

## CITY PLANNING COMMISSION



April 10, 2019 / Calendar No. 13

N 180529 ZRQ

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**IN THE MATTER OF** an application submitted by Ashley Young LLC and John Young Associates LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1.

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The applicant, Ashley Young LLC and John Young Associates LLC, filed this application for a zoning text amendment on June 29, 2018, in conjunction with an application for an amendment to the Zoning Map. The applicant seeks to designate a Mandatory Inclusionary Housing (MIH) area. The proposed actions would facilitate the development of a mixed-use building at 47-15 34<sup>th</sup> Avenue in the Astoria neighborhood of Queens, Community District 1.

### RELATED ACTION

In addition to the proposed zoning text amendment (N 180529 ZRQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 180530 ZMQ      Zoning map amendment to change from C8-1, R6B, and R5 zoning districts to R7X/C2-4 and R6B/C2-4.

### BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment action (C 180530 ZMQ).

### ENVIRONMENTAL REVIEW

This application (N 180529 ZRQ), in conjunction with the related application for a zoning map amendment (C 180530 ZMQ), 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

(CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Department of City Planning. The designated CEQR number is 19DCP003Q.

A summary of the environmental review appears in the report for the related zoning map amendment (C 180530 ZMQ).

## **UNIFORM LAND USE REVIEW**

This application (N 180529 ZRQ) was certified as complete by the Department of City Planning on November 13, 2018 and duly referred to Queens Community Board 1 and the Queens Borough President in accordance with the procedures for non-ULURP matters, along with the related application for a zoning map amendment (C 180530 ZMQ), which was certified as complete by the Department of City Planning 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 1 held a public hearing on this application (N 180529 ZRQ) and the related application for a zoning text amendment (C 180530 ZMQ) on January 15, 2019 and on that date, by a vote of 31 in favor, four opposed, and with two abstaining voted to recommend disapproval of the application. A summary of the vote and recommendation of Community Board 1 appears in the report for the related zoning map amendment action (C 180530 ZMQ).

### **Borough President Recommendation**

The Queens Borough President held a public hearing on this application (N 180529 ZRQ) and the related action for a zoning text amendment (C 180530 ZMQ) on January 31, 2019, and on February 21, 2019 issued a recommendation to approve the application with conditions. A summary of the vote and recommendation of the Queens Borough President appears in the report for the related zoning map amendment action (C 180530 ZMQ).

### **City Planning Commission Public Hearing**

On February 13, 2019, (Calendar No. 10), the City Planning Commission scheduled February 27, 2019 for a public hearing on this application (N 180529 ZRQ) and the related application for a

zoning map amendment (C 180530 ZMQ). The hearing was duly held on February 27, 2019 (Calendar No. 33). Six speakers testified in favor of the application, and three speakers testified in opposition to the application. Six local residents also submitted electronic testimony in opposition to the application. There were no other speakers, and the hearing was closed. A summary of the public hearing appears in the report for the related zoning map amendment action (C 180530 ZMQ).

## **CONSIDERATION**

The City Planning Commission believes that this application for a zoning text amendment (N 180529 ZRQ) is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appear in the report for the related zoning map amendment (C 180530 ZMQ)

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on November 9, 2018 with respect to this application (CEQR No. 19DCP003Q), 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 Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report (N 180529 ZRQ), the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

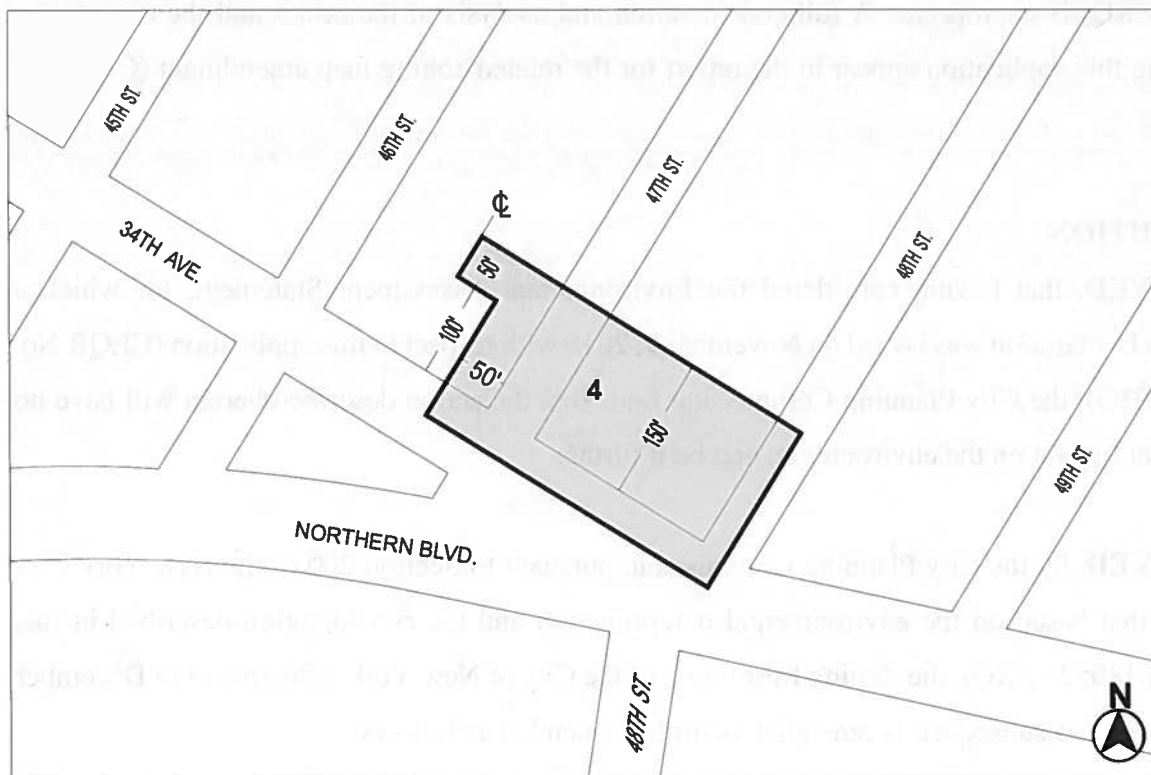
**APPENDIX F**  
**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

**QUEENS**

**Queens Community District 1**

Map 5 - [date of adoption]

[PROPOSED MAP]



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

Area 4 — [date of adoption] — MIH Program Option 2

Portion of Community District 1, Queens

The above resolution (N 180529 ZRQ), duly adopted by the City Planning Commission on April 10, 2019 (Calendar No. 13), 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***

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**HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,**

**LARISA ORTIZ, RAJ RAMPERSHAD,**

***Commissioners***





## City of New York Community Board #1, Queens

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January 22, 2019

Honorable Marisa Lago  
Chair  
New York Department of City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, New York 10271

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RE: 1) C 180530 ZMQ Zoning Map amendment to rezone an R6B zoning district to R7X/C2-4 and R6B/C2-4, and  
2) N 180529 ZRQ: Zoning text amendment to Appendix F to designate a Mandatory Inclusionary Housing Area  
47-15 34<sup>th</sup> Avenue, CD 1Q, Ashley Young LLC, Applicant

Dear Chair Lago,

Community Board 1 Queens (CB1Q) held duly advertised public hearings for the referenced applications on January 9, continued to January 15, 2019. If approved, the actions will facilitate construction of a 14-story mixed-use building in the LIC-Woodside area.

Following the public hearing testimony and after reports from the Land Use and Zoning Committee, CB1Q voted 31 in favor, 4 opposed and 2 not voting for cause to disapprove both applications.

### Proposed Development

The Land Use Committee first reviewed the draft application on February 7, 2018, before it was filed with the Department of City Planning. The Applicant was requesting to:

- Rezone five lots along 34<sup>th</sup> Avenue between 46<sup>th</sup> and 47<sup>th</sup> street from C8-1 to R6B/C2-4 and R7X/C2-4 on two lots (the project site) between 47<sup>th</sup> and 48<sup>th</sup> streets;
- Designate an MIH area covering most of the rezoning area using MIH Option 2.

The illustrative plan shows a building that fronts on 34<sup>th</sup> Avenue, with a roofline that steps down from 14 stories (145') on 34<sup>th</sup> Avenue to 6 stories (65') then 4 stories (45') as the project reaches midblock, closer to existing R5 residential development. The step down was used to reflect the neighborhood context and to reduce the impact of the permitted 145-foot building height with R7X. The lowest portion of the new building is separated from adjacent two- and three-story development by a 14-foot driveway that accesses 77 underground and surface self-park spaces for residents. There are two curb cuts at midblock on each side street. Parking for commercial uses were waived. The north side of the thru-block driveway will be landscaped to buffer the space from the adjacent residences.

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Yawne Robinson  
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Kathleen Warnock

A private, landscaped deck for building residents is provided over the parking and commercial uses. The façade and window treatments make the building iconic and create visual interest. The project has 201 units with 140 market-rate and 61 permanently affordable units under MIH Option 2 at an average of 80% of Average Median Income, currently at \$68,720 for a family of four.

#### **Community Review**

During its review of the draft application at its February 7, 2018 meeting, the Land Use Committee raised the following concerns:

- The precedent-setting height and density proposed in an area where the predominant built character is low-rise, with no building in the area higher than six stories (one building two blocks away and the NYCHA Woodside Houses campus three blocks away).
- Impacts on schools already over 100% utilization, the local subway line, traffic and insufficient on-street parking;
- Loss of neighborhood businesses;
- The insufficient number of two- and three-bedroom units proposed in the project to accommodate families;
- The minimal number of affordable units and the high income levels those units would serve were not a planning justification for a building of this size and density.

The applications were filed June 29, 2018 and certified November 13, 2018. On December 4, 2018 the Applicant met again with the Committee. Since the original application was not revised before certification, the Committee's second review and comments were more direct:

- Lower the zoning district and building height to respect the context of the adjacent neighborhood;
- Change the AMI income bands so rentals are more in line with the economic profile of the neighborhood (Option 2 AMIs and the proposed rentals exceed affordability in this area);
- Provide fewer studio and 1 BR apartments (apartment distribution is skewed toward single and two-person households, not families);
- Increase the number of 2BR and 3BR apartments for families and explore other available subsidy programs to use if necessary to increase the number and affordability of units within the project;
- Commercial zoning should be for local, neighborhood businesses.

#### **Public Hearings**

CBIQ held a public hearing in the local community on January 9, 2019 and continued the hearing at its regular meeting on January 15<sup>th</sup>. The Applicant's representatives gave an overview of the zoning actions and the proposed development at both hearings. There were 11 speakers on January 9<sup>th</sup> and 37 speakers on January 15<sup>th</sup> who testified.

Three testified in support of the application at the January 9<sup>th</sup> hearing: the CEO of Urban Upbound (a community organization for public housing residents engaged by the Applicant), a union representative of 32BJ property service workers and the president of NYCHA Woodside Houses tenants. They stated the project would provide construction and service jobs, a future job training space for area residents and the opportunity for residents to relocate and upgrade their living spaces.

Eight residents from the area spoke in opposition to the rezoning:

- The area needs truly affordable housing; the proposed affordable rents are very high for the area and will price out current tenants;
- The project's size will set a precedent for future development on Northern Boulevard;
- Northern Boulevard needs a long-term plan for future development;
- The proposed building is out of context and out of character with the neighborhood;
- Shadows will fall on the adjacent homes and
- The increasing number of residents will impact parking, the subway and schools.

The hearing was continued on January 15, 2019 when Applicant's representative presented the proposal to the Board and stated that 1,500 SF of community facility space would be provided for Urban Upbound offices. He also stated

they would determine if it were feasible to increase the number of larger units and increase the number of MIH apartments below 100% AMI.

Speakers in support of the proposed rezoning and project included:

- The Urban Upbound CEO who stated he represented the Applicant and that
  - The project will provide both market and affordable housing;
  - The affordable housing was challenged and adjustments were made;
  - Service jobs in the building would be represented by 32BJ and
  - Urban Upbound will have a new campus in Woodside for its program.
- A representative from the 32BJ union said the project would bring in good service jobs and provide economic opportunity.
- Two Pastors from Queens churches outside the area stated their support for the affordable housing, union jobs and locating Urban Upbound in the project.
- Twelve speakers (seven identified as area residents) affirmed their support for the Urban Upbound program and a need for affordable housing and jobs. Two of those speakers stated they would still support the project even if the new development affects rents because it will provide chances to improve their housing situation.

Eighteen speakers testified in opposition to the proposal citing:

- The project's height and density are out of context with the neighborhood;
- The project can lead to increased property values and rents that will destabilize the area and lead to displacement;
- The parking and transit impacts from the project will be added to the changes and impacts from other commercial and residential projects planned for the area, including a new high school across from the site;
- CEQR analyses were not done for traffic, neighborhood character and shadow impacts but are needed;
- The proposed rentals are above affordability levels of the current area residents;
- The community needs affordable apartments in lower rental ranges but gets a project with 70% of the units for people with high-incomes.

#### **Community Board Comments**

CB1Q believes the proposed rezoning application, as submitted and certified, will produce a building that is significantly out of scale and context with surrounding development. The predominant character is medium density with three- to six-unit multi-family structures with no building in the area taller than six stories. A more appropriate transition between Northern Boulevard and the neighborhoods to the north would be developments with maximum building heights between eight and ten stories.

The Board also believes the proposed R7X district will establish a precedent and set a standard for minimum bulk and density for new development, becoming a starting point for requesting other zoning districts that allow higher bulk, building heights and densities on numerous soft sites and assemblages within and adjacent to the Northern Boulevard corridor. This is just what occurred last year with a request to rezone one blockfront to R7X after the 2010 Astoria Rezoning mapped R7A along 21<sup>st</sup> Street.

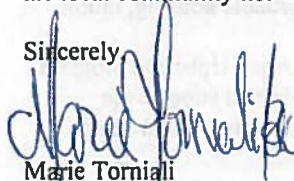
The Board is concerned that a project with 140 market-rate units can trigger a rise in area rents and property values for surrounding apartment buildings and small homes and lead to displacement that affects both residential and commercial tenants. The commercial tenants might be helped if the proposed C2 commercial overlay district were changed to C1 and reduced to a depth of 100 feet. The C1 district and shorter depth are consistent with commercial districts in the area, would keep commercial uses from encroaching on the residential midblock and help retain local service uses.

The proposed development has set aside just the minimum (30%) residential floor area required that is required to benefit from increased MIH bulk and density regulations. The floor area MIH set-aside should have been minimally increased to 35% and the number of two- and three-bedroom MIH units increased to accommodate additional households with more than one child.

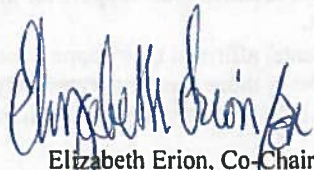
By selecting Option 2, the Board believes the applicant established a level of affordability that was well beyond the incomes of many area residents. In the five census tracts surrounding the project site the median household income is \$41,115, median family income is \$39,202 and 69.9% of the rents for occupied units exceed 35% of residents' income (source: ACS/DCP). The Applicant could select MIH Option 1 to reach a wider range of income levels that is closer to the area median household income.

During their presentation to the Board, the Applicant stated they were trying to improve the MIH numbers by exploring the possibility of increasing the two- and three-BR apartments in the project and would review their financials to determine if and how they can expand the income bands and levels of affordability within the MIH Option. CBIQ acknowledges these efforts. However, the Board believes the building height, the insufficient number of proposed MIH units in the project and the high MIH income requirements and rent levels neither benefit the local community nor warrant a recommendation to approve the proposed rezoning action.

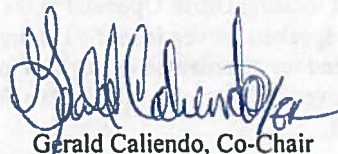
Sincerely,



Marie Tornali  
Chairperson



Elizabeth Erion, Co-Chair  
Land Use and Zoning Committee



Gerald Caliendo, Co-Chair  
Land Use and Zoning Committee

cc: Honorable Michael Gianaris  
Honorable Jessica Ramos  
Honorable Aravella Simotas  
Honorable Catherine Nolan  
Honorable Brian Barnwell  
Honorable Costa Constantinides  
Honorable Jimmy Van Bramer  
Mr. Irving Poy, Director, Land Use, BPQ  
Mr. John Young, Director, Queens Office DCP  
Mr. Blake Montieth, City Planner and Urban Designer, DCP  
Mr. Frank St. Jacques, Akerman LLP  
Ashley Young LLC, Applicant  
John Young Associates LLC, Applicant

# Queens Borough President Recommendation

APPLICATION: ULURP #180529 ZRQ

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 a zoning text amendment to Appendix F of the NYC Zoning Resolution to designate the Project Area a Mandatory Inclusionary Housing Designated Area (MIH), Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 13, 2018, and subject to the conditions of CEQR Declaration E-509. (Related item: ULURP #180530 ZMQ)

## 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:

- o This application was also to amend Appendix F of the NYC Zoning Resolution to establish and map a Mandatory Inclusionary Housing Area for an area that has been proposed for rezoning;
- o The rezoning application (ULURP #180530 ZMQ) proposes the rezoning of 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;
- o 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 unbuild 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);
- o 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;
- o 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;
- o 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;

- o 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;
- o 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.

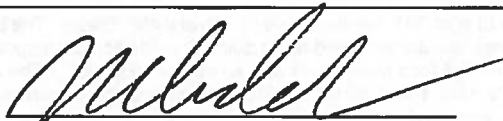
#### RECOMMENDATION

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.

  
PRESIDENT, BOROUGH OF QUEENS

2/21/19  
DATE