



April 10, 2019 / Calendar No. 12

C 180530 ZMQ

**IN THE MATTER OF** an application submitted by Ashley Young LLC and John Young Associates LLC pursuant to Sections 197-c and 201 of the New York City 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 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 a 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 47<sup>th</sup> Street, a line 100 feet northeasterly 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 feet 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 a 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 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; and,
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 the conditions of CEQR Declaration E-509.

The applicant, Ashley Young LLC and John Young Associates LLC, filed this application for a zoning map amendment on June 29, 2018, in conjunction with an application for an amendment to the Zoning Resolution. The proposed actions would facilitate the construction of a 12-story, 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 map amendment (C 180530 ZMQ) 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:

N 180529 ZRQ      Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

## **BACKGROUND**

The applicants seek a zoning map amendment (C 180530 ZMQ) and zoning text amendment (N 180529 ZRQ) to facilitate the development of a new 12-story building with approximately 201 residential units and space for commercial and community facility uses near the intersection of 34<sup>th</sup> Avenue and Northern Boulevard in Astoria. The development site (Block 723, Lots 1 and 8) is located northeast of Sunnyside Yard and southwest of Woodside Houses.

The surrounding area within 600 feet of the development site north of 34<sup>th</sup> Avenue is primarily a residential neighborhood comprised of two- and three-story attached and semi-detached residential buildings. Most of these buildings were built in the 1910s through 1930s. 34<sup>th</sup> Avenue is a wide street (with a street width greater than 75 feet), and it is primarily characterized by pre-war, multi-family residential buildings ranging from three to six stories in height, many of which have ground-floor local commercial uses, especially those located on the south side of the avenue. Much of the surrounding area to the south of 34<sup>th</sup> Avenue and extending east and west along Northern Boulevard, a primary commercial thoroughfare, is characterized by a mix of automotive sales and repair lots, big-box retail establishments, and warehouses. A small public park, Dwyer Square, is located between 34<sup>th</sup> Avenue and Northern Boulevard directly across from the development site. The development site is one block south of the 46<sup>th</sup> Street R/M subway station. Bus stops for the Q104 and Q66 buses are also located less than one block away.

The rezoning area is generally bounded by 34<sup>th</sup> Avenue to the south, 48<sup>th</sup> Street to the east, a line located 150 feet north of 34<sup>th</sup> Avenue, and the centerline of Block 722 to the west. In addition to

the development site, described below, the rezoning area also includes all or part of five tax lots in Block 722 at the intersection of 34th Avenue and 47th Street. These lots include a mixed residential and commercial building, a light manufacturing building, an upholstery and drapery workshop, and three multi-family rowhouses.

The development site (Block 723, Lots 1 and 8) is a 30,574-square-foot assemblage of two tax lots. Lot 1 includes a one-story commercial building with a fast-food restaurant and tutoring center. Lot 8 includes a two-story commercial building with an automotive repair shop and other commercial uses, and a one-story building with a house of worship. The existing buildings would be demolished to allow for the new development. The development site has 200 feet of frontage on 34th Avenue and 153 feet of frontage each on 47th and 48th streets.

The development site is mostly located within a C8-1 zoning district that was established in 1961 along the southern 200-foot deep portion of Block 723. A C8-1 zoning district is a commercial district that allows commercial uses at a maximum floor area ratio (FAR) of 1.0 and community facility uses at a maximum FAR of 2.4. It does not allow residential uses, and it can be used as a transition between residential and industrial districts; it primarily supports automotive uses. The northern portion of the block, including a small portion of the development site, is zoned with an R5 district.

In 1998, the City rezoned a portion of 34th Avenue, beginning at the intersection of 46<sup>th</sup> Street, west of the development site from R5 to R6B as part of the Steinway Street Rezoning (C 980193 ZMQ). R6B is a medium-density contextual residential zoning district. The maximum residential FAR is 2.0 in an R6B zone. The City also changed commercial overlay districts located primarily on the south side of 34<sup>th</sup> Avenue from C1-2 and C2-2 to C1-4 and C2-4 to reduce parking requirements.

