



IN THE MATTER OF an application submitted by Brisa Builders Development LLC and God's Battalion of Prayer Properties, Inc., 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.

This application for a zoning text amendment was filed by Brisa Builders Development LLC and God's Battalion of Prayer Properties, Inc. on December 23, 2019. This application, in conjunction with the related zoning map amendment (C 200230 ZMQ), would facilitate the development of a nine-story residential building with 83 Affordable Independent Residence for Seniors (AIRS) and an 11-story charter school at 426-450 Beach 67th Street in the Arverne neighborhood of Queens, Community District 14.

RELATED ACTION

In addition to the zoning text amendment (N 200231 ZRQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application:

C 200230 ZMQ Zoning map amendment to change an R4A zoning district to an R6 zoning district.

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 200230 ZMQ).

ENVIRONMENTAL REVIEW

This application (N 200231 ZRQ), in conjunction with the related application for a zoning map amendment (C 200230 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 designated CEQR number is 21DCP048Q. The lead agency is the Department of City Planning.

A summary of the environmental review appears in the report for the related zoning map amendment (C 200230 ZMQ).

WATERFRONT REVITALIZATION PROGRAM

This application (N 200231 ZRQ) was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 et. Seq.). The designated WRP number is 17-005.

The action was determined to be consistent with the policies of the WRP.

PUBLIC REVIEW

This application (N 200231 ZRQ) was duly referred to Queens Community Board 14 on March 1, 2021, in accordance with the procedures for non-ULURP matters, along with the related application for an amendment to the zoning map (C 200230 ZMQ), which was certified as complete by the Department of City Planning and duly referred in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 14 held a public hearing on this application (N 200231 ZRQ) and the related application for a zoning map amendment (C 200230 ZMQ) on May 4, 2021 and

on that date, by a vote of 26 in favor, with 13 opposed and 1 abstention, recommended approval of the application with the following conditions:

“That the board supports the church project regarding the senior housing and the Charter school but opposes granting the up zoning to the nursing home site located at Block- 16041, Lot 6- the board requests that the nursing home site Block 16041 Lot 6- be removed from this application/action. It is our hope that The Queens Borough President Donovan Richards and our Council person Selvena Brooks- Powers support the board in removing the nursing home site from this application/Action.

The community strongly opposed the proposed up zoning of the nursing home site and the possibility of a 10-12 story building be built on that site which would be out of character to the surrounding community which is predominantly 1-2 family homes.”

Borough President Recommendation

The Queens Borough President held a public hearing on the application (N 200231 ZRQ) and the related application for a zoning map amendment (C 200230 ZMQ) on May 20, 2021, and on June 4, 2021 issued a recommendation to approve the application.

City Planning Commission Public Hearing

On May 19, 2021 (Calendar No. 1), the Commission scheduled June 9, 2021, for a public hearing on this application (N 200231 ZRQ) and the related application for a zoning map amendment (C 200230 ZMQ). The hearing was duly held on June 9, 2021 (Calendar No. 7).

Three speakers testified in favor of the application and none in opposition, as described in the report for the related zoning map amendment (C 200230 ZMQ).

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 200231 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 200230 ZMQ).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment.

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 the related report (C 200230 ZMQ), the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, 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

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APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

Queens

* * *

Queens Community District 14

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Map # – [date of adoption]



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

Area 3 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 14, Queens

* * *

The above resolution (N 200231 ZRQ), duly adopted by the City Planning Commission on July 14, 2021 (Calendar No. 25), 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*

ALFRED C. CERULLO, III, JOSEPH I. DOUEK, RICHARD W. EADDY,

HOPE KNIGHT, LARISA ORTIZ, RAJ RAMPERSHAD *Commissioners*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Beach 67th Street Rezoning	
Applicant: Brisa Builders	Applicant's Primary Contact: Al Cockfield
Application # N200231ZRQ	Borough:
CEQR Number: 21DCP084Q	Validated Community Districts: Q14

