



**CITY PLANNING COMMISSION**

January 7, 2009 / Calendar No.20

C 060021 ZMQ

**IN THE MATTER OF** an application submitted by Astoria Blvd. Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c, establishing within an existing R4 District a C2-2 District bounded by 24<sup>th</sup> Avenue, 85<sup>th</sup> Street, Astoria Boulevard and the northerly centerline prolongation of 84<sup>th</sup> Street, as shown on a diagram (for illustrative purposes only) dated August 11, 2008, Community District 3, Borough of Queens.

The application for the amendment of the Zoning Map was filed by Astoria Blvd. Development, LLC, on July 13, 2005 to establish a C2-2 overlay over the entire subject site in order to allow retail development. This site is comprised of an entire block bounded by 24<sup>th</sup> Avenue, 85<sup>th</sup> Street, Astoria Boulevard and the northerly centerline prolongation of 84<sup>th</sup> Street in Queens, Community District 3.

**BACKGROUND**

Astoria Blvd. Development, LLC, is seeking a Zoning Map change to establish a C2-2 overlay over the subject site, a vacant trapezoid-shaped property bounded by 24<sup>th</sup> Avenue, 85<sup>th</sup> Street, Astoria Boulevard and the northerly centerline prolongation of 84<sup>th</sup> Street in Elmhurst, Queens. The site (Lot 1) is zoned R4 and comprises the entirety of Block 1096. The lot has an area of 17,736 square feet. The site was previously occupied by an automobile service station. Abutting the site to the west is a small vacant City-owned parcel, the mapped street bed of 84<sup>th</sup> Street.

The surrounding area is a mixture of residential, commercial and manufacturing uses. Lots north of and facing the site on 24<sup>th</sup> Avenue, are zoned M1-1. These are developed with light manufacturing and warehouse buildings. An R3-2 District located immediately east of the subject site and development within it is comprised of lots with attached residences and garden apartments. An existing C2-2 overlay faces the site on the south side of Astoria Boulevard

within an R4 District. This area is developed with retail or other commercial structures and further south, lots in the R4 District are developed with attached residences.

Under current R4 zoning regulations only residential or community facilities are allowed. C2-2 districts allow a wide range of local retail and service establishments (Use Groups 6, 7, 8 and 9), and allow a maximum commercial FAR of 1.0 when mapped in R4 districts.

If the application is approved, the applicant intends to develop the site with a proposed one-story retail structure with a floor area of 6,380 square feet. The applicant proposes placing the rear of the linear, one-story retail structure along the 24<sup>th</sup> Avenue side of the site with required parking and access from Astoria Boulevard in the front. The applicant proposes to provide accessory off-street parking for 21 cars, based upon a required parking ratio of one space per 300 square feet of floor area.

#### **ENVIRONMENTAL REVIEW**

This application (C 060021 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 06DCP041Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action (C 060021 ZMQ), a Conditional Negative Declaration was issued. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as

follows:

The applicant, Astoria Boulevard Development, LLC, agrees via a Restrictive Declaration to prepare a hazardous materials sampling protocol including a 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 pursuant to the remediation plan.

The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.

The applicant signed the conditional negative declaration on August 8, 2008. The conditional negative declaration was published in the New York State Environmental Notice Bulletin on August 20, 2008. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed.

No comments were received and the conditional negative declaration was issued on November 25, 2008.

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

This application (C 060021 ZMQ) was certified as complete by the Department of City Planning on August 11, 2008, and was duly referred to Queens Community Board 3 and the Queens Borough President, in accordance with Title 62 of the Rules of New York, Section 2-02b.

#### **COMMUNITY BOARD PUBLIC HEARING**

Community Board 3 held a public hearing on this application on October 16, 2008, and on that

date, by a vote of 28 to 0 with 0 abstentions, adopted a resolution recommending approval of the application with the following conditions:

1. Provide wall mounted exterior light fixtures (properly spaced), at walls facing 24<sup>th</sup> Avenue and the New York City owned property located west of the site.
2. **City Owned Property**
  - The applicant has agreed to take responsibility for maintaining the property located to the west of the proposed site.
  - The owner has agreed to lease and landscape the property.
  - The applicant will present their landscape plans to the Community Board # 3 for review and comments before finalizing the details of the project.
  - Fencing shall be provided at the perimeter of the leased lot.
3. The construction site shall be maintained and kept clean during all construction related phases and activities.
4. The applicant has agreed to submit written confirmation to CB # 3 that the site is in compliance with NYSDEC regulations.
5. Hire within the Community Board 3.

### **BOROUGH PRESIDENT RECOMMENDATION**

This application was considered by the Borough President, who issued a recommendation approving the application on November 19, 2008.

### **CITY PLANING COMMISSION PUBLIC HEARING**

On November 19, 2008 (Calendar No. 4), the City Planning Commission scheduled December 3, 2008 for a public hearing on the application (C 060021 ZMQ). The hearing was duly held on December 3, 2008 (Calendar No. 14). There were two speakers in favor and none in opposition to the application. The applicant's attorney summarized this application. The other speaker, a union representative, wanted the construction trades on the site to be union members and would be paid by union pay scales. There were no other speakers, and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of this amendment of the Zoning Map is appropriate.

The Commission expects the proposed commercial overlay will promote commercial use on a site that presents problems for new residential development because of its irregular shape.

The Commission notes that the subject site was developed with a service station prior to 1961 when the existing R4 zoning was established on this block. The Commission believes that the proposed commercial overlay will provide for new development on a site that would otherwise remain vacant as the irregular shape and proximity of the surrounding streets would mandate front and side yards for residential development as per R4 zoning that would prevent a practical building footprint and limit allowable floor area.

The Commission notes the applicant indicated at the Commission public hearing his intention to seek and obtain the adjacent City-owned lot in order to landscape the parcel and erect a decorative fence surrounding it.

The Commission believes the proposed C2-2 overlay will allow future commercial development that is consistent with the existing zoning and land use of lots facing the subject site on Astoria Boulevard.

## **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:

The applicant, Astoria Boulevard Development, LLC, agrees via a Restrictive Declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would ensure that testing for any potential hazardous material impact would occur pursuant to an approved sampling protocol and, if any such impact is found, remediation measures would be undertaken pursuant to DEP's approval precedent to any change of use in any such development or redevelopment of the property.

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. 9c, establishing within an existing R4 District a C2-2 District bounded by 24<sup>th</sup> Avenue, 85<sup>th</sup> Street, Astoria Boulevard and the northerly centerline prolongation of 84<sup>th</sup> Street, as shown on a diagram (for illustrative purposes only) dated August 11, 2008, Community District 3, Borough of Queens.

The above resolution, duly adopted by the City Planning Commission on January 7, 2009 (Calendar No. 20), 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**  
**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA., BETTY Y. CHEN,**  
**MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,**  
**SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners**