



IN THE MATTER OF an application submitted by BG Sutphin LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14d, by changing from a C4-5X District to a C6-3 District property bounded by 97th Avenue, 146th Street, a line 100 feet southeasterly of 97th Avenue and Waltham Street, Borough of Queens, Community District 12, as shown on a diagram (for illustrative purposes only) dated August 30, 2021, and subject to the conditions of CEQR Declaration E-639.

This application for a zoning map amendment was filed by BG Sutphin LLC on December 8, 2020. The proposed action, in conjunction with the related application for a zoning text amendment (N 210214 ZRQ), would facilitate the development of a 15-story mixed-use building with residential and community facility uses located at 97-04 Sutphin Boulevard in the Jamaica neighborhood of Queens, Community District 12.

RELATED ACTION

In addition to the zoning map amendment (C 210213 ZMQ) 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:

N 210214 ZRQ Zoning text amendment to modify Appendix F to establish an MIH area.

BACKGROUND

The applicant seeks a zoning map amendment and zoning text amendment to facilitate the development of a 15-story, mixed-use building with approximately 173 affordable housing units for seniors, as well as approximately 15,000 square feet of community facility space on the ground floor and in the cellar. The project area (Block 10030, Lots 1 and 6) is located on the south side of 97th Avenue between Waltham Street and Sutphin Boulevard. It includes the

development site (Lot 6) as well as an adjacent property (Lot 1) which is not owned by the applicant and is not expected to result in development from the proposed actions.

In 2007, the City Council adopted the Jamaica Plan rezoning (C 070314 (A) ZMQ, et. al.), a comprehensive planning strategy for 368 blocks consisting of zoning map and text amendments, an urban renewal plan and designation, disposition of City-owned property, and an amendment to the City Map. The plan established the Special Downtown Jamaica District (DJ) and sought to strengthen economic opportunities and support the central business district, encourage market rate and affordable housing production in the downtown core and along major thoroughfares, and preserve the character of lower-density residential areas outside of the downtown. The proposed project area is located within the Jamaica Plan rezoning area and is subject to the DJ regulations. With the recent adoption of the 185-17 Hillside Avenue rezoning (C 210192 ZMQ and N 210193 ZRQ), the DJ provisions now also facilitate use of the MIH program within the special district. Where such MIH areas are mapped, these areas are removed from the IH designated areas established with the Jamaica Plan rezoning.

Jamaica's downtown core is comprised of high-density commercial zoning districts, including C6-2/DJ, C6-3/DJ, and C6-4/DJ zoning districts mapped along Sutphin Boulevard, a 75-foot-wide primary north-south corridor, and Jamaica and Archer avenues, both major east-west corridors. The project area is located south of the core, and surrounding uses include mixed commercial, community facility, residential, and industrial uses. Immediately west of the project area is an R5 zoning district comprised primarily of two- and three-story semi-detached two-family homes. East of the project area, across 147th Place, is another small R5 zoning district with a similar housing typology, as well as M1-1 and M1-4/DJ zoning districts comprising non-conforming residential uses, single-story warehouses, automotive uses, and a concrete batching facility. Across from and north of the project area, Sutphin Boulevard is mapped with C4-5X/DJ, C6-3/DJ, and C6-4/DJ zoning districts, and development is comprised of two- and three-story mixed commercial and residential uses, automotive uses, a hotel, surface parking and undeveloped property, and, towards the core, residential towers. South of the project area,

Sutphin Boulevard is mapped with an R6A/C2-4 zoning district, and development is comprised of a mix of single-story automotive and commercial uses and two-story mixed commercial and residential uses.

The surrounding area is well-served by public transit and is located within the Transit Zone. The project area is located three blocks from the Sutphin Boulevard - Archer Avenue subway station, with access to the E, J, and Z subway lines, as well as the AirTrain to JFK International Airport and Long Island Railroad service. Multiple bus lines traverse Sutphin Boulevard connecting passengers to and from Jamaica with neighborhoods to the south and east.

Block 10030 is bounded by 97th Avenue to the north, Sutphin Boulevard and 146th Street to the east, 101st Avenue to the south and Waltham Street to the west. The project area is located within a C4-5X/DJ zoning district and Inclusionary Housing (IH) designated area established with the adoption of the Jamaica Plan rezoning. Within the DJ, C4-5X zoning districts permit a maximum commercial floor area ratio (FAR) of 4.0 and maximum community facility FAR of 5.0, and the base FAR for developments containing residential uses within the IH designated area is 3.75, which can be increased to 5.0 through the provision of affordable housing.

The development site is a corner lot with approximately 100 feet of frontage on Sutphin Boulevard and 150 feet on 97th Avenue. It is controlled by the applicant and contains a 6,600-square-foot, one-story, federally qualified health center (FQHC) operated by the Community Healthcare Network (CHN) that provides healthcare services to residents of the neighborhood and beyond. The property also contains an accessory paved parking area for mobile medical vans and personal vehicles. The project area also includes Lot 1, which has approximately 50 feet of frontage on 97th Avenue and 100 feet on Waltham Street. Lot 1 contains the recently completed Waltham Hotel and is not expected to experience redevelopment pursuant to the proposed actions. Abutting the development site to the south, with frontage on Sutphin Boulevard, is the recently completed Holiday Inn Express hotel. Adjacent to that is property

with frontage on Sutphin Boulevard also undergoing hotel development, and the remainder of the block is comprised of two-story, single-family homes.

The applicant proposes to demolish the single-story FQHC on the development site and construct a 15-story mixed use building with a 15,000-square-foot replacement healthcare facility occupying the ground floor and cellar. CHN would continue to operate the facility and provide a full range of medical services for building residents and the community, including adult medicine, pediatric and adolescent medicine, geriatrics, mental and behavioral health services, HIV education, testing, and treatment, dental care, and home health care coordination services. Floors two through 15 would comprise approximately 173 units of low-income senior housing. Seventy percent of the units would be Affordable Independent Residences for Seniors (AIRS) in studio or one-bedroom configurations reserved for seniors aged 62 and older. The remaining 30 percent of units would be supportive studios reserved for formerly homeless seniors aged 55 and older with special care needs. Breaking Ground would manage the property and provide social services and case management support to tenants. Residential amenities would include a fitness room, computer room, and community room, among others. Entry to the healthcare clinic would be facilitated on 97th Avenue, and the residential entry with ground floor reception, mailroom, amenity room and elevator core would be located on Sutphin Boulevard. Along 97th Avenue, the building would have a five-story street wall, and a four-story street wall would front on Sutphin Boulevard at its residential entry location. Above the street walls, the building would rise, after setbacks along both frontages, to its 15-story maximum. Within the Transit Zone, no parking would be required for the affordable units or healthcare facility, and none is proposed on-site. The applicant would, however, provide up to 12 subsidized off-site parking spaces for tenants.

To facilitate the development proposal, the applicant proposes to rezone the project area from a C4-5X/DJ zoning district to a C6-3/DJ zoning district by extending a C6-3/DJ district across 97th Avenue from the north to the project area. Within the DJ, C6-3 zoning districts permit a maximum commercial and community facility FAR of 8.0, and the maximum residential FAR

within an MIH area is also 8.0. Street walls are required along both the 97th Avenue and Sutphin Boulevard frontages of the block, with a minimum height of 40 feet and maximum height of 60 feet, and the overall maximum building height is 250 feet.

In conjunction with the zoning map amendment, the applicant also seeks a zoning text amendment (N 210214 ZRQ) to designate the project area as an MIH area. Although a building in which all residential units are AIRS units would not be subject to MIH requirements, other development proposals pursuant to Option 1 of the MIH program would require that at least 25 percent of the residential floor area be provided as housing affordable to households at an average of 60 percent of area median income (AMI), including a minimum of 10 percent at an average of 40 percent of AMI, with no unit targeted to households with incomes exceeding 130 percent of AMI. Development pursuant to Option 2 would require that at least 30 percent of the residential floor area be affordable to households at an average of 80 percent of AMI. Both options are proposed to be mapped within the MIH area, and in designating the project area as an MIH area, it would no longer be an IH designated area.

ENVIRONMENTAL REVIEW

This application (C 210213 ZMQ), in conjunction with the application for a zoning text amendment (N 210214 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 is the City Planning Commission. The designated CEQR number is 21DCP095Q.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on August 30, 2021. It includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-639). The

requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

On August 30, 2021, this application (C 210213 ZMQ) was certified as complete by the Department of City Planning and duly referred to Queens Community Board 12 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 210214 ZRQ), which was referred for information and review in accordance with the procedures for non- ULURP matters.

Community Board Public Hearing

Queens Community Board 12 held a public hearing on this application (C 210213 ZMQ) on October 20, 2021, and, on that date, by a vote of none in favor, 40 opposed, and none abstaining, adopted a resolution recommending disapproval of the application.

