



April 24, 2019 / Calendar No. 14

N 180518 ZRQ

IN THE MATTER OF an application submitted by 27-11 49th Avenue Realty, LLC pursuant to Sections 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to expand the qualifications for enlargement in Article IV, Chapter 3 (Manufacturing District Regulations – Bulk Regulations), Borough of Queens, Community District 2.

This application (N 180518 ZRQ) for an amendment of the Zoning Resolution of the City of New York was filed by 27-11 49th Avenue Realty, LLC on June 26, 2018. The requested zoning text amendment would enable the enlargement of an existing manufacturing building by approximately 108,000 square feet in the Long Island City neighborhood of Queens.

BACKGROUND

The applicant, 27-11 49th Avenue Realty, LLC, proposes a zoning text amendment to enlarge an existing building, originally constructed in 1965, and located at 27-11 49th Avenue (Block 115, Lot 1) to facilitate the consolidation of business operations for Mana Products from two locations into a single site. The proposed enlargement would consist of the horizontal extension of the building's three existing floors and the addition of two floors, partially cantilevered over the existing building. The expansion would increase the total building floor area from approximately 214,000 square feet to approximately 322,000 square feet. The resulting enlarged building would have a total floor area ratio (FAR) of 3.0. The enlargement of this facility would allow the business to remain in the neighborhood while modernizing its production lines and reducing inefficiency.

The provisions contained in Section 43-121 of the Zoning Resolution were developed to retain established industrial firms seeking to expand their operations that might otherwise leave the city if they could not enlarge their as-built premises due to zoning

limits. These regulations permit the enlargement of structures existing on December 15, 1961, to 150 percent of the maximum allowable floor area on an as-of-right basis. Manufacturing buildings constructed after this date are limited to 110 percent of the maximum floor area.

Mana Products is one of the country's largest contract manufacturers of cosmetics. The company first located in Long Island City in 1978, and it has expanded its operations from an original location at 32-02 Queens Boulevard to a second location at 27-11 49th Avenue, about nine blocks to the south and west. The company has approximately 840 full-time employees, with most of its workforce residing in Queens.

To remain in Long Island City and stay competitive in its field, Mana Products seeks to consolidate its operations into its newer location. The building at 27-11 49th Avenue was constructed in 1965, and it is a three-story structure with a large and open floor plan that is better suited to the manufacturing functions of the company, whereas the 32-02 Queens Boulevard building is an eight-story loft structure constructed in 1931 of which the company occupies the upper six stories (totaling approximately 160,000 square feet). This building poses logistical challenges with its smaller floor plates and vertical circulation between floors. The currently split locations of its manufacturing functions require that raw material and products be stored at both locations, and then be transported during mid-production between facilities, resulting in operational inefficiencies.

The property at 27-11 49th Avenue is the project area and proposed expansion site. It is bounded by two streets - 49th Avenue to the south and 27th Street to the west. To the north of it is a single-story cold storage facility, and to the east is Dutch Kills, a tributary to Newtown Creek. The portion of the site nearest to the intersection of 49th Avenue and 27th Street is the current location of 106 accessory parking spaces, as well as a loading area for the facility.

The development site and surrounding area are located in the Long Island City

Industrial Business Zone, where land use and public policies support the retention and growth of such businesses. The development site is in Subarea 2 Designated Area (as set forth in Appendix J of the Zoning Resolution), which was established for certain manufacturing districts. Sunnyside Yard is located two blocks to the north.

The development site is located within an M3-2 zoning district, a designation for areas with heavy industries that generate noise, traffic, or pollutants. The district has a maximum FAR of 2.0. New developments can have a maximum building base height of 60 feet before setback, and they are exempt from parking requirements.

This area of Long Island City has traditionally contained a range of manufacturing activities, and the zoning regulations were changed in 1995 to more closely reflect these activities. Prior to October 1995, the development site and much of the surrounding area was zoned M3-1, a heavy industrial zone with a parking requirement that varies depending on the use. Subsequently, the development site and other portions along Dutch Kills and Newtown Creek were changed the current M3-2 zone, while other portions including blocks across 27th Street from the project site were rezoned to M1-4, a district for light manufacturing. It also has a maximum FAR of 2.0.

The existing building on the 27-11 49th Avenue development site has 106 accessory parking spaces that were provided when the building was constructed under the then-applicable M3-1 regulations. Under the provisions of ZR Section 44-32, a building can meet its accessory parking requirement by providing parking spaces on site, or by providing off-site parking within 600 feet of the building site.

