



**IN THE MATTER OF** an application submitted by 8850 Management LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3A District a C1-2 District bounded by 15th Avenue, 149th Street, 15th Road, a line 100 feet westerly of 149th Street, a line 75 feet northerly of 15th Road, and a line 150 feet westerly of 149th Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated August 26, 2019, and subject to the conditions of CEQR Declaration E-546.

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The application for an amendment to the zoning map was filed by 8850 Management LLC on August 2, 2018 to establish a C1-2 commercial overlay within an existing R3A zoning district on a portion of Block 4646. The proposed action would bring into conformance several existing commercial uses in the Whitestone neighborhood of Queens, Community District 7.

## **BACKGROUND**

The applicant seeks to amend the zoning map to establish a C1-2 commercial overlay on five lots on Block 4646. Block 4646 is a triangular block, bounded by 15<sup>th</sup> Avenue to the north, 15<sup>th</sup> Road to the south and 149<sup>th</sup> Street to the east. The proposed zoning map amendment would bring into conformance an existing commercial use on the applicant's property (Lot 8) fronting 15<sup>th</sup> Avenue, as well as a commercial use on Lot 11 along 149<sup>th</sup> Street.

The project area is irregularly shaped and encompasses approximately 14,350 square feet of area comprising five tax lots (Block 4646, Lots 8, 10, 11, 12 and 14). Lot 8 is approximately 2,365 square feet in area, and is improved with a two-story office building containing approximately 2,250 square feet of floor area. The first and second floor are used for office space and the basement is used for an employee break room and storage. The building has contained several commercial uses prior to the applicant's purchase of the property in 2015, including a kitchen design center, a paint store and a day care center. The Department of Buildings Padlock Division issued a use violation (Complaint No. 4634311) in October 2015, prior to the applicant occupying the commercial space. The padlock violation was subsequently dismissed in April 2017, and, pending approval of the proposed zoning map amendment, the applicant seeks to use

the building as a legal commercial office use. Lot 10 is approximately 2,785 square feet and is improved with a two-story, two-family residential building. According to certificates of occupancy, Lots 8 and 10 are considered a single zoning lot, though the zoning map action does not include Lot 10.

Lot 11 is approximately 4,500 square feet in area and is improved with a two-story building with a legal nonconforming eating and drinking establishment on the ground floor and residential use on the second floor. Lot 12 contains approximately 4,000 square feet of lot area and is developed with a two-story, two-family residence. Lot 14 is a corner lot that contains approximately 7,050 square feet of lot area and is improved with a gas station and automotive service building. This non-conforming use has been in operation since 1948 and, after 1961, the site was granted a variance by the Board of Standards and Appeals (BSA).

Block 4645, located to immediately to the north of the project area across 15th Avenue, contains a C1-2 commercial overlay along the northern portion facing the Cross Island Parkway Service Road South, 14th Avenue and 148th Street. This commercial overlay was established by a zoning map amendment (C 100175 ZMQ) to facilitate the construction of a one-story bank building with an at-grade accessory parking lot and drive-through. Lots 22, 24 and 26 on Block 4645, fronting 149th Street, are improved with legal nonconforming commercial uses, such as an elevator contractor office, a smoke shop and a scrap metal yard. The remaining portions of the block are improved with residential uses that conform with the R3A zoning district.

The surrounding area is predominately developed with one- and two-story detached and semi-detached residential homes and one and two-story commercial uses along the major corridors. To the north of Block 4645 is the Cross Island Parkway, a major highway connecting northeast Queens to southeast Queens and Nassau County. The area located north and northeast of the Cross Island Parkway is the main shopping district of the Whitestone neighborhood. This area is mapped within an R3-2 zoning district and C1-2 and C2-2 commercial overlays, and is predominately developed with low-rise buildings containing local restaurants, retail, service and community facility uses. 149th Street runs from the Whitestone shopping district to the project area just south of the Cross Island Parkway. Immediately south of the project area is P.S. 79

Francis Lewis, which stretches a full block. The blocks further south and surrounding the project area to the east and west are predominately developed with one- and two-story detached residences.