Borough President Recommendation

The Queens Borough President held a public hearing on this application (C 210213 ZMQ) and the related application for a zoning text amendment (N 210214 ZRQ) on November 4, 2021, and issued a recommendation on December 2, 2021, to approve the applications with the following conditions:

- “● The applicant should commit to a target of 30% minimum rate during construction and post construction of working with locally owned business, MWBE firms, 50% local hiring, and locally community based organizations for capacity building and job fairs.
- There should be quarterly meetings with the Community Board 12 to report on the success of reaching these goals.”

City Planning Commission Public Hearing

On December 1, 2021 (Calendar No. 4), the CPC scheduled December 15, 2021, for a public hearing on this application (C 210213 ZMQ). The hearing was duly held on December 15, 2021 (Calendar No. 22). Four speakers testified in favor of the application and none in opposition.

The project team included representatives from Breaking Ground, CHN, Neighborhood Housing Services of Jamaica (NHSJ), and the applicant's architect. The representative from Breaking Ground described the organization's mission of developing senior housing, affordable housing, and supportive housing in New York City and other northeast communities and presented an overview of the applications and the development proposal. He noted that all rents would be subsidized by Section 8, enabling the project to serve extremely low-income seniors, and stated the development team's commitment to hire community residents for 50 percent of new construction jobs and housing operations positions. The team has also committed to reporting on the progress of reaching these goals to Community Board 12. Additionally, although no parking is proposed on site, the team would also provide up to 12 subsidized parking spaces in a nearby lot or garage.

The representative from CHN described CHN's network of healthcare facilities across the city and the healthcare services proposed in the expanded facility at this location. The representative from NHSJ noted that the organization's mission is to preserve, protect, and revitalize neighborhoods by offering housing education, counseling and financial services, and tenant education workshops, among other services. NHSJ would provide outreach and marketing support for the development and offer financial literacy training to building residents. The project architect described the building forms along both street frontages and the interior layouts of the healthcare and residential spaces and noted that the building would be designed to passive house standards.

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

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 210213 ZMQ), in conjunction with the related application for a zoning text amendment, as modified (N 210214 ZRQ), is appropriate.

The proposal will facilitate the redevelopment of CHN's FQHC into a 15-story mixed use building with a 15,000-square-foot replacement healthcare facility and 173 units of low-income senior housing comprised of AIRS units and units reserved for formerly homeless seniors with special care needs. With more than double the amount of healthcare space, CHN will continue to provide a full range of healthcare services for members of the community and as well as serve the needs of building residents. Breaking Ground will provide social and case management services to building residents, and NHSJ will provide marketing support and financial literacy training. This project will help address the growing need for more housing in Jamaica and throughout the city, consistent with objectives for promoting housing production and affordability outlined in *Housing New York* and provide tailored care and support for a vulnerable senior population.

The C4-5X/DJ zoning district was established in 2007 with the City Council adoption of the Jamaica Plan rezoning (C 070314 (A) ZMQ, et. al.). The Commission notes that the proposed zoning map amendment, in conjunction with the related application for a zoning text amendment (N 210214 ZRQ), is not inconsistent with the goals of the Jamaica Plan rezoning. The proposed zoning map amendment is limited to Block 10030, Lots 1 and 6, and the additional development capacity that the C6-3/DJ zoning district will provide is appropriate for the site's location along Sutphin Boulevard, a primary north-south corridor. Resulting development would be consistent with the building scale and land use patterns of other developments north of the project area along Sutphin Boulevard and in downtown Jamaica.

The Commission notes that the project area is located three blocks from the Sutphin Boulevard - Archer Avenue station with access to subway, AirTrain, and LIRR service, and is within the Transit Zone. Though no on-site parking is proposed, the Commission appreciates the

applicant's acknowledgement of a potential demand for parking for building tenants and commends the commitment to subsidize up to 12 off-site spaces. The Commission also appreciates that the applicant has committed to hire community residents for 50 percent of new construction jobs and housing operations positions.

The proposed text amendment, as modified, (N 210214 ZRQ) to designate the project area as an MIH area is appropriate. The Commission believes this to be consistent with the City's goal to promote the development of affordable housing, particularly in areas well served by mass transit. The Commission supports the development of new affordable housing for seniors in a neighborhood with a significant need for additional units. The text amendment will establish MIH Options 1 and 2, and although buildings in which all residential units are AIRS units will not be subject to MIH requirements, the MIH area will ensure that any alternative development with residential uses would be subject to such requirements. The Commission also notes that the applicant has a mission-oriented commitment to provide senior housing, affordable housing, and supportive housing throughout the city.

