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December 1, 2021/ Calendar No. 15

N 210042 ZRQ

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**IN THE MATTER OF** an application submitted by Sunshine Elmhurst LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 4.

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This application for an amendment to the Zoning Resolution was filed on August 6, 2020 by Sunshine Elmhurst LLC in conjunction with the related application for a zoning map amendment. The applicant seeks to designate a Mandatory Inclusionary Housing (MIH) area. The proposed actions would facilitate the development of a nine-story residential building at 45-20 83<sup>rd</sup> Street in the Elmhurst neighborhood of Queens, Community District 4.

#### **RELATED ACTION**

In addition to the proposed zoning text amendment (N 210042 ZRQ) that is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**C 210041 ZMQ**      Zoning map amendment to change an M1-1 zoning district to an R7A district

#### **BACKGROUND**

A full background discussion and description of this application appears in the report for the related zoning map amendment action (C 210041 ZMQ).

#### **ENVIRONMENTAL REVIEW**

This application (N 210042 ZRQ), in conjunction with the related application for a zoning map amendment (C 210041 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 21DCP113Q. The lead agency is the City Planning Commission.

A summary of the environmental review appears in the report for the related zoning map amendment (C 210041 ZMQ).

### **UNIFORM LAND USE REVIEW**

This application (N 210042 ZRQ) was duly referred to Queens Community Board 4 and the Queens Borough President, in accordance with the procedures for non-ULURP matters, along with the related application for an amendment to the zoning map (C 210041 ZMQ), which was certified as complete by the Department of City Planning 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 4 held a public hearing on this application (N 210042 ZRQ) on September 14, 2021 and on that date, adopted a resolution recommending disapproval of the application. A summary of the vote of Community Board 4 appears in the report for the related zoning map amendment action (C 210041 ZMQ).

### **Borough President Recommendation**

This application (N 210042 ZRQ) was considered by the Queens Borough President who issued a recommendation to approve the application with conditions on November 8, 2021. A summary of the vote of the Queens Borough President appears in the report for the related zoning map amendment (C 210041 ZMQ).

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

On October 20, 2021 (Calendar No. 8), the City Planning Commission scheduled a public hearing on this application (N 210042 ZRQ), in conjunction with the related application for an

amendment to the zoning map (C 210041 ZMQ). The hearing was duly held on November 3, 2021 (Calendar No. 27).

Four speakers testified in favor and none in opposition.

**CONSIDERATION**

The Commission believes that the proposed zoning text amendment (N 210042 ZRQ) is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appear in the report for the related zoning map amendment (C 210041 ZMQ).

**RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment.

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in the related report (C 200272 ZMQ), the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended as follows:

- Matter underlined is new, to be added;
- Matter ~~struck out~~ is to be deleted;
- Matter within # # is defined in Section 12-10;
- \* \* \* indicates where unchanged text appears in the Zoning Resolution.

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**APPENDIX F  
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

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**QUEENS**

\* \* \*

**Queens Community District 4**

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Map # – [date of adoption]



Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area # — [date of adoption] — MIH Program Option 1 and Option 2

### Portion of Community District 4, Queens

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The above resolution (N 210042 ZRQ), duly adopted by the City Planning Commission December 1, 2021 (Calendar No. 15), 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, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,  
JOSEPH I. DOUEK, RICHARD W. EADDY,  
ANNA HAYES LEVIN, ORLANDO MARIN,  
LARISA ORTIZ, RAJ RAMPERSHAD, Commissioners**