

# Queens Borough President Recommendation

APPLICATION: ULURP #180530 ZMQ

COMMUNITY BOARD: Q01

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Akerman LLP on behalf of Ashley Young LLC and John Young Associates LLC, pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning Map, Section No. 9b:

1. changing from an R5 District to an R6B District property bounded by a line 150 feet northeasterly of 34<sup>th</sup> Avenue, 47<sup>th</sup> Street, a line 140 feet northeasterly of 34<sup>th</sup> Avenue, and a line midway between 46<sup>th</sup> Street and 47<sup>th</sup> Street;
2. changing from an C8-1 District to an R6B District property bounded by a line 140 feet northeasterly of 34<sup>th</sup> Avenue, 47<sup>th</sup> Street, 34<sup>th</sup> Avenue a line 50 feet northwesterly of 34<sup>th</sup> Avenue, and a line midway between 46<sup>th</sup> Street and 47<sup>th</sup> Street;
3. changing from an R5 District to an R7X District property bounded by a line 150 northeasterly of 34<sup>th</sup> Avenue, 48<sup>th</sup> Street, a line 140 feet northeasterly of 34<sup>th</sup> Avenue, and 47<sup>th</sup> Street;
4. changing from an C8-1 District to an R7X District property bounded by a line 140 feet northeasterly of 34<sup>th</sup> Avenue, 48<sup>th</sup> Street, 34<sup>th</sup> Avenue, and 47<sup>th</sup> Street;
5. establishing within an existing and proposed R6B Districts a C2-4 District bounded by a line 150 feet northeasterly of 34<sup>th</sup> Avenue, 47<sup>th</sup> Street, 34<sup>th</sup> Avenue, and a line midway between 46<sup>th</sup> Street and 47<sup>th</sup> Street;
6. establishing within a proposed R7X District a C2-4 District bounded by a line 150 feet northeasterly of 34<sup>th</sup> Avenue, 48<sup>th</sup> Street, 34<sup>th</sup> Avenue, and 47<sup>th</sup> Street;

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 13, 2018 and subject to conditions of CEQR Declaration E-509. (Related item: ULURP #180529 ZRQ)

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, January 31, 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 six (6) speakers in favor and one (1) against. 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 one and a half blocks (Block 722 Lots 1, 3, 4 part of 5 & 70 and Block 723 Lots 1 & 8) fronting on 34<sup>th</sup> Avenue between 48<sup>th</sup> Street to the approximately midblock of 47<sup>th</sup> Street from C8-1, R6B and R5 to R6B/C2-4 and R7X/C2-4;
- The applicant has also filed another application (ULURP #180529 ZRQ) to amend Appendix F of the NYC Zoning Resolution to establish and map a Mandatory Inclusionary Housing Area for the proposed rezoning area;
- The proposed rezoning would allow the applicant to redevelop their property (Block 723 Lots 1 & 8) with a 14-story mixed-use building. The proposed building would rise to 14-stories over a 10-story base on 34<sup>th</sup> Avenue, step down to 6-stories on 34<sup>th</sup> Avenue towards 47<sup>th</sup> Street, and down to 4-stories at the rear of the building towards the existing 2- and 3-story residences on the abutting lots just north of the site. There is 14.25 feet unbuilt space between the proposed building and the abutting properties. The proposed 183,442 sf (6 FAR) building would include 8630 sf of ground floor commercial space, 4800 community facility space and 170,017 sf residential space. The total number of proposed residential units are 201 including 61 units of Mandatory inclusionary Housing (MIH) affordable units. There would be 77 parking spaces as required by the proposed zoning. The MIH units would be 30% of residential floor area at 805 AMI (Option 2);
- The applicant's property (Block 723 Lots 1 & 8) is on 34<sup>th</sup> Avenue between 47<sup>th</sup> and 48<sup>th</sup> Streets. The block front is currently developed with retail buildings that are occupied by an auto tire sales and car inspection store, lighting business, a tutoring center, two fast food restaurants and an open parking lot. The area directly west of the applicant's site, Block 722, Lots 1, 3, 4 part of 5 & 70, is developed with a commercial buildings on Lots 1 and 70, the other lots are developed with low density residential buildings. The proposed rezoning would extend an existing R6B District and C2-4 overlay onto the properties;

