



IN THE MATTER OF an application submitted by Phipps Houses 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 2.

This application (N 200244 ZRQ) for a zoning text amendment was filed by Phipps Houses on January 16, 2020, in conjunction with an application for a zoning map amendment (C 200243 ZMQ). The applicant seeks to designate a Mandatory Inclusionary Housing (MIH) area. The proposed actions would facilitate the development of a seven-story mixed-use building with residential and community facility uses located at 50-25 Barnett Avenue in the Sunnyside neighborhood of Queens, Community District 2.

RELATED ACTION

In addition to the zoning text amendment (N 200244 ZRQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

C 200243 ZMQ Zoning map amendment to change an M1-1 district to R6A.

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 200243 ZMQ).

ENVIRONMENTAL REVIEW

This application (N 200244 ZRQ), in conjunction with the application for the related action (C 200243 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 is the CPC. The designated CEQR number is 20DCP038Q.

A summary of the environmental review appears in the report for the related zoning map amendment (C 200243 ZMQ)

PUBLIC REVIEW

On October 5, 2020, this application (N 200244 ZRQ) was duly referred to Queens Community Board 2 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 200243 ZMQ), which was certified as complete on October 5, 2020, and was duly referred 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 2 held a public hearing on this application (C 200244 ZRQ) on November 7, 2019, and on that date, by a vote of 18 in favor, 11 opposed and with none abstaining, adopted a resolution recommending approval of the application with conditions. A summary of the vote and recommendation appears in the report for the related zoning map amendment (C 200243 ZMQ).

Borough President Recommendation

The Queens Borough President held a public hearing on this application (N 200244 ZRQ) on December 17, 2020 and on January 6, 2021 issued a recommendation to approve the application with conditions. A summary of the recommendation and conditions appears in the report for the related zoning map amendment (C 200243 ZMQ).

City Planning Commission Public Hearing

On January 6, 2021 (Calendar No. 12), the CPC scheduled January 20, 2020, for a public hearing on this application (N 200244 ZRQ), in conjunction with the related application for a zoning map amendment (C 200243 ZMQ). The hearing was duly held on January 20, 2021 (Calendar No. 35). Two speakers testified in favor of the application and none in opposition, and the hearing was closed. A summary of the public hearing appears in the report for the related zoning map amendment (C 200243 ZMQ).

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 200244 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 200243 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 200243 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.

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

QUEENS

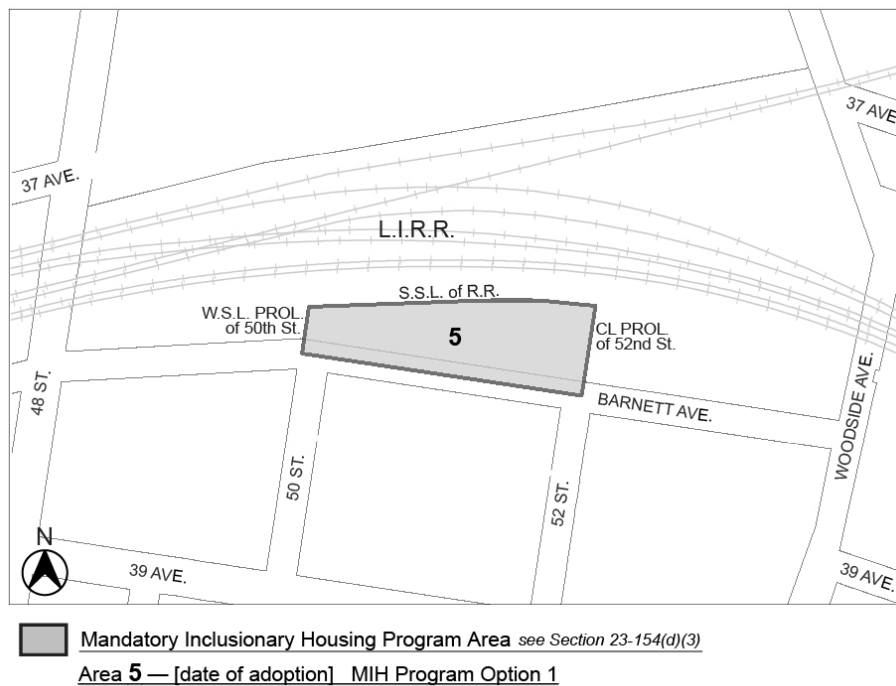
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Queens Community District 2

* * *

Map 4 – [date of adoption]

[PROPOSED MAP]



Portion of Community District 2, Queens

* * *

The above resolution (N 200244 ZRQ), duly adopted, by the City Planning Commission on March 3, 2021 (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 J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,

JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT,

ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ,

RAJ RAMPERSHAD *Commissioners*



Donovan Richards
Queens Borough President

Community Board No. 2

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Lisa Deller
Chairperson

Debra Markell Kleinert
District Manager

December 4, 2020

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

RE: Resolution
DCP - ULURP Project Application
C200243ZMQ and N200244ZRQ
50-25 Barnett Avenue
Zoning Map Amendment and Zoning Text Amendment by Phipps Houses

Dear Ms. Lago:

On December 3, 2020, Community Board 2 held a Public Hearing concerning the DCP ULURP Project Application Numbers: C200243ZMQ and N200244ZRQ – 50-25 Barnett Avenue, Zoning Map Amendment and Zoning Text Amendment by Phipps Houses.

At that meeting with a quorum present, Community Board 2 voted to approve the ULURP Application Numbers: C20243ZMQ and N20244ZRQ upon and subject to the conditions stated in the attached Resolution. The vote was 28 in favor of the motion 13 opposed and no abstentions.

If you have any questions, please contact Community Board 2.

Sincerely,


Debra Markell Kleinert
District Manager

DMK/mag
Attachment

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 Donovan Richards, Queens Borough President
Irving Poy, Queens Borough President's Office
Vicky Garvey, Queens Borough President's Office
John Young, Department of City Planning
Alexis Wheeler, Department of City Planning
Teal Delys, Department of City Planning
John Perricone, Queens Borough President's Office
Lisa Deller, Chairperson, CB 2
Christine Hunter, Co-Chair Land Use Committee
Michael Wadman, Phipps
Sarah Ellmore, Phipps



Donovan Richards
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Lisa Deller
Chairperson

Debra Markell Kleinert
District Manager

December 3, 2020

Resolution on ULURP Application Numbers C200243ZMQ and N200244ZRQ - 50-25 Barnett Avenue Zoning Map Amendment and Zoning Text Amendment by Phipps Houses

Whereas, Phipps Houses has submitted [an application](#) requesting a Zoning Map amendment (C200243ZMQ; M1-1 to R6A) and Zoning Text amendment (N200244ZRQ; to [Appendix F - Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas](#)) to facilitate a new mixed-use building to comprise approximately 167 dwelling residential units and 5,323 SF of community facility use, an outdoor recreation terrace, 170 parking spaces of which 111 are available for public use, with a mix of incomes and a set aside for formerly homeless residents at [50-25 Barnett Avenue](#) in Sunnyside, Queens;

Whereas, there is homelessness crisis and urgent need for long term, safe, sanitary, and affordable housing in this Community Board District, the Borough of Queens and the City of New York – a basic requisite made more urgent by the generation-defining COVID-19 pandemic and its economic consequences;

Whereas, our community, our borough, and our City welcome all;

Whereas, the comments and submissions of community members, Phipps Sunnyside Garden Apartments residents, the Phipps Sunnyside Garden Apartments Tenants Association, members of Queens Community Board 2, and local elected officials, have brought to light deeply troubling maintenance and property management deficiencies in the historic Phipps Sunnyside Garden Apartments which is both adjacent to 50-25 Barnett Avenue and owned and managed by the applicant;

Whereas, in response to the concerns expressed by residents, Phipps drafted the *Sunnyside Garden Apartments (Phipps) Improvement Plan*, a property management improvement plan (attached) indicating the applicant's commitment and a timeline to address maintenance concerns, including, but not limited to, hiring an additional cleaning staff member, expanding extermination services, and increasing communication with the Tenant Association to provide them with regular status updates on the Improvement Plan;

[continues on next page]

Whereas, Queens Community Board 2 requires the applicant to abide by the terms and timing of the *Sunnyside Garden Apartments (Phipps) Improvement Plan*, particularly the applicant's commitments to:

- Eliminate rodent and insect infestations and reduce the amount of standing trash throughout the property;
- Eliminate mold blooms throughout the property and their underlying causes;
- Provide clean common areas and a sanitary laundry facility;
- Repaint areas where there is chipping paint on doors and walls in common areas;
- Conduct annual apartment inspections and renovate when necessary;
- Eliminate standing water and repair paving throughout the property;
- Contract a multiple-language translation and interpretation service and offer the service to residents;
- Within 90 days of the passage of this resolution, contract with a professional survey company and initiate a resident satisfaction survey; provide the questions to the Community Board 2 Land Use Committee for approval prior to sending the survey to residents;
- Hire an additional porter and maintain a six (6) member porter crew at the Phipps Sunnyside Garden Apartments;
- Meet monthly with the Phipps Sunnyside Garden Apartments Tenants Association;
- Provide quarterly extermination reports to the Phipps Sunnyside Garden Apartments Tenants Association; and
- Maintain the gardens, trees, grass, hedges, and other plantings;

to which the applicant has agreed both in letter and in spirit;

Whereas, Queens Community Board 2 will require that the applicant to assess available options for accessing capital and equity for the purposes of renovating the Phipps Sunnyside Garden Apartments and preserving the property as affordable housing; Queens Community Board 2 expects this assessment in writing within 120 days of the passage of this resolution and for the assessment to include the variety of housing preservation financial instruments offered by the New York City Housing Development Corporation (HDC) or NYC Housing Preservation and Development (HPD);

Whereas, the applicant has indicated a willingness to work with CB2 and elected officials to review the proposed income tiers for "The Barnett" and aim to maximize affordability consistent with HPD/HDC programmatic options; Queens Community Board 2 requires that that the applicant limit the highest income tier to 80% of Area Median Income (AMI);

Whereas, Queens Community Board 2 will require that the applicant will provide the Phipps Sunnyside Garden Tenants Association and any Tenants Association in their new property at 50-25 Barnett Avenue, with the means and assistance to safely and reasonably meet at least monthly; both with Phipps Houses staff and without;

Whereas, Queens Community Board 2 will remain a staunch watchdog over the expectations of this resolution and expects the applicant to meet all of the terms to which it has agreed both in letter and in spirit and for both its existing and future properties in Community Board District 2; Queens Community Board 2 will remain in close touch with the Phipps Sunnyside Garden Tenants Association as well as the applicant to ensure the applicant's compliance;

[continues on next page]

Whereas, “The Barnett” is an improvement over the development plan for this lot presented by the applicant to this Board in 2016, especially in its revised design, size, and contextual fit for the neighborhood, the retention of publicly accessible parking, indoor community space, bike parking, and significantly, 100% affordability with income eligibility tiers of 40% to 80% Area Median Income (AMI), 15% at 70% AMI; 15% at 60% AMI, 15% at 50% AMI and 15% at 40% AMI (formerly homeless);

Therefore, be it resolved that Queens Community Board 2 votes to approve ULURP Application Numbers C200243ZMQ and N200244ZRQ upon and subject to the conditions stated above.

At a General Meeting on December 3, 2020, Queens Community Board 2 voted to adopt this resolution by a vote of 28 in favor, 13 opposed, and no abstentions.

