



June 13, 2018 / Calendar No. 21

C 180243 PCQ

IN THE MATTER OF an application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for a site selection and acquisition of property located at 50-02 39th Avenue (Block 129, Lot 30) for use as park, Borough of Queens, Community District 2.

This application for site selection and acquisition of property was filed on February 1, 2018 by the New York City Department of Parks and Recreation (DPR) and the Department of Citywide Administrative Services (DCAS). The proposed action would facilitate the development of a park in Sunnyside, Queens Community District 2.

BACKGROUND

DPR and DCAS are seeking the site selection and acquisition of privately-owned property located at 50-02 39th Avenue (Block 129, Lot 30) for use as a public park. It is located within the landmarked Sunnyside Gardens Historic District and the Special Planned Preservation Community District (PC). The PC was created for Sunnyside in 1974 and it requires that the City Planning Commission review new developments and building enlargements to ensure that such changes are consistent with the existing built character and site plans of the historic Sunnyside Gardens planned development. In 2007 Sunnyside Gardens became a New York City Historic District, which also requires the Landmarks Preservation Commission (LPC) to review proposals for alterations or new developments to ensure that they will complement the historic district's character. Since the site is located in the historic district, the future park design will ultimately require approval from the LPC.

The project site is a 10,000-square-foot lot located at the southeast corner of 39th Avenue and 50th Street, within an R4 zoning district. DPR has identified Community District 2 as having a low open space ratio at 0.7 acres of open space per 1,000 residents which is significantly less

than the Department of City Planning's recommended ratio of 2.5 acres per 1,000 residents. The project site would yield 0.23 acres of new accessible open space.

Until the 1990s the site was a playground serving the residents of the Phipps Houses apartment complex, located across 39th Avenue, north of the site. The property has since been fenced and has not been accessible to the public. The former playground, in the interior portion of the site, contains two structures: an open-air pavilion with a roof and a large shed that contains two bathrooms. The former playground is currently surrounded by a high security fence. The perimeter of the site, along the sidewalk, is planted with grass, shrubs, and trees and is secured with a low fence.

The current owner acquired the site in 2007 and had plans to develop it with a two-story multifamily development. Those plans were disapproved by the LPC, and the development never occurred. Subsequently, the local councilmember and the Sunnyside community have expressed an interest in the City's acquiring the site for development as a park.

Adjacent properties immediately east of the site along 39th Avenue consist of two-story, mixed-use buildings containing commercial uses and community facilities on the ground floor with residences above. Five-story garden apartments, known as Phipps Garden Apartments, are north of the site across 39th Avenue, and a six-story apartment building is located east of the site across 51st Street, both within the R4 district. Nearby properties within the R4 district consist predominantly of two-story, one- and two-family attached houses. Properties south of the site are mapped with an R5B district and characterized by two- and three-story, one- and two-family attached houses.

Nearby open space resources include Lawrence Virgilio Playground, a three-acre public park located between 39th Road and 39th Drive extending from 52nd Street to 54th Street, and Sunnyside Gardens Park, a three and a half acre privately-owned park in historic Sunnyside Gardens northwest of the site between 48th and 51st streets and open to the Sunnyside Gardens Park membership and their guests.

Upon the acquisition of the subject site, DPR intends to work with the local council member, Community Board 2 and community residents to develop the site into a park. The council member has allocated funds for acquisition of the site in Fiscal Year 2017. Community Board 2 listed the proposed acquisition in its FY 2018-2019 Citywide Statement of Needs and in its FY 2018 budget requests.

ENVIRONMENTAL REVIEW

This application (C 180243 PCQ) 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 Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is DPR. This application was determined to be a Type II action, which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 180243 PCQ) was certified as complete by the Department of City Planning on February 26, 2018, and was duly referred to Queens Community Board 2 and the Queens Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Queens Community Board 2 held a public hearing on this application (C 180243 PCQ) on April 5, 2018, and on that date, by a vote of 39 in favor, none opposed, and with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Queens Borough President held a public hearing on this application (C 180243 PCQ) on May 3, 2018 and issued a recommendation approving the application on May 10, 2018.