The applicant is proposing to develop a new 12-story, (125-foot tall) mixed-use building on 34<sup>th</sup> Avenue, between 47<sup>th</sup> and 48<sup>th</sup> streets. The building would contain approximately 8,630 square feet of commercial floor area, 4,800 square feet of community facility space, and 201 new residential units, including 61 permanently affordable units. It would have a base height of 105

feet and, above that height, it would set back 10 feet from 34th Avenue and 15 feet from 47th and 48th streets and rise another two stories for a total proposed building height of 125 feet. Any building portion located within 25 feet of the proposed northern zoning district boundary would be limited to a height of four stories (45-foot maximum height) in accordance with zoning provisions intended to protect to the lower-density context of the R5 district. The development would include a 77-space accessory parking garage in the cellar that would be accessible from a screened driveway along the back of the site between 47th and 48th streets.

To facilitate the proposed development, the applicant seeks a zoning map amendment to rezone the development site, generally located on 34th Avenue between 47<sup>th</sup> and 48th streets, from C8-1 and R5 zoning districts to R7X/C2-4 zoning. An R7X/C2-4 district, with commercial overlay zoning, is proposed to be mapped over the development site on the southern portion of Block 723, at a depth of 150 feet from 34th Avenue. An R7X district is a medium-density contextual district that allows a maximum 6.0 residential FAR with MIH and a 145-foot maximum building height. Within an R7X district, a C2-4 commercial overlay zone allows up to 2.0 FAR for commercial uses. Parking would be required for 50 percent of market-rate dwelling units, as well as one parking space for each 1,000 square feet of commercial floor area.

In addition, the applicant is proposing to change a remaining sliver of C8-1 zoning to R6B/C2-4 zoning districts on the northwest corner located at the intersection of 34<sup>th</sup> Avenue and 47<sup>th</sup> Street adjacent to the existing R6B zoning district. This area includes all or part of five tax lots on Block 722 that are developed with a mixed residential and commercial building, a light manufacturing building, an upholstery and drapery workshop, and three multi-family rowhouses. The rezoning of the corner of this block would make the existing residential uses conforming, while allowing the existing commercial uses to continue. It would also ensure that a small, isolated section of a C8-1 zoning district does not remain sandwiched between the development site on Block 723 and the residentially-zoned uses on the western portion of Block 722.

All but a small portion of the rezoning area will be designated as an MIH area, in conjunction with a related zoning text amendment (N 180529 ZRQ). The portion of the rezoning area between the centerline of Block 722 and a line 50 feet from 47th Street would be excluded from the MIH area

because the applicant seeks to only add a C2-4 commercial overlay to this area while the underlying R6B district would remain. The applicant seeks to provide affordable housing pursuant to MIH Option 2 requiring that 30 percent of residential floor area be reserved for permanently affordable housing at an average of 80 percent of area median income (AMI), or a combined income of \$66,800 for a two-person family in 2018 (U.S. Department of Housing and Urban Development, 2018).

After the application was certified and under public review, the applicant made revisions to the proposed development in response to the Community Board's recommendation, including: a reduction in the height of the proposed building from 14 to 12 stories; the addition of two- and three-bedroom dwelling units replacing nine studios and one-bedroom dwelling units; revisions to the affordable housing component, reserving two-thirds of MIH units for household incomes at 60% of AMI; and the provision of a pre-school in the building's community facility space.

## **ENVIRONMENTAL REVIEW**

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

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on November 9, 2018. On March 5, 2019, a Revised Environmental Assessment Statement (EAS) was issued, which described and analyzed the modifications to the proposed actions described below. The Revised EAS concluded that the modifications would not result in any new or different significant adverse environmental impacts. A Revised Negative Declaration was issued on April 5, 2019. The Revised Negative Declaration reflects the modifications to the proposed actions and supersedes the Negative Declaration issued on September November 9, 2018.

The Revised Negative Declaration includes an (E) designation (E-509) related to hazardous materials, air quality, and noise to avoid the potential for significant adverse impacts. The requirements of the (E) designation are described in the EAS and Revised Negative Declaration.