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 26	# Against: 13	# Abstaining: 1	Total members appointed to the board: 50
Date of Vote: 5/4/2021 12:00 AM		Vote Location: zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/4/2021 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Zoom meeting

CONSIDERATION: On May 4,2021 via zoom with a quorum present and no persons signed in for public comment voted in favor 26-yes 13-no 1 abs for the following motion:
 That the board supports the church project regarding the senior housing and the Charter school but opposes granting the up zoning to the nursing home site located at Block-16041,Lot 6- the board requests that the nursing home site Block 16041 Lot 6- be removed from this application/action. It is our hope that The Queens Borough President Donovan Richards and our Council person Selvena Brooks- Powers support the board in removing the nursing home site from this application/Action.
 The community strongly opposed the proposed up zoning of the nursing home site and the possibility of a 10-12 story building be built on that site which would be out of character to the surrounding community which is predominantly 1-2 family homes

Recommendation submitted by	QN CB14	Date: 5/5/2021 2:02 PM
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Queens Borough President Recommendation

APPLICATION: ULURP #N200231 ZMQ

COMMUNITY BOARD: Q14

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Brisa Builders Development LLC and God's Battalion of Prayer Properties, Inc., pursuant to Sections 197-c and 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 mapping and establishing a Mandatory Inclusionary Housing Area. (Related ULURP #200230 ZMQ)

PUBLIC HEARING

A remote Public Hearing was held via Zoom webinar and livestreamed on the Queens Borough President's website on Thursday, May 20, 2021 at 9:30 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 no other speakers. 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:

- Brisa Builders Development LLC (the "Applicant") and God's Battalion of Prayer Properties, Inc. (the "Co-Applicant") have filed an application for a zoning text amendment to amend NYC Zoning Resolution Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Queens Community District 14, to establish and map the area to be rezoned as a Mandatory Inclusionary Housing ("MIH") Designated Area. The applicants propose mapping MIH Options 1 and 2 over the area to be rezoned to provide maximum flexibility for provided affordable housing;
- The applicants have also filed an application proposing a zoning map amendment to rezone 450, 444, 442, 438, 432, 430 and 426 Beach 67th Street (Block 16040, Lots 12, 14, 16, 18, 20, 22 and 24) and 430 Beach 68th Street (Block 16041, Lot 6) (the "Area to be Rezoned"), located in the Arverne neighborhood of Queens Community District 14 on the Rockaway Peninsula, from an R4A District to an R6 District;
- The proposed zoning map amendment would facilitate development of two new buildings on midblock property owned by the applicant on the east side of Beach 67th Street between Thursby Avenue and Beach Channel Drive. The first building would be a 9-story, 84 unit Affordable Independent Residence for Seniors (AIRS) building financed using NYC HPD SARA subsidy and State Tax Credits. The nonprofit organization, HANAC, based in Queens would provide services for the senior residents (aged 62 and over). The approximately 58,259 SF (1.88 FAR), AIRS building would be constructed on Block 16040 Lots 18, 20, and 22. A second approximately 71,996 SF (2.32 FAR), eleven-story building would be constructed on Block 16040 Lots 12, 14 and 16 and used for a proposed charter school (Use Group 3 community facility). The existing Battalion Pentecostal Assembly Church, located on Block 16040 Lot 24, is a two-story, 7,082-SF (0.23 FAR) house of worship/community center would remain on the site. There would be 15 parking spaces split between these uses;
- Another property to be rezoned is an existing eight-story nursing home located at 430 Beach 68th Street (Block 16041, Lot 6) on a 56,000 SF lot is not under the control of the applicant. There are no development plans for this midblock site located across the street from the applicant's development site. This property was included in the rezoning application at the request of the Department of City Planning. The nursing home is out of compliance with the existing R4A District the proposed rezoning to a R6 District would largely bring the building into compliance;
- The proposed development site is owned by God's Battalion of Prayer Properties, Inc and is developed with a two-story church, three-story and two-family residential buildings, a community garden, 34 open parking spaces that is also used as recreational space, and vacant lots. The Proposed Development Site includes 450, 444, 442, 438, 432, 430 and 426 Beach 67th Street, Block 16040, Lots 12, 14, 16, 18, 20, 22 and 24 (all of which are contemplated to be a single zoning lot). The Proposed Development Site is comprised of interior lots, with Lot 12 located approximately 230 feet north of the corner of the intersection formed by Beach 67th Street and Beach Channel Drive and Lot 24 located approximately 240 feet south of the corner of the intersection formed by Beach 67th Street and Thursby Avenue. The Proposed Development Site has a lot width of 310 feet, a depth of 100 feet and a total lot area of 31,000 square feet;
- The surrounding area is mostly developed with one- & two-family homes, with multi-family walk-up buildings interspersed. The area also has small commercial buildings along Beach Channel Drive. While the new 11-story charter school would be the tallest building in the immediate neighborhood, there are a few 5- and 6-story buildings in the area. These buildings are occupied by two nursing homes, a senior housing building, a school, and a shelter;