City Planning Commission Public Hearing

On May 9, 2018 (Calendar No. 10), the City Planning Commission scheduled May 23, 2018 for a public hearing on this application (C 180243 PCQ). The hearing was duly held on May 23, 2018 (Calendar No. 20). Three speakers testified in favor of the application.

DPR's Deputy Director of Parklands summarized the proposal and stated that the agency would work closely with the community board in the design and development of a community park. He stated that funding was in place for site acquisition and that any remaining funds would be used for park development.

The second speaker, representing the Sunnyside Gardens Preservation Alliance, stated that this organization had worked since 2009 to establish a broad and deep consensus for a passive garden park. He also noted that the organization looks forward to working with DPR on the park's design. The last speaker, a longtime resident of Sunnyside Gardens, remarked on the importance of retaining this property as public open space.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this application (C 180243 PCQ) for the site selection and acquisition of property is appropriate.

The proposed action will allow DPR to acquire a 10,000-square-foot lot that has been unused since the 1990s. Acquisition of this property will facilitate improvement of the site as an additional recreational resource for the Sunnyside Gardens community.

The Commission notes the proposed park will add 0.23 acres of open space recreational land in a community with insufficient open space and help further the Mayor's goal outlined in OneNYC: The Plan for a Strong and Just City, to bring 85 percent of New Yorkers within a "walk to a park" by 2030.

The Commission acknowledges the broad support by the Sunnyside Gardens community and elected officials for the proposed park use and recognizes the preference for a passive garden park by the Sunnyside Gardens Preservation Alliance. While the future park's design is beyond the scope of the requested action, the Commission is pleased that DPR will work closely with community residents and the local council member in developing the design plan for this future open space amenity.

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 consideration described in this report, the application submitted by DPR and DCAS for the site selection and acquisition of property located at 50-02 39th Avenue (Block 129, Lot 30) for use as park, is approved.

The above resolution (C 180243 PCQ), duly adopted by the City Planning Commission on June 13, 2018 (Calendar No. 21), 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.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

**ALLEN P. CAPPELLI, ALFRED C. CERULLO, III, MICHELLE DE LA UZ,
JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARÍN, LARISA ORTIZ**, *Commissioners*

Queens Borough President Recommendation

APPLICATION: ULURP #180243 PCQ

COMMUNITY BOARD: Q02

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Parks and Recreation (DPR) and the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the NYC Charter, for site selection and acquisition of property located in an R4 District at **50-02 39th Avenue** for use as a park, Block 129, Lot 30, Zoning Map 9b, Sunnyside, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, May 3, 2018, 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 two (2) speakers in favor. 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:

- This application is for site selection and acquisition of the property for use as a park;
- The property is located in an R4 District on the southeast corner of 50th Street and 39th Avenue. The site is a 100' X 100' property that was formerly used as a playground. The playground was closed and fenced to bar access to the site. The equipment and structures located on the site have become derelict and are now in a state of disrepair. A plan to redevelop the site for residential use was unsuccessful. The surrounding properties and area are predominantly developed with low-density housing and medium density apartment buildings;
- The site is mapped as part of a Special Planned Preservation Community District and is located within the landmarked Sunnyside Gardens Historic District. In the past the site was used as a playground for the nearby Phipps Houses;
- In consultation with the community, DPR is proposing to make improvements and install equipment and furniture to meet the recreational needs of area residents. Restoration of this park would provide much needed open space in Community District 2;
- Community Board 2 approved this application by a vote of thirty-nine (39) in favor with none (0) against or abstaining at a public meeting held on April 5, 2018.

RECOMMENDATION

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



PRESIDENT, BOROUGH OF QUEENS

5/10/18
DATE