Queens Borough President Recommendation

APPLICATION: ULURP #200244 ZRQ

COMMUNITY BOARD: Q02

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Phipps Houses pursuant to Sections 197-c and 201 of the New York City Charter for a zoning text amendment to designate the Project Area as a Mandatory Inclusionary Housing ("MIH") area, Borough of Queens, Community District 2, as shown on a diagram (for illustrative purposes only) dated October 8, 2020, and subject to the conditions of CEQR Declaration E-573. (Related ULURP #200243 ZMQ)

PUBLIC HEARING

A Public Hearing was held by the Queens Borough President via Zoom webinar and livestreamed on www.queensbp.org on Thursday, December 17, 2020 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 three (3) speakers in favor with none (0) 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:

- This applicant is proposing to amend Appendix F of the Zoning Resolution designating and establishing the proposed rezoning area as a Mandatory Inclusionary Housing (MIH) Area;
- The applicant has also concurrently filed another application (ULURP #200243 ZMQ) to rezone an existing M1-1 District to a R6A District. The area to be rezoned is bounded by the southern boundary of the Long Island Rail Road (LIRR) right-of-way, to the frontage of the lot on Barnett Avenue between 50th and 52nd Streets. The proposed rezoning would facilitate construction of a new affordable housing development;
- The applicant is proposing to develop a 161,085-SF (2.5 FAR) residential building. The main portion of the proposed building would be 7-stories at the central portion and 5-stories on the western and eastern ends. The proposed building would provide 167 units of 100% affordable housing for low- to moderate-income households under MIH Option 1 (50% of units @ 60% AMI and 50% @ 110% AMI). The planned development would have 170 on-site parking spaces (59 tenant spaces and 111 public spaces), and approximately 5,323-GSF community facility and/or nonprofit office space. The ground floor would include maisonette style apartments with rear yards and a residential lobby along Barnett Avenue;
- The proposed development site (Block 119, Lot 143) to be rezoned is an approximately 64,366-SF irregularly-shaped lot. The rear lot line abuts the LIRR right-of-way with an 560 feet frontage on Barnett Avenue, 60 feet side lot line on 50th Street and a 150 feet side lot line on 52nd Street. The property is located in an M1-1 District. Phipps Houses has owned the property since the 1950s. The site is currently used as a 223-space public parking lot accessed by driveways at the eastern and middle portions of the site. The only structure on the site is a 375 SF parking attendant booth;
- The 600-ft radius of the surrounding area includes a mix of residential, light industrial, and transportation-related uses, with some vacant land, commercial/mixed-use, and open spaces; the surrounding zoning districts include M1-1, R5B, and R4 Districts. Phipps Houses operates a residential apartment building across the street from the proposed development site. The Sunnyside Planned Community Preservation District is mapped to the south and west of the development site. Sunnyside Gardens Park, a privately-owned park, located 450 feet southwest of the development site includes a ball field, picnic area, running track and other amenities. Subway service for the area are available at the Northern Blvd station (M and R trains), 46th St-Bliss Street station (7 train), and the Q104, Q32 and Q18 bus lines;
- In 2015, Phipps Houses filed applications for similar zoning map and text amendments (ULURPs # 160103 ZMQ and N160101 ZRQ) for a proposed 7 to 10-story, 220-unit affordable housing project on the Development Site. Following City Planning Commission approval of the application, Phipps Houses withdrew the applications. The applications were withdrawn in part because of opposition to the project related to concerns raised about Phipps Houses operation and maintenance of Sunnyside Garden Apartments. Public testimony at the time of the first application included concerns about the applicant's role as landlord, citing persistent pest, mold and garbage conditions in and around the Sunnyside Gardens development as well as critiquing the rent-affordability levels of the proposed new development;

