

# Queens Borough President Recommendation

APPLICATION: ULURP #180036 ZMQ

COMMUNITY BOARD: Q01

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Eric Palatnik, PC on behalf of Empire MG Properties, LLC pursuant to Sections 197-c and 201 of the NYC Charter for the amendment of the Zoning Map, Section No. 9b:

1. changing from an M1-1 District to an R6A District property bounded by 34<sup>th</sup> Avenue, 38<sup>th</sup> Street, a line 240 feet northeasterly of 35<sup>th</sup> Avenue, and 37<sup>th</sup> Street; and
2. establishing within the proposed R6A District a C1-3 District bounded by 34<sup>th</sup> Avenue, 38<sup>th</sup> Street, a line 240 feet northeasterly of 35<sup>th</sup> Avenue, and a line midway between 37<sup>th</sup> Street and 38<sup>th</sup> Street;

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated April 22, 2019 and subject to the CEQR Declaration of E-533.

(Related ULURP #188037 ZRQ)

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, June 13, 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.

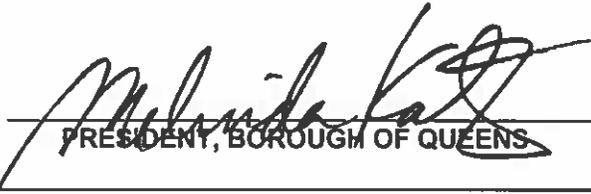
## CONSIDERATION

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

- The applicant is proposing to rezone the northern portion (27 tax lots) of the block bounded by 34<sup>th</sup> Avenue between 37<sup>th</sup> & 38<sup>th</sup> Streets from an M1-1 District to R6A and R6A/C1-3 District. The C1-3 District would be limited to the eastern portion of the block;
- An application was filed concurrently with this application to amend Appendix F of the NYC Zoning Resolution to establish and designate the proposed rezoning area as an Mandatory Inclusionary Housing Area;
- The applicant owns 5 properties that would be rezoned to R6A/C1-3 and redeveloped with a proposed seven-story, 56,139 sf mixed use building with 2,645 sf of ground floor retail space with a total of 62 units of housing above it. There would be 19 units of affordable housing using Mandatory Inclusionary Housing (MIH) Option 2 (30% of units @ 80% AMI). Accessory offstreet parking for 80 cars with access from 38<sup>th</sup> Street are also included in this proposal. Redevelopment proposals for the other affected properties, already improved with residential buildings, have not been identified;
- The area south of 38<sup>th</sup> Avenue is developed with a mix of industrial/commercial uses. The rezoning area is mostly developed with residential uses. The areas north of 38<sup>th</sup> Avenue are predominantly developed with residential uses. Steinway Street which is the main commercial strip (C4-2A District) in this area is one-block east of the rezoning area;
- The applicant had met with the Community Board 1 (CB1) land use committee (LUC) three times prior to certification of this application. During those meetings the LUC discussed and voiced concerns that the proposed AMI bands for the affordable units were higher than the income levels of the residents immediately around the development site. Another concern was raised in regards to the need for family sized apartments with more bedrooms instead studios and one-bedroom units. The LUC also requested that a C4-4D District, to be mapped on the southern portion of the block, that had originally part of the rezoning application be removed from the application. After certification, the applicant informed CB 3 that Option 1 (25% of units @ 60% AMI) would be applied to some of the proposed affordable housing, and that there would be an increased number of 3-bedroom units provided that would result in a reduced number of overall total number of apartments in the building;
- Community Board 1 (CB1) approved this application by a vote of twenty-one (21) in favor with four (4) against and one (1) abstaining at a public hearing held on May 23, 2019. CB 1 noted the applicant's willingness to modify the proposal to address concerns raised and did not have a condition of approval in their recommendation. However, they did strongly urge the applicant to memorialize the project modifications, use of Options 1 and 2 for the affordable units and inclusion of more family sized units as presented to CB 1, in a restrictive declaration with HPD.

RECOMMENDATION

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

  
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PRESIDENT, BOROUGH OF QUEENS

  
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DATE