- The areas to the south of Northern Boulevard and east of the site are zoned for manufacturing and auto related uses and are developed with big box retail and smaller commercial uses, auto related and industrial uses. The areas to the west and north are zoned for and developed predominantly with lower- to middle-density housing;
- The applicant and development team met several times with the Community Board 1 Land Use Committee (LUC) during pre-certification and after certification of the application to present the project and to receive feedback on the proposal. There was also a public hearing held in Woodside near the project site. As suggested in comments received from the LUC, regarding unit sizes of the apartments, the applicant decreased the overall number of studios and one-bedroom market rate and affordable apartments in the proposed building. While maintaining the total number of affordable units at 61, the number of affordable two-bedroom units was increased from 19 units to 27 and the number of affordable three-bedroom units was increased by 1 for a total of 2. The total number of apartments for the building was reduced from 201 units to 200 units to accommodate the addition of family sized units. This modification was presented at the CB 1 monthly meeting prior to the vote;
- Community Board 1 (CB 1) disapproved this application by a vote of thirty-one (31) against and four (4) in favor with one (1) abstaining at public meeting held on January 15, 2019. CB 1's reasons for disapproving the project are as follows: the building is too tall relative area building heights; there are an insufficient number of affordable units; and the affordable units are not priced for local residents;
- At the Borough President's January 31, 2019 Land Use Public Hearing, during their presentation of the project the applicant addressed concerns raised by Community Board 1. As presented to the CB 1 the overall number of studios and one-bedroom apartments was reduced and the number of affordable multi-bedroom units was increased by 9 units to better accommodate families. The tallest portion of the proposed building has been reduced from 14-stories to 12-stories with some of the bulk shifted to a formerly 6-story corner portion at the intersection of 34<sup>th</sup> Avenue and 47<sup>th</sup> Street bring that portion of the building to 8-stories. The portions of the building facing the abutting lower density lots to the north of the site remain at 4-stories. The applicant has proposed that within MIH Option 2 (30% of units @ 80%) at least 20% of affordable units will be dedicated to households within the 60% AMI band (i.e. \$62,580/year family of 4). The affordability of the remaining 10% of affordable units is open to discussion. The applicant stated that after consideration, the CB 1 LUC suggestion to reduce the depth of the overlay and mapping a C1 instead of the proposed C2 would not serve the proposed development or the neighborhood. These modifications have been specified in a letter to the Borough President received after the hearing. In the letter, the applicant also notes that while the project has received a Negative Declaration pursuant to City Environmental Quality Review (CEQR) review, that includes consideration of traffic, they would work with the community, elected officials and the Department of Transportation to assure that the project is aligned with efforts to promote pedestrian and traffic safety.

#### RECOMMENDATION

The applicant has met several times with the community board during pre-certification and after certification to present the proposed project. Following these meetings, the applicant did modify the project, increasing the number of multi-family apartments, in response to comments received in an effort to address concerns that were raised. Following the community board's vote on the project, the applicant has further modified their project, reducing the tallest portion of the proposed building by 2 floors and increasing the number of affordable units in the 60% AMI band, to respond to concerns that have been raised. Overall, the applicant has demonstrated a commitment to work with the community on this proposal.

The proposed project site is located on a well-developed portion of Northern Boulevard. There is a pressing need for affordable housing at all ranges of the income spectrum. The applicant's willingness to modify the project increasing the number of family sized affordable units, increase the number of units in the 60% AMI band, and lowering the building height shows a meaningful commitment to work with the community.

Based on the above consideration, I hereby recommend conditional approval of this application. The conditions of this recommendation are as follows:

- The applicant remains committed to modifications outlined in their letter;
- The proposed 12-story building would be the tallest in this community. The building height should be further reduced as requested by the community;
- The proposed number of affordable units meets the MIH requirements. However, the need for affordable housing is greater. The applicant should find a way to provide more affordable units;
- The applicant's willingness to work with the community on this project is appreciated. I strongly urge the applicant to continue in this spirit working with the community to refine the project to address community concerns.

  
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PRESIDENT, BOROUGH OF QUEENS

2/21/19  
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DATE