



## Legislation Details (With Text)

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| <b>File #:</b>         | Res 1134-2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Version:</b>     | * | <b>Name:</b>                  | LU 538 - Zoning, 38th Street – 35th Avenue Rezoning, Queens (C 180036 ZMQ) |
| <b>Type:</b>           | Resolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Status:</b>      |   | <b>Adopted:</b>               | Adopted                                                                    |
|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>In control:</b>  |   | <b>Committee on Land Use:</b> | Committee on Land Use                                                      |
| <b>On agenda:</b>      | 10/17/2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |   |                               |                                                                            |
| <b>Enactment date:</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Enactment #:</b> |   |                               |                                                                            |
| <b>Title:</b>          | Resolution approving the decision of the City Planning Commission on ULURP No. C 180036 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 538).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                     |   |                               |                                                                            |
| <b>Sponsors:</b>       | Rafael Salamanca, Jr., Francisco P. Moya                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |   |                               |                                                                            |
| <b>Indexes:</b>        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                     |   |                               |                                                                            |
| <b>Attachments:</b>    | 1. Res. No. 1134, 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. 1134

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180036 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 538).**

**By Council Members Salamanca and Moya**

WHEREAS, Empire MG Properties, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, changing from an M1-1 District to an R6A District and establishing within the proposed R6A District a C1-3 District, 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 (ULURP No. C 180036 ZMQ) (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 N 180037 ZRQ (Pre. L.U. No. 539), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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 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, C 180036 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

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. 9b, by 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 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 conditions of the CEQR Declaration E-533.

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