The area south of the project area contains others public institutions, including the First Presbyterian Church and the Dwarf Giraffe Athletic League, a small non-profit recreation space. Several day care facilities are also located within the surrounding area.

The project area is substantially oriented to automobile use and is not located in the proximity of any subway stations. The project area is well served by New York City Transit bus lines, including the local Q76 and Q15 bus lines as well as the express QM2 and QM3 bus lines offering service to Midtown Manhattan. These bus lines all have stops located within two blocks of the project area.

The project area is currently mapped with an R3A zoning district, established as part of the 2005 Whitestone Rezoning (C 060055 ZMQ), which changed the zoning district from R3-1. In an R3A district, residential uses are allowed up to a maximum floor area ratio (FAR) of 0.5 and community facility uses have a maximum FAR of 1.0. Commercial uses are not permitted. The proposed C1-2 commercial overlay would allow only local retail and service uses in Use Group 6. This overlay has a maximum allowable commercial FAR of 1.0 when mapped within an R3A zoning district. Most retail uses require one parking space per 400 square feet of commercial floor space.

The proposed rezoning would facilitate the legal use of Lot 8 as a commercial office use. The pre-existing status of the building allows for a single unenclosed parking space with one curb cut and no accessory off-street parking. The proposed rezoning would also bring into conformance the existing commercial use on Lot 11. This application is not expected to result in any additional development.

## **ENVIRONMENTAL REVIEW**

This application (C 190029 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 19DCP141Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration

was issued on August 26, 2019. The Negative Declaration includes an (E) designation (E-546) 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**

On August 26, 2019, this application (C 190029 ZMQ) was certified as complete by the Department of City Planning and was duly referred to Queens Community Board 7 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 7 held a public hearing on this application (C 190029 ZMQ) on September 23, 2019, and by a vote of 23 in favor, 13 in opposition and none abstaining, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The Queens Borough President held a public hearing on this application (C 190029 ZMQ) on October 31, 2019, and on November 12, 2019, issued a recommendation to approve the application.

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

On November 13, 2019 (Calendar No. 8), the City Planning Commission scheduled December 4, 2019, for a public hearing on this application (C 190029 ZMQ). The hearing was duly held on December 4, 2019 (Calendar No. 16). One speaker testified in favor of the application and none in opposition.

The applicant representative explained the use history of the applicant-owned property. He stated that the owner purchased the property under the assumption that office spaces were a legal conforming use. He noted that this application would bring into conformance the use of the existing building, as well as encompass an existing non-conforming commercial use along 149<sup>th</sup> Street.

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

### **CONSIDERATION**

The Commission believes that this application for zoning map amendment (C 190029 ZMQ) is appropriate.

The proposed C1-2 commercial overlay will facilitate the legal commercial use of a small pre-existing two-story office building located along 15<sup>th</sup> Avenue within the rezoning area.

The Commission notes that the project area is located on 149th Street, just south of the Cross Island Parkway and the main shopping district of the Whitestone neighborhood. This portion of the project area contains an automotive service station and a non-conforming eating and drinking establishment. The Commission believes that the proposed extent of the C1-2 district appropriately reflects the land uses on this portion of the block. In addition, the establishment of a C1-2 commercial overlay will limit future commercial development to a low-rise scale and local range of uses consistent with the surrounding context.

## **RESOLUTION**

**RESOLVED**, that 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 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, by establishing within an existing R3A district a C1-2 District bounded by 15th Avenue, 149th Street, 15th Road, a line 100 feet westerly of 149th Street, a line 75 feet northerly of 15th Road, and a line 150 feet westerly of 149th Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated August 26, 2019, and subject to the conditions of CEQR Declaration E-546.