QUEENS BOROUGH PRESIDENT RECOMMENDATION
ULURP #200244 ZRQ
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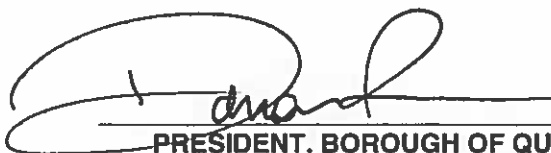
- Community Board 2 (CB 2) held a public hearing on the applications on November 18, 2020. Twenty-four (24) people gave public testimony – nineteen (19) were opposed to and three (3) were in favor of the application. The public testimony addressed concerns such as: the applicant's maintenance and operation as the landlord of Sunnyside Garden Apartments; pest, mold, and trash issues throughout Sunnyside Garden Apartments; need for deeper AMI affordability levels; and the need for additional school and transportation capacities to meet new demand related to the new development;
- CB 2 conditionally approved this application by a vote of twenty-eight (28) in favor with thirteen (13) against and zero (0) abstaining at a public hearing held on December 3, 2020. CB 2's conditions were as follows: the applicant should adhere to a CB 2 Resolution to enforce the Sunnyside Garden Apartments Improvement Plan; pursue all available financing and equity options to preserve affordable housing within the Development; conduct annual apartment inspections and a survey to tenants in Sunnyside Gardens and the Development; and change the top-tier affordability level from 90% AMI to 80% AMI;
- At the Borough President Land Use Public Hearing on December 17, 2020, there were three (3) speakers in favor of the application. The speakers in favor cited the applicant's commitment to improving conditions at the Sunnyside Garden Apartments, and that the applicant must be held accountable to their commitment, that the building service jobs should go to area residents who are members of SEIU 32BJ, in addition to affordable housing the development should also provide bicycle parking and EV charging stations. In their presentation, the applicant reiterated their commitment to continue working with CB2 and the community to make repairs and improve substandard conditions at the Sunnyside Garden Apartments as outlined in the Sunnyside Garden Apartments Improvement Plan. The applicant stated they have started to implement the improvement plan by posting a notice to hire a sixth full-time maintenance porter, deep-cleaned the Laundry Room, and repaired to the Laundry Room doorstop. The applicant intends to finalize the improvement plan with the Sunnyside Gardens Tenant Association to ensure needs are being met and correction outstanding building violations. The applicant also has a signed development agreement and letter of support from 32BJ SEIU; well as continuing communications with the community on the new proposed project;
- A draft copy of the Phipps Sunnyside Garden Apartment Improvement Plan was submitted to the Borough President. The plan identifies short- and long-term actions that are to be completed over the next year upon finalization of the plan with the Sunnyside Garden Apartments Tenants' Association. The development team last met with the Sunnyside Garden Tenants' Association on December 4, 2020.

RECOMMENDATION

The applicant has demonstrated a willingness to address issues that have been raised in relation to this and previous affordable housing development proposals. To date the applicant has worked with the tenant's association on short- and long-term service and repair commitments, reduced the building heights from the earlier proposal, and has support from 32BJ SEIU for the proposed development. The project will provide much-needed affordable housing and community facility space.

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

- The applicant should extend affordability of the project to the lower AMI bands;
- As many larger family sized units should be provided as possible;
- The community facility space should be provided at a discounted rate to make it affordable to community groups or organizations providing service to the neighborhood in need of space;
- Construction on the site should include sustainable energy efficient technology and materials wherever possible in the building and the grounds;
- There should be a 30% goal of hiring MWBE businesses, local labor and small contractors used on this project during and after construction. The developer should also engage local organizations for job readiness training and capacity building programs to raise opportunities for area residents and businesses. There should be regular monthly reporting on the achievement of these goals;
- The Sunnyside Gardens Improvement Plan should be finalized before these applications are approved. The applicant should then meet regularly with all stakeholders including the Queens Borough President's Office, the tenants association, CB 2 and elected officials to assure that the short- and long-term milestones outlined in the plan are met.



PRESIDENT, BOROUGH OF QUEENS

1/6/2021
DATE