Declaration reflects the modified application.

UNIFORM LAND USE REVIEW

This application (C 100457 ZMQ) was certified as complete by the Department of City Planning on December 13, 2010, and was duly referred to Community Board 7 and the 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 7 held a public hearing on this application (C 100457 ZMQ) on January 24, 2011, and on that date, by a vote of 29 to 6 with 0 abstentions, adopted a resolution recommending approval of the application.

BOROUGH PRESIDENT RECOMMENDATION

This application (C 100457 ZMQ) was considered by the Borough President, who issued a conditional approval of the application on March 14, 2011 with the following conditions:

The proposed C2-2 district should only include Lots 61 and 66 but not the adjacent residential properties. The proposed R3-1 district should be mapped as proposed;

In addition to the landscaped buffer area proposed by the applicant, the façade of the wall facing the adjacent residential should be screened with planting materials and maintained in good condition at all times. This would minimize any negative impacts between the proposed extension and second floor of the proposed development and the adjacent residential properties. This screening would be important as a buffer between the residences and the commercial activity that would be generated.

CITY PLANNING COMMISSION PUBLIC HEARING

On March 16, 2011 (Calendar No. 2), the City Planning Commission scheduled March 30, 2011 for a public hearing on this application (C100457 ZMQ). The hearing was duly held on March 30, 2011 (Calendar No. 21). There were nine speakers in favor and eleven speakers in opposition to the application.

The applicant's representative summarized the proposed restaurant/catering hall expansion, stating that it would be consistent with the existing commercial development on 154th Street just south and north of the rezoning area. The representative further stated that the proposed rezoning was intended to facilitate the expansion of an existing restaurant with a long-standing history in the Whitestone community and has the support of Community Board 7. He stated that the proposed development plans had been revised to provide a total of 110 accessory, off-street parking spaces on the site compared to the 34 spaces originally proposed and eight spaces currently provided. The applicant's attorney explained that the proposed catering hall would use triple-glazed windows for sound attenuation, and that the applicant would continue to work with members of Community Board 7 and the residents on the block to ensure that the north wall facing the adjoining residential property would have arches and provide a planted buffer area as well as proper screening.

The applicant's architect stated that the restaurant would continue with its 100-person capacity and the catering hall would have a capacity of 200 persons for a total capacity of approximately 300 persons on the zoning lot.

Some local residents also spoke in favor of the rezoning stating that it would revitalize the vicinity of the commercial area around 154th Street and bring new jobs. The local councilmember representing the 19th Council District was supportive of the proposed extension of R3-1 zoning over the entire block front, but he suggested that the C2-2 commercial overlay should be cut back to encompass only the zoning lot that included the restaurant/catering hall.

A representative of the Auburndale Improvement Association and a representative of the Greater Whitestone Taxpayer's Civic Association objected to the rezoning as an "upzoning" and stated

that the applicant should have applied to the Board of Standards and Appeals for a variance instead.

A representative from the State Senator representing the 11th District remarked that the block front should remain zoned R2A since the surrounding area is predominately residential and a neighborhood-wide rezoning approved in 2005 established the existing R2A zoning district without any new commercial overlays.

The adjacent residential property owner opposed the rezoning because the building wall of the proposed expansion would be sited at his southerly property line and would be inadequately screened. Other local residents also spoke in opposition, stating concerns about inadequate parking currently on site and potential conflicts with the primary school nearby.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 100457 ZMQ) for an amendment of the Zoning Map, as modified herein, is appropriate.

The Commission notes that the proposed Zoning Map amendment for the western block front of 154th Street between 10th and 11th Avenues is comprised of two changes. One is to extend an existing R3-1 district to replace a 100-foot deep R2A district thereby eliminating split zoning lots for three of the five properties along this block front. The second proposed change is to establish a C2-2 commercial overlay with a depth of 135 feet along the entire western block front.