The City Planning Commission has determined that the proposed actions will have no significant effect on the environment.

## **UNIFORM LAND USE REVIEW**

This application (C 180530 ZMQ) 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 Title 62 of the rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 180529 ZRQ), which was referred for information and review in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Queens Community Board 1 held a public hearing on this application (C 180530 ZMQ) and the related application for a zoning text amendment (N 180529 ZRQ) on January 15, 2019, and on that date, by a vote of 31 in favor, four opposed, and two abstentions voted to recommend disapproval of the application.

### **Borough President Recommendation**

The Queens Borough President held a public hearing on this application (C 180530 ZMQ) and the related action for a zoning text amendment (N 180529 ZRQ) on January 31, 2019, and on February 21, 2019, issued a recommendation to approve the application with the following conditions: “The applicant remains committed to proposed modifications; the proposed 12-story building would be tallest in this community. The building height should be further reduced as requested by the community; the proposed number of affordable units meets MIH requirements. However, the need for affordable housing is greater. The applicant should find a way to provide more affordable units; and 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.”

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

On February 13, 2019, (Calendar No. 9), the City Planning Commission scheduled February 27, 2019, for a public hearing on this application (C 180530 ZMQ) and the related application for a zoning text amendment (N 180529 ZRQ). The hearing was duly held on February 27, 2019 (Calendar No. 32). Six speakers testified in favor of the application, and three speakers testified in opposition to the application.

The applicant, represented by its land use attorney and architect, provided a summary of the requested actions and the proposed development. The representatives emphasized a need for affordable housing in Queens Community Board 1 and noted that an M1-3/R7X district was applied in 2008 to the portion of Northern Boulevard located 10 blocks southwest of the development site, in Dutch Kills, along with yet-to-be-used voluntary Inclusionary Housing incentives.

A representative of 32BJ SEIU spoke in favor of the application, stating that the applicant has committed to providing union jobs for building service workers. Four other speakers were pastors at local houses of worship who spoke in favor of the application, explaining their congregants' need for more affordable housing in this neighborhood and noting their appreciation for the applicant's commitment to provide community facility space for Urban Upbound, a local non-profit service-providing organization. The Chair of the New York City Housing Authority (NYCHA) Citywide Council of Presidents also spoke in favor of the application. She explained that she is a Woodside Houses resident and expressed hopes that the affordable housing units in this development would potentially allow some of her neighbors at Woodside Houses to move to high-quality affordable housing in the surrounding area.

All three speakers in opposition to the application were homeowners and residents from the residential blocks north of the development site. These residents expressed concerns that the 12-story height of the proposed building would be out-of-scale with the surrounding lower-density context and that new residents added from a development of this size would crowd nearby streets and subway stations. One resident also expressed concerns that the proposed development would cast shadows onto their backyard.

There were no other speakers, and the hearing was closed.

Six other residents submitted electronic testimony in opposition to the application.

## **CONSIDERATION**

The City Planning Commission believes that this application (C 180530 ZMQ) for an amendment to the Zoning Map, as modified herein, in conjunction with the related application for a zoning text amendment (N 180529 ZRQ), is appropriate.

This development site is located near the intersection of two wide streets, and it is close to a subway station and multiple bus stops. Therefore, this site is well-suited to accommodate new residential uses. Additionally, commercial uses are appropriate because the site is very visible from, and close to, Northern Boulevard, a major commercial thoroughfare. Further, new commercial businesses located on the development site will also add to the local retail and services found on nearby portions of 34<sup>th</sup> Avenue.

The Commission acknowledges the concerns raised by Community Board 1, the Borough President, and some area residents, about the scale of the building that would be allowed under the proposed R7X/C2-4 zoning district. Therefore, the Commission herein modifies this application to change the proposed R7X/C2-4 zoning district to an R7D/C2-4 district. R7D is a medium-density zoning district that allows for a maximum 5.6 FAR for residential uses within MIH areas. Building heights are regulated by a required base height between 60 and 95 feet, followed by a mandatory setback, and a maximum building height of 115 feet, with a qualifying ground floor. This zoning map amendment, as modified, can facilitate the development of an 11-story mixed residential and commercial building with about 187 residential units, including 57 permanently affordable units, and about 13,430 square feet of commercial and community facility floor area.

