



CITY PLANNING COMMISSION

March 28, 2007 / Calendar No.24

C 050037 ZMQ

IN THE MATTER OF an application submitted by Kopang, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9d and 10b, establishing within an existing R6B District a C2-4 district bounded by Corona Avenue, Junction Boulevard, 50th Avenue, and a line 100 feet westerly of Junction Boulevard, Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated November 13, 2006.

This application for a zoning map amendment was submitted by Kopang Inc. on July 26, 2004 to establish within an existing R6B District a C2-4 overlay to bring the applicant's property into conformity.

BACKGROUND

The applicant is seeking a zoning map amendment to establish a C2-4 commercial overlay within an existing R6B district on a portion of Block 1877, Lots 26, 27, 29, 36, and 38.

The rezoning site consists of 5 tax lots on the west side of Junction Boulevard between Corona and 50th avenues in Elmhurst, Queens Community District 4 and is located in an R6B zoning district. Lot 29 fronts on Junction Boulevard and is owned by the applicant, Kopang Inc. It is developed with three buildings: two one-story commercial properties, and a two-story commercial property. The remaining properties are not owned by the applicant and include: two story mixed-use buildings with frontages on Corona Avenue and/or 50th Avenue (Lots 26 and 27) and two single family homes (Lots 36 and 38).

Junction Boulevard is a main north-south thoroughfare characterized by medium density residential development, commercial and office uses. Corona Avenue, the site's northern boundary, is a major east-west thoroughfare connecting Corona to Elmhurst and is also

characterized by medium density residential development, commercial and office uses. R4 and R5 zoning districts north and south of the project site are developed primarily with medium one and two family units as well as multifamily dwellings.

R6B zoning districts allow a maximum FAR of 2.0 for residential and community facility use a maximum building height of 50 feet, and requires parking for 50% of the dwelling units in buildings with more than 5 units. The properties within the proposed rezoning area are developed with 1-2 story buildings at FAR's ranging from 1.2 to 2.

C2-4 districts, when mapped in an underlying R6B district allow a maximum commercial FAR of 2.0. The proposed C2-4 allows for a wide range of retail uses including grocery stores, restaurants, beauty parlors and repair services. The applicant has requested the rezoning because one of the stores on his property does not have a certificate of occupancy (C of O) for a commercial use even though a commercial use has existed there since before the 1961 zoning. The rezoning would allow the store to obtain a commercial C of O.

ENVIRONMENTAL REVIEW

This application (C 050037 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 lead agency is the City Planning Commission. The designated CEQR number is 05DCP009Q.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on November 13, 2006.

UNIFORM LAND USE REVIEW

This application (C 050037 ZMQ) was certified as complete by the Department of City Planning on November 13, 2006 and was duly referred to Queens Community Board 4 and the Queens Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 4 held a public hearing on this application on January 2, 2007, and on that date, by a vote of 32 to 1 with 0 abstentions, adopted a resolution recommending approval of the application with the following condition:

Approve recommendation with stipulation to exclude two residential properties on 50th Avenue, Lot #'s 36 & 38, 30.3 feet each for a total of 60.6 feet excluded.

Borough President Recommendation

This application was considered by the Queens Borough President who issued a recommendation approving the application on February 21, 2007, with the following condition:

The boundary line for the proposed overlay should be removed from portions of Lots 36 & 38 so that there is never and doubt about the allowable uses on those portions.

City Planning Commission Public Hearing

On, February 7, 2007 (Calendar No. 7), the City Planning Commission scheduled February 28, 2007 for a public hearing on this application (C 050037 ZMQ). The hearing was duly held on, February 28, 2007 (Calendar No. 18).

The applicant's attorney spoke in favor and stated that the rezoning would allow the applicant to obtain a certificate of occupancy and in turn allow the owner, Kopang Inc. to attract a quality, stable tenant. There were no other speakers on the application and the hearing was closed.

CONSIDERATION

The City Planning Commission believes the application for a Zoning Map amendment is appropriate.

The applicant's property has been used for commercial purposes since they took ownership in 1991 and although the use has changed the property has been commercial since the early 1920's. Furthermore, the zoning designation would reflect the existing commercial uses on the applicant's property as well as the other mixed use buildings. Regarding the Community Board's and the Borough President's conditions on removing lots 36 and 38 from the rezoning, the Commission notes that under the proposed zoning change, only lot 36 would be able to develop commercially and it does not believe that commercial development will occur on the other residential property on 50th Avenue. The proposed 100' overlay is consistent with the existing R6B District and the commercial overlay north of Corona Avenue.

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 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 Nos. 9d and 10b, by establishing within an existing R6B District a C2-4 District bounded by Corona Avenue, Junction Boulevard, 50th Avenue and a line 100 feet westerly of Junction Boulevard, Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated November 13, 2006.

The above resolution (C 050037 ZMQ), duly adopted by the City Planning Commission on March 28, 2007 (Calendar No. 24), 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, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, **IRWIN G. CANTOR**, P.E.,
ANGELA CAVALUZZI, R.A., **ALFRED C. CERULLO, III**, **BETTY CHEN**,
RICHARD W. EADDY, **LISA A.GOMEZ**, **NATHAN LEVENTHAL**, **JOHN MEROLO**,
KAREN A. PHILLIPS, **DOLLY WILLIAMS**, Commissioners