The applicant proposes to enlarge the 27-11 49th Avenue building by approximately 108,000 square feet for conforming manufacturing use. The existing building has approximately 214,000 square feet at a 2.0 FAR, and with the proposed increase to approximately 322,000 square feet it will have a total of 3.0 FAR. Approximately four accessory parking spaces will remain on the site, and the applicant will continue to provide the remaining 102 parking spaces on a nearby site. According to the applicant,

most of the workforce for Mana Products utilizes transit for commuting and the proposed expansion will allow the company to increase its workforce.

The proposed zoning text amendment will expand the applicability of the provisions of ZR Section 43-121, which allow up to 150 percent of the permitted floor area to now include buildings on lots larger than two acres located in an M3-2 district within Long Island City Subarea 2 Designated Area (as set forth in Appendix J of the Zoning Resolution). This provision is applicable for a building housing a conforming manufacturing use in existence prior to December 31, 1965. An analysis has determined that the proposed text amendment's expanded eligibility will be applicable only to the development site.

ENVIRONMENTAL REVIEW

This application (N 180518 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 designated CEQR number is 18DCP189Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on January 24, 2019. This Negative Declaration was prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

WATERFRONT REVITALIZATION PROGRAM

This application (N 180518 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 17-159.

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

PUBLIC REVIEW

This application (N 180518 ZRQ) was duly referred by the Department of City Planning to Queens Community Board 2 and the Borough President on January 28, 2019, in accordance with the procedures for non-ULURP actions.

Community Board Public Hearing

Community Board 2 held a public hearing on this application (N 180518 ZRQ) on March 7, 2019 and on that date, by a vote of 30 in favor, with none opposed and no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Queens Borough President did not issue a recommendation for this application.

City Planning Commission Public Hearing

On March 13, 2019 (Calendar No. 12), the Commission scheduled April 24, 2019 for a public hearing on this application (N 180518 ZRQ). The hearing was duly held on April 24, 2019 (Calendar No. 36). Two speakers testified in favor of the application.

The applicant's representative provided a summary of the requested action, the two existing facilities operated by Mana Products, and the expanded manufacturing building that would result. The speaker noted that the existing provisions of ZR Section 43-121 have the qualifying year being aligned with the December 15, 1961 adoption of the Zoning Resolution, which precludes the building completed in 1965 that Mana Products seeks now to expand to 150 percent of the permitted floor area.

The representative explained the current challenges for Mana Products to operate from two locations, especially the inefficiencies that result in additional storage and transportation. Additionally, the representative described the structural obsolescence of the

32-02 Queens Boulevard building due to the small floorplates and need to move goods across the upper six-stories of the building.

The applicant spoke about the history of the company and its efforts to remain in New York City, stating that the large, horizontal floor plates of the existing building on the development site, should it be allowed to expand, would create desirable production lines allowing for more efficient operations. The applicant also stated that the company will retain ownership of the building it will be vacating on Queens Boulevard, but will likely lease to commercial office tenants. The company currently occupies the upper six stories of the building but industrial tenants typically desire ground floor locations due to logistical needs.

The applicant stated that of the over 840 full time employees in the company, approximately 92 percent reside in New York City, and most of that percentage in Queens. The applicant also shared the company's participation in the workforce development program at LaGuardia Community College, as well as the student internships and scholarships that the company provides.

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

CONSIDERATION

The Commission believes that this application for an amendment of the Zoning Resolution of the City of New York (N 180518 ZRQ), as modified herein, is appropriate.

This amendment to the provisions of Section 43-121 of the Zoning Resolution will enable the enlargement of an existing manufacturing building for a conforming manufacturing use by approximately 108,000 square feet. The resulting enlarged building, originally built in 1965 with large floor plates, will have a total FAR of 3.0, or 150 percent of the permitted floor area.

The proposed amendment's extension of eligibility requirements to manufacturing buildings completed by the end of 1965 on large, two-acre-minimum sites in Long Island City is consistent with the planning rationale for the establishment of the provision, which aims to retain established industrial firms needing additional space that might otherwise leave the city if enlarging their current facilities is not possible.

The Commission acknowledges that a modification of the proposed text is needed to eliminate the conforming amendment of Section 43-121(a) that was originally proposed. Changing "greater than" to "the highest of" would require a text amendment applicable citywide, which is not intended. Therefore, the Commission herein modifies this application to eliminate this modest change the zoning text.