The Commission believes the proposed extension of the R3-1 district to replace R2A zoning is appropriate as proposed. The Commission notes that only two of the five properties contain single-family detached houses, and that these structures will remain conforming under the proposed R3-1 district which allows both detached and semi-detached one-and two-family houses. The Commission notes that the proposed R3-1 zoning will eliminate all split zoning conditions on this block front.

Regarding the establishment of the proposed C2-2 overlay, the Commission notes that this portion of 154th Street already contains several pre-existing commercial uses, including the applicant's property, and that an existing C1-2 commercial overlay is located just to the south of the proposed rezoning area and an M1-1 district is located one block to the north. The Commission believes that the proposed development of a second story catering hall with a maximum capacity of 200 persons above the existing restaurant will support a long-established local business and be consistent with commercial uses found in this vicinity of Whitestone.

After careful review of testimony from the public hearing and the recommendations received from Community Board 7 and the Queens Borough President, the Commission believes that the proposed C2-2 overlay should not be mapped onto the residential uses on this block front, and it is hereby modifying the extent of the overlay along 154th Street to a distance of 140 feet north of 11th Avenue, instead of encompassing all properties on this block front between 11th and 10th Avenues. The proposed 135-foot dimension of the proposed C2-2 overlay along 11th Avenue is retained in the Commission's modification.

The Commission believes that its modification would bring current commercial uses located on the northwestern corner of 11th Avenue and 154th Street into conformance and facilitate the

expansion of the existing restaurant and catering facility. The Commission notes that its modification is in alignment with the recommendation of the Queens Borough President and the compromise suggested by the local councilmember to limit the commercial zoning to this portion of the block front, and the Commission is grateful to their leadership and input on this zoning matter. The Commission further notes that the modified boundaries of the proposed C2-2 overlay district will require the provision of an eight-foot wide side yard on the north side of the proposed enlargement for the catering hall, instead of allowing the placement of a building wall directly on the property line. The Commission believes that this side yard should be well-planted by the applicant with evergreen shrubs and other plants to screen this wall of the catering hall from the adjacent residential property owner.

The Commission acknowledges a letter submitted by the applicant dated April 8, 2011 addressing the concerns raised at its public hearing on March 30, 2011. The Commission notes that the applicant has agreed to provide an eight-foot wide buffer area on its property between the proposed building expansion and the neighboring residential property to the north on 154th Street. The Commission further notes that this eight-foot buffer would be planted and landscaped to ensure that existing mature trees on the residential property along the property line would not be adversely impacted by the proposed enlargement. The Commission notes that the applicant will also provide a four-foot wide planted screening buffer around the perimeter of the accessory parking area that forms the remainder of the proposed development area.

Furthermore, the Commission notes that the applicant has stated the capacity of the restaurant would remain unchanged at approximately 100 persons and the capacity of the proposed catering hall would be approximately 200 persons. The Commission notes that the applicant has agreed to provide valet parking for 110 cars, with 20 at-grade parking spaces to be located behind the

restaurant and 90 spaces in the cellar level using three-tier stackers. The Commission notes that in response to community and Commission concerns the applicant is providing 76 accessory parking spaces more than original proposal and 83 spaces in excess of the number of spaces required by C2-2 zoning.

The Commission also notes that the applicant stated that five valets would be on duty on weekdays and eight valets on weekends. The entrance to the new parking area will use an existing 20- foot wide curb cut on 154th Street as originally proposed. The Commission also notes that the applicant has arranged for potential parking overflow to be accommodated off-site in an accessory parking lot for a distribution company located nearby on 10th Avenue.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant effect on the environment; and be it further

RESOLVED, by the CITY PLANNING COMMISSION, pursuant to Section 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. 7d:

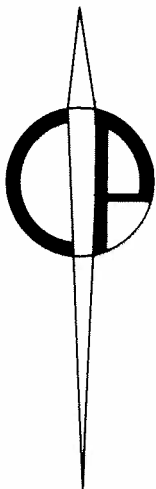
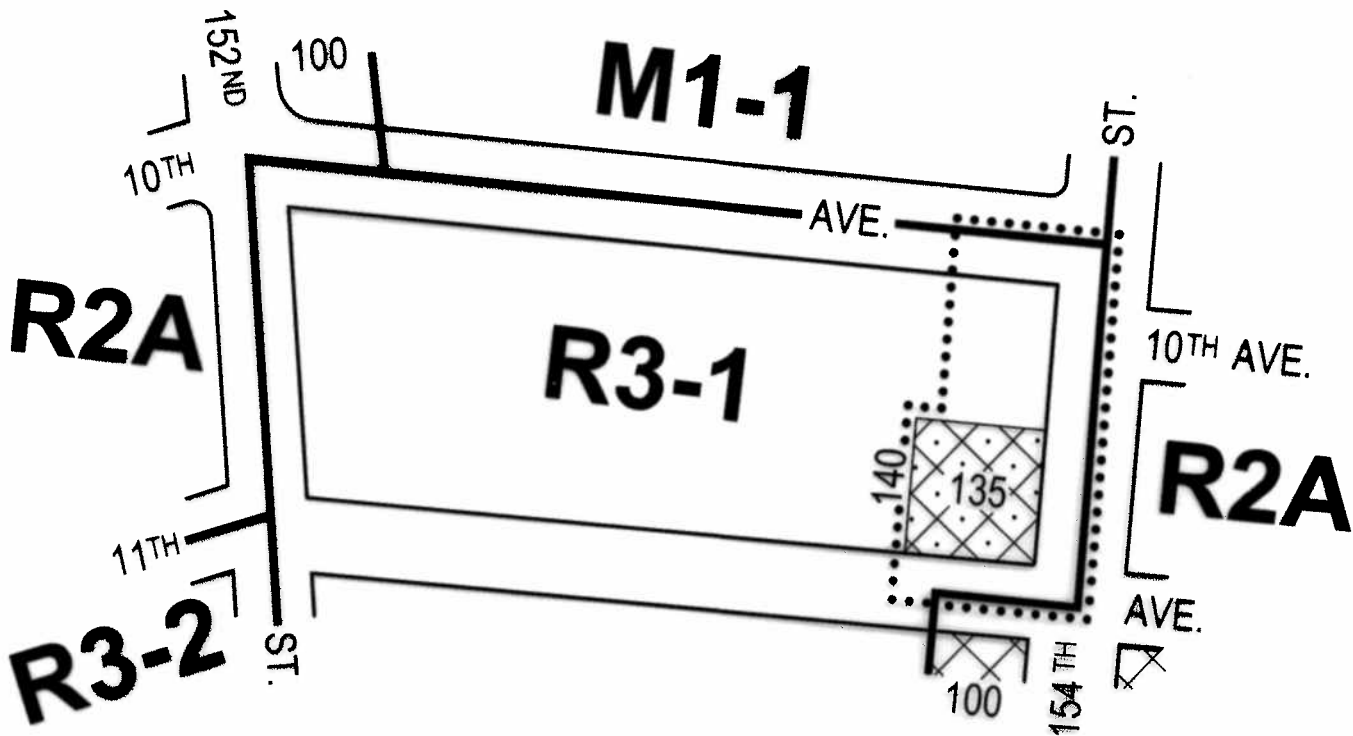
1. changing from an R2A District to an R3-1 district property bounded by 10th Avenue, 154th Street, 11th Avenue and 100 feet westerly of 154th Street; and
2. Establishing within an existing and proposed R3-1 District a C2-2 District bounded by a line 140 feet northerly of 11th Avenue, 154th Street, 11th Avenue and a line 135 feet westerly of 154th Street;

as shown on a diagram (for illustrative purposes only) dated December 13, 2010 modified by the City Planning Commission on May 11, 2011, and subject to the conditions of CEQR Declaration E-267.

