



Legislation Details (With Text)

**File #:** Res 1135-2019      **Version:** \*      **Name:** LU 539 - Zoning, 38th Street – 35th Avenue Rezoning, Queens (N 180037 ZRQ)

**Type:** Resolution      **Status:** Adopted

**In control:** Committee on Land Use

**On agenda:** 10/17/2019

**Enactment date:**      **Enactment #:**

**Title:** Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180037 ZRQ, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 539).

**Sponsors:**

**Indexes:**

**Attachments:** 1. Res. No. 1135, 2. Land Use Calendar - Week of September 16, 2019 - September 20, 2019, 3. September 25, 2019 - Stated Meeting Agenda with Links to Files, 4. Land Use Calendar - September 30, 2019 and October 4, 2019, 5. Hearing Testimony - Zoning 9-18-19, 6. Hearing Testimony - Zoning 9-18-19, 7. Hearing Testimony - Zoning 9-18-19, 8. Hearing Transcript - Zoning 9-18-19, 9. October 17, 2019 - Stated Meeting Agenda with Links to Files, 10. Hearing Transcript - Stated Meeting 10-17-19, 11. Minutes of the Stated Meeting - October 17, 2019, 12. City Planning Commission Approval Letter, 13. Committee Report

Date	Ver.	Action By	Action	Result
10/10/2019	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
10/17/2019	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1135**

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180037 ZRQ, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 539).**

**By Council Members Salamanca and Moya**

WHEREAS, Empire MG Properties, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area utilizing Option 2, which in conjunction with the related action would facilitate the construction of a seven-story mixed use building located on the west side of 38<sup>th</sup> Street in Astoria, Queens, Community District 1 (Application No. N 180037 ZRQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 13, 2019 its decision dated September 11, 2019 (the “Decision”), on the application;

WHEREAS, the Application is related to application C 180036 ZMQ (Pre. L.U. No. 538), a zoning map amendment to change an M1-1 District to an R6A/C1-3 District;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued April 22<sup>nd</sup>, 2019 (CEQR No. 08DCP045Q) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the “E” Designation (E-533));

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-533) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180037 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

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

\* \* \*

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

\* \* \*

**QUEENS**

\* \* \*

**Queens Community District 1**

\* \* \*

Map 6 - [date of adoption]



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

Area 6 — [date of adoption] — MIH Program Option 2

Area 6 - [date of adoption] - MIH Program Option 2 Option 1

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on October 17, 2019, on file in this office.

City Clerk, Clerk of The Council