The Commission appreciates the applicant's commitment to remaining in New York City.

The Commission applauds the applicant's contribution and dedication to the Long Island City community and its long-standing workforce development partnership LaGuardia Community College.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the quality of the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 201 of the New York City Charter, that based on the environmental determination and 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 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.

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 3 Bulk Regulations

43-00 FLOOR AREA REGULATIONS

* * *

43-12 Maximum Floor Area Ratio

* * *

43-121 Expansion of existing manufacturing buildings

M1 M2 M3

In all districts, as indicated, where a #building or other structure# used for a conforming #manufacturing use# was in existence prior to December 15, 1961, such #building or other structure# may be expanded for a #manufacturing use#. Such expansion may consist of an #enlargement#, or additional #development#, on the same #zoning lot#, provided that:

- (a) the resulting total #floor area# shall not be greater than:
 - (1) 150 percent of the #floor area# existing on December 15, 1961; or
 - (2) 110 percent of the maximum #floor area# otherwise permitted under the provisions of Section 43-12 (Maximum Floor Area Ratio).
- (b) the resulting #floor area ratio# shall not exceed the highest of:

- (1) 150 percent of the maximum #floor area ratio# otherwise permitted under the provisions of Section 43-12;
- (2) 110 percent of the #floor area ratio# existing on December 15, 1961; or
- (3) a #floor area ratio# of 2.4, provided that in the event this paragraph, (b)(3), is utilized, the City Planning Commission shall administratively certify and the City Council approve, that such expansion will not adversely affect the surrounding area.

In an M3-2 District within the Long Island City Subarea 2 Designated Area (as set forth in APPENDIX J of this Resolution), the provisions of this Section shall also apply to a #building or other structure# on a #zoning lot# larger than two acres, used for a conforming #manufacturing use#, that was in existence prior to December 31, 1965.

The parking reduction provisions of Section 44-27 (Special Provisions for Expansion of Existing Manufacturing Buildings) shall apply to such expansion.

* * *

The above resolution (N 180518 ZRQ), duly adopted by the City Planning Commission on April 24, 2019 (Calendar No. 14) is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*
KENNETH J. KNUCKLES, *Esq., Vice Chairman*
ALLEN P. CAPELLI, Esq., ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ,
JOSEPH I. DOUEK, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,
LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*



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Debra Markell Kleinert
District Manager

Melinda Katz

Queens Borough President

March 8, 2019

Ms. Marisa Lago
Director
Department of City Planning
City Planning Commission
Calendar Information Office
120 Broadway, 31st Floor
New York, NY 10271

RE: Mana Products Text Amendment
CEQR No 18DCP189Q ULURP NO 180518 ZRQ, Queens Community District 2

Dear Ms. Lago:

On March 7, 2019, Community Board 2 held a public hearing to review the Mana Products Text Amendment Application Number N180518 ZRQ. At our regular meeting with a quorum present, a motion was made and seconded to approve this application.

The motion carried with 30 in favor of the motion; none opposed and no abstentions.

Please contact CB2 if you have any questions.

Sincerely,

Debra Markell Kleinert
District Manager

DMK/mag

cc: Honorable Alexandria Ocasio-Cortez, US Congress
Honorable Carolyn B. Maloney, US Congress
Honorable Grace Meng, US Congress
Honorable Nydia M. Velazquez, US Congress
Honorable Michael Gianaris, NY State Senate
Honorable Brian Barnwell, NYS Assembly
Honorable Michael DenDekker, NYS Assembly
Honorable Catherine T. Nolan, NYS Assembly
Honorable Robert Holden, NYC Council Member

Honorable Jimmy Van Bramer NYC Council Member
Honorable Daniel Dromm, NYC Council Member
Honorable Melinda Katz, Queens Borough President of the Borough of Queens
Honorable Melva Miller, Deputy Borough President
Irving Poy, Queens Borough President's Office
John Perricone, Queens Borough President's Office
John Young, NYC Department of City Planning
Alexis Wheeler, NYC Department of City Planning
Coralie Ayres, NYC Department of City Planning
Jay Segal, Representative
Denise Keehan-Smith, Chairwoman, Community Board 2
Lisa Deller, Chair, Land Use Committee CB 2

DCP Mana Products Text Amendment 180518 ZRQ