QUEENS BOROUGH PRESIDENT RECOMMENDATION

ULURP #200231 ZRQ

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- During the Community Board 14 (CB 14) Land Use Committee meeting several concerns and issues were raised. One of the main concerns raised was the rezoning of the Resort Nursing Home site, located across Beach 67th Street from the applicant's property from R4A to R6. The concern raised was that the 56,000 SF lot could be redeveloped under the R6 District provisions. Other concerns discussed included: safety, the height of the proposed buildings, amount of parking, request for community space, request for more than one laundry room in building, mosquito relief for area, flooding & sewer concerns, a guarantee that the school will be built, charter school concerns, and sewer system integrity. The developers were able to address these issues in ways that the board found mostly satisfactory, although the lack of parking was a concern that the committee was still unhappy about. The entire project has 15 parking spaces to be shared between the church, senior housing, and school. While within legal guidelines, the board felt this was far too few parking spots. The Community Board 14 Land Use Committee decided to vote against supporting the project, largely due to the inclusion of the nursing home and what they felt was insufficient community outreach;
- Community Board 14 (CB 14) conditionally approved this application by a vote of twenty-six (26) in favor, thirteen (13) against and one (1) abstention at the monthly meeting held on May 4, 2021. Discussion during the meeting were centered on concerns about the inclusion of the nursing home site in the rezoning application. There was some mention about the number of parking spaces provided and that many recent projects have far too few parking spaces. Some members spoke in favor of the project, citing the church's work and respected standing in the community. CB 14 members noted that they felt the nursing home rezoning was unrelated to the church project. CB 14's condition was as follows:
 - The application should be limited to the property owned by the church and that the nursing home site should be removed from the application;
- During the Queens Borough President's Land Use Public Hearing, Borough President Richards stated his commitment to local hiring and MWBE participation in all new construction projects and asked the applicants about their plan for this project. On behalf of the applicants, Brisa Builders Development LLC a MWBE company stated they are committed to building affordable housing and local hiring and have done so on other projects in New York City. Working with a local organization they were committed to hiring at a minimum 25% of workers and subcontractors on the project from the local community. The Borough President requested that commitment in writing which was received (see attached). Borough President Richards also brought up the street median which blocks larger vehicles from entering the site and that it should be cut to allow better access to the site. The applicants responded that there have been ongoing conversations with the Department of Transportation about opening up portions of the median. The applicants also stated that rezoning the nursing home site would bring the existing building into better compliance and that there is limited opportunity for any expansion of the nursing home. The Department of City Planning stated that the purpose of including the nursing home site was to bring the existing building into compliance.

RECOMMENDATION

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

- The applicant has committed to 25% of local hiring and participation of local subcontractors in writing. Attainment of a 30% goal would be closer to my longstanding commitment to increase community participation in development of their communities. As mobilization for construction begins, there should be regular reporting to the Office of the Borough President on the progress of meeting these local hiring goals.
- Hiring for this project should include local job fairs and other outreach conducted with the assistance of community based organizations.



PRESIDENT, BOROUGH OF QUEENS

June 4, 2021

DATE