Further, the 115-foot maximum height allowed in the R7D district appropriately recognizes the very significant combined widths of 34<sup>th</sup> Avenue and Northern Boulevard fronting the development site, and this feature will ensure that this building and others in the surrounding area will have good access to light and air. The 115-foot maximum height permitted in the R7D district



will ensure the proposed development will be more harmonious in its relationship with the surrounding medium-density built character rather than the 145-foot maximum height that could be achieved in the requested R7X district.

The proposed R6B/C2-4 zoning district, covering the southeastern portion of Block 722, is appropriate. An R6B district is currently present along the 34<sup>th</sup> Avenue frontage of this block just west of the rezoning area, and by extending it to cover the rest of the block front this rezoning will eliminate a sliver of C8-1 zoning. The R6B district will make existing residential uses on this portion of Block 722 conforming. C2-4 overlays are also present along portions of this corridor with established commercial uses fronting 34<sup>th</sup> Avenue. A C2-4 overlay on this portion of Block 722 will allow existing commercial businesses to continue operating as-of-right.

The Commission acknowledges the Community Board's recommendation to modify the proposed C2-4 commercial overlay on Blocks 722 and 723 to a C1 overlay with a reduced depth of 100 feet from 34<sup>th</sup> Avenue, but it believes that this proposed modification would be too restrictive, contrary to the locations of existing commercial uses within the rezoning area. The Commission is also concerned that a reduced depth could potentially preclude portions of the ground floor in the proposed development from being used for accessory commercial parking.

The proposed text amendment to designate a portion of the rezoning area as an MIH area is appropriate. The modified project is consistent with the City's policy objectives for promoting the development of affordable housing across the city, especially in areas served by transit. Further, the City supports the development of new affordable housing in a neighborhood with a significant need for new income-restricted units.

The Commission acknowledges that Community Board 1 recommended that the applicant set aside 35 percent of residential floor area in the proposed development for permanently affordable housing. MIH Option 2, as specified in Zoning Resolution section 23-154(d)(3)(ii), requires that at least 30 percent of residential floor area be set aside for permanently affordable housing. The Community Board's recommendation to change the MIH requirements are not within the Commission's purview in reviewing this application and are, therefore, out of scope.

## **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 Sections 197-c and 200 of the New York City Charter that based on the environmental determination and the consideration described in this report, 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:

1. changing from an R5 District to an R6B District property bounded by a line 150 northeasterly of 34th Avenue, 47th Street, a line 140 feet northeasterly of 34th Avenue, and a line midway between 46th Street and 47th Street;
2. changing from a C8-1 District to an R6B District property bounded by a line 140 feet northeasterly of 34th Avenue, 47th Street, 34th Avenue, a line 50 feet northwesterly of 47th Street, a line 100 feet northeasterly of 34th Avenue, and a line midway between 46th Street and 47th Street;
3. changing from an R5 District to an R7D District property bounded by a line 150 feet northeasterly of 34th Avenue, 48th Street, a line 140 feet northeasterly of 34th Avenue, and 47th Street;
4. changing from a C8-1 District to an R7D District property bounded by a line 140 feet northeasterly of 34th Avenue, 48th Street, 34th Avenue, and 47th Street;
5. establishing within existing and proposed R6B Districts a C2-4 district bounded by a line 150 feet northeasterly of 34th Avenue, 47th Street, 34th Avenue, and a line midway between 46th Street and 47th Street; and,
6. establishing within a proposed R7D District a C2-4 District bounded by a line 150 feet northeasterly of 34th Avenue, 48th Street, 34th Avenue, and 47th Street;

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 13, 2018, modified by the City Planning Commission on April 10, 2019, and subject to the conditions of CEQR Declaration E-509.

