

# Queens Borough President Recommendation

APPLICATION: ULURP #C180291 ZMQ

COMMUNITY BOARD: Q07

DOCKET DESCRIPTION

**IN THE MATTER OF** an application submitted by Akerman, LLP on behalf of Enrico Scarda pursuant to Sections 197-c and 201 of New York City Charter for an amendment of the Zoning Map, Section No 7d, by establishing within an existing R3-1 District a C1-3 District bounded by Cross Island Parkway Service Road South, a line perpendicular to the northeasterly street line of Clintonville Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Clintonville Street and the southerly street line of Cross Island Parkway, and Clintonville Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-535.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on July 11, 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 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 map a C1-3 commercial overlay within an existing R3-1 District. The proposed overlay will facilitate the redevelopment and expansion of the applicant's existing one-story gift shop on the development site;
- The rezoning area includes Block 4721 Lots 6 and 7. The area is currently zoned R3-1 which is a low-density contextual district that allows semi-detached one- and two-family homes as well as detached homes. The maximum FAR for residential building is 0.5 (0.6 with an attic allowance). Block 4721 Lot 6 is a 1,019 sf corner lot located at the corner of Cross Island Parkway Service Road south and Clintonville Street. The lot is currently occupied by a legal non-conforming single-story gift shop. Lot 7 is a 5,897 sf lot occupied by a vacant single-family house and detached garage. Both lots are owned by the applicant;
- The proposed development site includes both lots which combined have a lot area of 6,916 sf. The structures on both lots would be demolished to redevelop the site. The original proposal was for a 4,398 sf (0.64 FAR) commercial building with a cellar that would provide a replacement space for the existing gift shop. The building would have an approximately 4,150 sf cellar, 3,835 sf of commercial/retail space, and 563 sf of accessory office space on the first floor. Five accessory parking spaces, that would be accessed by a 15' curb cut on the Cross Island Parkway service road. There would be plantings and trees as a buffer surrounding the parking area;
- However, after several meetings with the CB 7's Land Use Committee, the applicant has agreed to revise the plan reducing the proposed floor area of the building to 4,000 sf of commercial space and to increase the proposed number of provided parking spaces from five to six spaces as requested. The applicant also advised CB 7 that the planned development would be a bank instead of a gift shop as originally proposed;
- The rezoning area is triangular in shape and is bounded by the Cross Island Parkway Service Road to the north, Locke Avenue to the south, 153<sup>rd</sup> Place to the east and Clintonville Street to the west. The surrounding area is developed with a mix of low- to mid-density residential uses with commercial uses along the major thoroughfares. The Cross Island Parkway, a major highway that runs through Queens, located immediately north of the rezoning area separates the rezoning area from the predominantly low-density housing to the north;
- Community Board 7 (CB 7) approved this application with conditions by a vote of thirty-three (33) in favor with seven (7) against and one (1) abstaining at a community board meeting held on June 17, 2019. CB 7's conditioned the approval upon the applicant executing and recording a deed restriction attached to the property into perpetuity that would assign with the following restrictions: limiting the proposed building to only one-story with a total floor area of not more than 4,000 sf; restriction against occupancy of the building with convenience stores and 24-hour service stores; all vehicular access to the site only from the Cross Island Parkway service road; all lighting on the site should be focused and directed onto the site and should not spillover outside of the site; limitation to six at grade parking spaces including one handicapped space; no operations on the site between midnight to 6:00 am; and that the Queens Garden Nursery (a neighboring business with some available parking spaces) will allow three (3) of their parking spaces to be used during weekdays;

- At the Queens Borough President public hearing, the applicant stated that they had agreed to all of CB 7's conditions of approval regarding the size of the building, types of uses and restriction of hours, vehicular access and parking arrangements.

RECOMMENDATION

Based on the above considerations, I hereby recommend approval of this application with a condition that the applicant should execute and record a deed restriction as specified in CB 7's recommendation, and, that all conditions that they had agreed and committed to at the CB 7 meeting and reiterated at the Queens Borough President's public hearing is memorialized.

  
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PRESIDENT, BOROUGH OF QUEENS

  
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DATE