The above resolution (C 190029 ZMQ), duly adopted by the City Planning Commission on January 8, 2020 (Calendar No. 11), is filed with the Office of the Speaker, City Council, and the Queens Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

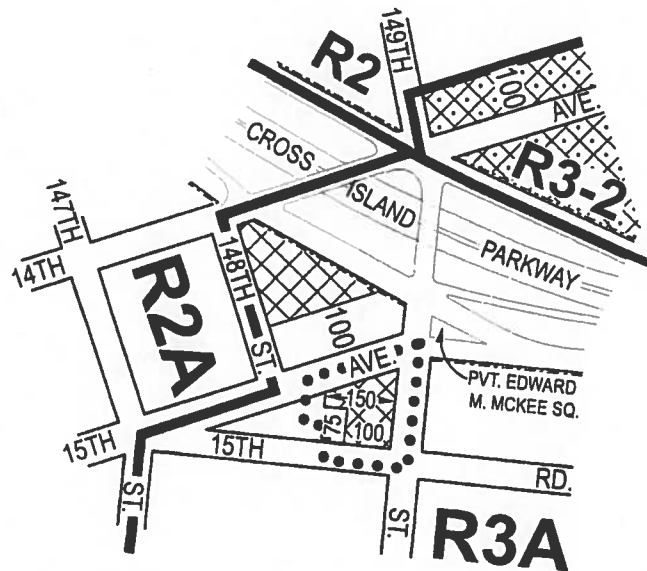
**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*

**ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III,**

**MICHELLE DE LA UZ, JOSEPH DOUEK, HOPE KNIGHT,**

**ANNA HAYES LEVIN, LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
ON SECTIONAL MAP  
**7d**  
BOROUGH OF  
**QUEENS**






New York, Certification Date:  
August 26, 2019

  
S. Lenard, Director  
Technical Review Division

SCALE IN FEET  
0 150 300 600

**NOTE:**

-  Indicates Zoning District Boundary
- ..... The area enclosed by the dotted line is proposed to be rezoned by establishing a C1-2 District within an existing R3A District.
-  Indicates a C1-2 District
-  Indicates a C2-2 District

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

Application #: **C 190029 ZMQ**

Project Name: **147-40 15th Ave Commercial Overlay**

CEQR Number: 19DCP141Q

Borough(s): **Queens**

Community District Number(s): **7**

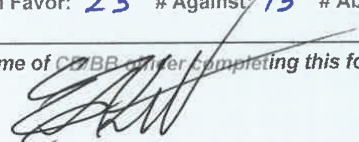
Please use the above application number on all correspondence concerning this application

### SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (8-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271
  - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- 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 8850 Management LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3A District a C1-2 District bounded by 15<sup>th</sup> Avenue, 149<sup>th</sup> Street, 15<sup>th</sup> Road, a line 100 feet westerly of 149<sup>th</sup> Street, a line 75 feet northerly of 15<sup>th</sup> Road, and a line 150 westerly of 149<sup>th</sup> Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated August 26, 2019, and subject to the conditions of CEQR Declaration E-546.

|  |  |   |                         |
|--|--|---|-------------------------|
| Applicant(s):<br>8850 Management LLC<br>147-40 15th Avenue<br>Whitestone, NY 11357   |  | Applicant's Representative:<br>Law Office of Jay Goldstein PLLC<br>356 Fulton Street, Suite 101<br>Brooklyn, NY 11201           |                         |
| Recommendation submitted by:<br>Queens Community Board 7   |  |   |                         |
| Date of public hearing: <b>9/23/19</b>   |  | Location: <b>Union Plaza Care Center<br/>33-23 Union St., Flushing</b>  |                         |
| Was a quorum present? YES <input type="checkbox"/> NO <input type="checkbox"/>   |  | A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members. |                         |
| Date of Vote: <b>9/23/19</b>   |  | Location: <b>Union Plaza Care Center<br/>33-23 Union St.</b>  |                         |
| <b>RECOMMENDATION</b><br><input checked="" type="checkbox"/> Approve<br><input type="checkbox"/> Disapprove<br><input type="checkbox"/> Approve With Modifications/Conditions<br><input type="checkbox"/> Disapprove With Modifications/Conditions |  |   |                         |
| Please attach any further explanation of the recommendation on additional sheets, as necessary.  |  |   |                         |
| <b>Voting</b><br># In Favor: <b>23</b> # Against: <b>13</b> # Abstaining: _____ Total members appointed to the board: _____  |  |   |                         |
| Name of CB/BB member completing this form<br>   |  | Title<br><b>Chair</b>   | Date<br><b>10/12/19</b> |