The above resolution (C 180530 ZMQ), duly adopted by the City Planning Commission on April 10, 2019 (Calendar No. 12), 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***

**DAVID BURNEY, ALLEN P. CAPPELLI, *Esq.*, ALFRED C. CERULLO, III,**

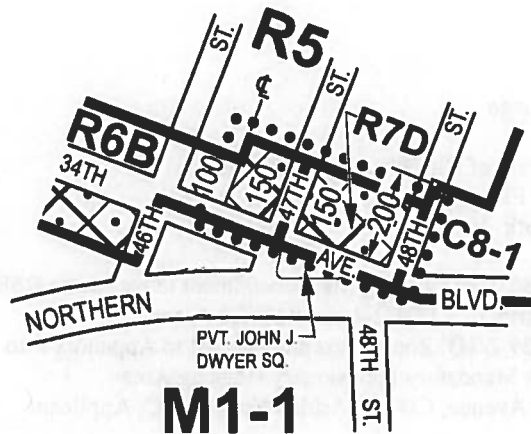
**MICHELLE R. de la UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,**

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

**LARISA ORTIZ, RAJ RAMPERSHAD,**

***Commissioners***





CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
ON SECTIONAL MAP

**9b**  
BOROUGH OF  
**QUEENS**

New York, Certification Date:  
November 13, 2018  
CPC Modification Date:  
April 10, 2019

*S. Lenard*  
S. Lenard, Director  
Technical Review Division



**NOTE:**

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by changing R5 and C8-1 Districts to R6B and R7D Districts and establishing C2-4 Districts within the existing and proposed R6B and proposed R7D District.
- Indicates a C2-4 District

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



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

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*Borough President, Queens*  
Vicky Morales  
*Director, Community Boards*  
Marie Torniali  
*Chairperson*  
Florence Koulouris  
*District Manager*

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Melanie La Rocca  
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Nancy Silverman  
*Public Safety*  
Ann Bruno  
Antonio Meloni  
*Transportation*  
Robert Piazza  
Jose Batista

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

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.

### BOARD MEMBERS (cont.)

Rose Anne Alafogiannis  
George Alexiou  
Loren Amor  
Giselle Aida Burgess  
Edwin Cadiz  
Katerina Duarte  
Katie Ellman  
Mackenzi Farquer  
Dean O. Feratovic  
Amy Hau  
Helen Ho  
Pauline Jannelli  
Vanessa Jones-Hall  
George Kalergios  
Nancy Konipol  
Jerry Kril  
Frances Luhmann-McDonald  
Hannah Lupien  
Prabir Mitra  
Eric Mouchette  
Stella Nicolaou  
Mary O'Hara  
Yawne Robinson  
Manuel Salce  
Rodolfo Sarchese  
Dominic Stiller  
Andre Stiith  
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**

CB1Q 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**

CBIQ 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.

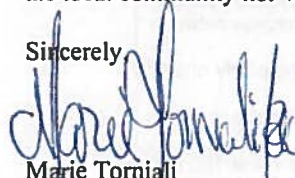
The proposed development has set aside just the minimum (30%) residential floor area required that is required to benefit from increased MIH bulk and density regulations. The floor area MIH set-aside should have been minimally increased to 35% and the number of two- and three-bedroom MIH units increased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



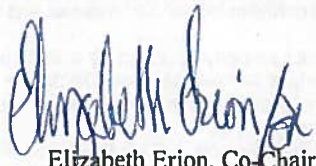
By selecting Option 2, the Board believes the applicant established a level of affordability that was well beyond the incomes of many area residents. In the five census tracts surrounding the project site the median household income is \$41,115, median family income is \$39,202 and 69.9% of the rents 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.

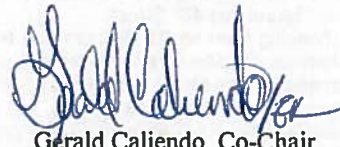
Sincerely



Marie Torniali  
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 #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:

- o 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;
- o 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;
- 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;

**QUEENS BOROUGH PRESIDENT RECOMMENDATION**

**ULURP #180530 ZMQ**

**Page two**

- 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.

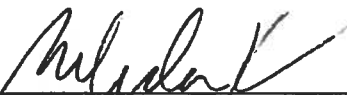
**RECOMMENDATION**

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