The above resolution (C 100457 ZMQ), duly adopted by the City Planning Commission on May 11, 2011 (Calendar No. 21), 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, FAICP, Chair
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. MCRAE, Commissioners

ANNA HAYES LEVIN, Commissioner—Voted No



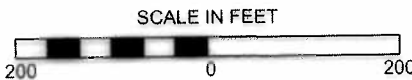
CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP

7d

BOROUGH OF
QUEENS

S. Voyages
S. Voyages, R.A. Director
Technical Review Division

New York, Certification Date
DECEMBER 13, 2010
Modified by CPC
MAY 11, 2011



NOTE:

- Indicates Zoning District Boundary.
- The area enclosed by the dotted line is proposed to be rezoned by changing from an R2A District to an R3-1 District and by establishing a C2-2 District within an existing and proposed R3-1 District.
- ▦ Indicates a C1-2 District.
- ▦ Indicates a C2-2 District.

Queens Borough President Recommendation

APPLICATION: ULURP # C100457 ZMQ

COMMUNITY BOARD: Q07

DOCKET DESCRIPTION

IN THE MATTER of an application submitted by Akerman Senterfitt, LLP on behalf of 10-24 Associates, LLC pursuant to Sections 197-c and 201 of the NYC Charter, for an amendment to zoning map 7d:

1. changing from an R2A district to an R3-1 district property bounded by 10th Avenue, 154th Street, 11th Avenue and a line 100 feet westerly of 154th Street; and
 2. establishing within an existing and proposed R3-1 district a C2-2 district bounded by 10th Avenue, 154th Street, 11th Avenue and a line 135 feet westerly of 154th Street;
- Block 4539, Lots 52, 57, 58, 61 and 66, Zoning Map 7d, Flushing, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on February 24, 2011, at 10:30 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 five speakers against the application. The hearing was closed.

CONSIDERATION

Subsequent to review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is requesting a zoning map amendment from changing an existing R2A zoning district to an R3-1 district with an C2-2 overlay to facilitate renovation and expansion of an existing restaurant building;
- The rezoning area occupies the block front on 154th Street of a block bounded by 154th Street, 10th Avenue, 152nd Street and 11th Avenue. The rezoning area includes five tax lots. Two of the lots are developed residentially, another with a commercial use and two are developed with commercial uses on the ground floor and residences above. The applicant owns two lots (Lots 61 and 66) in the rezoning area which are currently developed with a building with a restaurant and residential use above on lot 61 and two buildings with retail on the ground floor and residential use above on lot 66;.
- The applicant proposes to extend the second floor of the restaurant building to the north. The extension would include a covered driveway with a curb cut on 154th Street. Another curb cut on 11th Avenue that would provide access to 19 ground level and 90 sublevel attended parking spaces. The ground floor restaurant use will continue and the existing residential use on the second floor will be discontinued and combined with the proposed second floor addition for catering use. The total floor area would be 20,512.60 sf. Two buildings with retail and residential uses on Lot 66 will not be changed;
- The area surrounding the proposed rezoning area is generally residential on the remainder of the block and the block further west. To the east, across 154th Street is predominantly developed with low density residential homes as are the areas further east and north and south of these blocks. The block immediately south of 11th Avenue is zoned an R3-1 district with a C1-2 overlay along the 154th Street frontage and are developed with commercial/residential buildings. The remainder of the block is occupied by a playground and a school. To the north of the rezoning area is an M1-1 district and developed with retail stores and manufacturing uses;
- This area of Whitestone was rezoned and approved on December 21, 2005. The zoning changes were to preserve the existing neighborhood scale by mapping lower density and contextual zoning districts, preventing further out-of-character development;
- Community Board 7 (CB7) approved this application by a vote of twenty-nine (29) in favor with six (6) against and none (0) abstaining at a public hearing held on February 14, 2011;
- At the Queens Borough President's Land Use Public Hearing, some area residents, representatives of a civic association and State Senator Tony Avella spoke against the application. The concerns raised were that the proposed rezoning area would include the residential properties and may induce out-of character development. Also, they stated that the proposed restaurant extension and development is out-of-character and would encroach upon the adjacent residential property.