# Queens Borough President Recommendation

APPLICATION: ULURP #190029 ZMQ

COMMUNITY BOARD: Q07

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Law Office of Jay Goldstein PLLC on behalf of 8850 Management LLC pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3A District a C1-2 District bounded by 15<sup>h</sup> Avenue, 149<sup>th</sup> Street, 15<sup>th</sup> Road, a line 100 feet westerly of 149<sup>th</sup> Street, a line 75 feet northerly of 15<sup>th</sup> Road, a line 150 feet westerly of 149<sup>th</sup> Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated August 26, 2019, and subject to the conditions of CEQR Declaration E-546.

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, October 31, 2019 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 no other speakers. The hearing was closed.

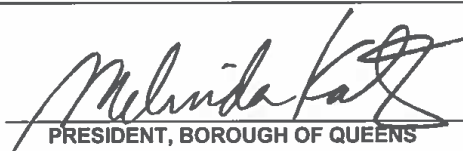
## CONSIDERATION

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

- o The applicant is proposing to map a C1-2 commercial overlay onto an existing R3A District. The area proposed for rezoning is five properties located on the east end of a triangular block formed by 149<sup>th</sup> Street between 15<sup>th</sup> Avenue & 15<sup>th</sup> Road. The depth of the C1-2 overlay would be 150 feet and 100 feet extending west from 149<sup>th</sup> Street. Four properties would be mapped with the commercial overlay. The fifth parcel is residentially developed and will remain as is.;
- o The proposed overlay would legalize the commercial building on the applicant's property at 147-40 15<sup>th</sup> Avenue (Block 4646, Lot 8) and a legal non-conforming ground floor restaurant at 15-16 149<sup>th</sup> Street (Block 4646, Lot 11). Block 4646, Lot 10 (147-37 15<sup>th</sup> Road) is residentially developed and listed as part of the application but will not be mapped with the C1-2 commercial overlay. Lot 10 together with Lot 8 comprise a zoning lot fulfilling yard requirements for the existing development on Lot 8. There would not be any new development on Lot 8 as a result of this application.;
- o The other affected properties are Lot 11 (15-16 149<sup>th</sup> Street) which is developed with a two-story building occupied by a legal non-conforming ground floor restaurant and residences above, Lot 12 (15-12 149<sup>th</sup> Street) currently under development with a two-family residence, and Lot 14 (15-06 149<sup>th</sup> Street) which directly abuts the applicant's site is developed with a gasoline service station pursuant to BSA approval (BSA #568-39BZ).;
- o The site is located within a block of the Cross Island Parkway Service Road and just west of 149<sup>th</sup> Street. Both the Cross Island Parkway Service Road and this section of 149<sup>th</sup> Street are developed with automotive and other commercial/retail uses. However, the overall character of the greater surrounding area is developed with low-density low-rise housing.;
- o Community Board 7 (CB 7) approved this application by a vote of twenty-three (23) in favor with thirteen (13) against and none (0) abstaining at a public hearing held on September 23, 2019.

## RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application.

  
PRESIDENT, BOROUGH OF QUEENS

11/12/19  
DATE