RECOMMENDATION

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

- The proposed C2-2 district should only include Lots 61 and 66 but not the adjacent residential properties. The proposed R3-1 district should be mapped as proposed;
- In addition to the landscaped buffer area proposed by the applicant, the façade of the wall facing the adjacent residential should be screened with planting materials and maintained in good condition at all times. This would minimize any negative impacts between the proposed extension and second floor of the proposed development and the adjacent residential properties. This screening would be important as a buffer between the residences and the commercial activity that would be generated.



PRESIDENT, BOROUGH OF QUEENS



DATE

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # **C 100457 ZMQ**
CEQR # **10DCP051Q**
Community District No. 07 Borough: Queens
Community District No. Borough: Queens
Project Name: **154th Street Rezoning**

INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. 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 10-24 Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d:

- changing from an R2A District to an R3-1 District property bounded by 10th Avenue, 154th Street, 11th Avenue and a line 100 feet westerly of 154th Street; and
- establishing within an existing and proposed R3-1 District a C2-2 District bounded by 10th Avenue, 154th Street, 11th Avenue and a line 135 feet westerly of 154th Street;

Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated December 13, 2010.

Applicant(s):

10-24 Associates, LLC
10-24 154th Street
Whitestone, NY 11357

Applicant's Representative:

Steve Sinacori, Esq.
Akerman Senterfitt, LLP
335 madison Avenue, 26th floor
New York, NY 10017

Community Board No. **7** Borough: **Queens**

Borough Board

Date of public hearing: 2/14/11

Location:

Was a quorum present? YES ☒ NO ☐

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: ✓

Location:

RECOMMENDATION

☒ Approve

☐ Approve With Modifications/Conditions

☐ Disapprove

☐ Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

See attached Cmte report

Voting

20

1

110

COMMITTEE REPORT ON CPC#100457-ZMQ/AMENDMENT TO ZONING MAP
10-24 154TH STREET, WHITESTONE, NY 11357

BY: FRANK C. MACCHIO, CB#7 COMMITTEE CHAIR
At Union Plaza Nursing Home

This case in study had two meeting dates of January 12, 2011 and January 24, 2011.
The first meeting of January 12 was held at 7:30 p.m. See attendance sheet for attendees.

The applicant was represented by Steve Sinacori, Esq. and Chris Papa, Architect. The applicant wishes to change the zoning for the block fronting 154th Street, from 10th Avenue to 11th Avenue on the westerly side and 100 feet deep. This zoning change would be from a R2A to an R3-1 and then creating a C2-2 district within these boundaries.

Assuming this zoning change, the applicant would then create a restaurant facility consisting of two levels and 120 parking spaces, of which some would be underground. A lengthy discussion was had as the architect showed illustrations of the new building and elevation. Although the existing neighbor, Ms Garry, was present at the meeting, the committee found that some significant details needed to be addressed as it relates to the residential neighbors and overall integration. A motion was made to table the vote by Chuck Apelian and seconded by Gene Kelty so a second meeting could work out the details. A vote of seven (7) For, zero (0) against and zero (0) abstained is hereby entered.

A second meeting was scheduled for January 24, 2011 at 6:45 p.m. at the Union Plaza Nursing Home.

The second meeting of January 24th at 6:45 p.m. See attached attendance sheet for attendees.

The applicant was once again represented by Steve Sinacori, Esq. and Chris Papa, Architect. Mr. Sinacori presented illustrations of the building's north elevation as viewed by adjacent property owner, Ms. Garry. This revised elevation was developed after input from the committee and Ms. Garry. The new building would be approximately 30 ft. from the Garry property and the shadows cast would have minimal effect on the property. The property owner at the rear or west lot line was contacted and had not responded. This building would be approximately ^{60 plus} 15 ft. from that neighbor's building. A motion was made by Chuck Apelian and seconded by Peter Kwaith to amend zoning map 7D to change current zoning to R3-1 and then C2-2 with the provision that the north wall elevations shown and the parking provisions shown remain. A vote was taken and the motion passed unanimously eight (8) For, zero (0) against, zero (0) abstained.