The modification to remove amendments to Article XI, Chapter 5, regarding MIH applicability and related parking and loading regulations within the DJ are necessary as these provisions were previously adopted by the City Council pursuant to the 185-17 Hillside Avenue Rezoning (C 210192 ZMQ and N 210193 ZRQ). The provisions were included in the original application but are no longer necessary.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on August 30, 2021 with respect to this application (CEQR No. 21DCP095Q), 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 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. 14d, changing from a C4-5X District to a C6-3 District property bounded by 97th Avenue, 146th Street, a line 100 feet southerly of 97th Avenue and Waltham Street, Borough of Queens, Community District 12, as shown on a diagram (for illustrative purposes only) dated August 30, 2021, and subject to the CEQR Declaration E-639.

The above resolution (C 210213 ZMQ), duly adopted by the City Planning Commission on January 19, 2022 (Calendar No. 3), 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.

ANITA LAREMONT, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice-Chairman*

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

JOSEPH I. DOUEK, RICHARD W. EADDY, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

LEAH GOODRIDGE, *Commissioner Abstaining*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 97-04 Sutphin Boulevard Rezoning	
Applicant: BG Sutphin LLC	Applicant's Primary Contact: Cara McAteer
Application # 210213ZMQ	Borough:
CEQR Number: 21DCP095Q	Validated Community Districts: Q12

Docket Description:

IN THE MATTER OF an application submitted by BG Sutphin LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14d, by changing from a C4-5X District to a C6-3 District property bounded by 97th Avenue, 146th Street, a line 100 feet southeasterly of 97th Avenue and Waltham Street, Borough of Queens, Community District 12, as shown on a diagram (for illustrative purposes only) dated August 30, 2021, and subject to the conditions of CEQR Declaration E-639.

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

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 40	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 10/20/2021 12:00 AM		Vote Location: Zoom	

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

Date of Public Hearing: 10/20/2021 2:00 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

CONSIDERATION: In adequate parking for visitors, employees and tenants. No loading dock, Why are only 50% of the apartments being allocated for residents of CB12

Recommendation submitted by	QN CB12	Date: 11/3/2021 11:57 AM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 97-04 Sutphin Boulevard Rezoning	
Applicant: BG Sutphin LLC	Applicant's Primary Contact: Cara McAteer
Application # N210214ZRQ	Borough:
CEQR Number: 21DCP095Q	Validated Community Districts: Q12

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 40	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 10/20/2021 12:00 AM		Vote Location: Zoom	

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

Date of Public Hearing: 10/20/2021 2:00 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

CONSIDERATION: In adequate parking for visitors, employees and tenants. No loading dock, Why are only 50% of the apartments being allocated for residents of CB12		
Recommendation submitted by	QN CB12	Date: 11/3/2021 11:57 AM

Queens Borough President Recommendation

APPLICATION: ULURP #210213 ZMQ

COMMUNITY BOARD: Q12

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by BG Sutphin LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14d, by changing from a C4-5X District to a C6-3 District property bounded by 97th Avenue, 146th Street, a line 100 feet southeasterly of 97th Avenue and Waltham Street, Borough of Queens, Community District 12, dated August 30, 2021, and subject to the conditions of CEQR Declaration E-639. (Related ULURP #N210214 ZRQ)

PUBLIC HEARING

A remote Public Hearing was held via Zoom webinar and livestreamed on the Queens Borough President's website on Thursday, November 4, 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 eight 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:

- This application proposes a zoning map and text amendment changing an existing C4-5X District to an C6-3 District. The properties to be rezoned are Block 10030, Lots 1 and 6 located within the Special Downtown Jamaica District. The proposed rezoning would facilitate mixed-use redevelopment of the site. The applicants are Breaking Ground and the Community Health Network;
- Another application (ULURP #N210214 ZRQ) proposing text amendments to the NYC Zoning Resolution is concurrently under review with this application. The proposed zoning text amendments would establish and map the area to be rezoned in Appendix F as a Mandatory Inclusionary Housing (MIH) area. Additionally, special bulk regulations within the Special Downtown Jamaica District would be modified and the existing Inclusionary Housing designated area would be removed from the district;
- The applicant is proposing to build a mixed-use fifteen-story 146,000 SF building for use as 173 units of affordable housing and an enlarged health clinic on the property. Seventy percent (70%) of the studio and one-bedroom units would be considered Affordable Independent Residences for Seniors (AIRS) housing. The AIRS units would be reserved for seniors aged 62 and up with annual incomes of 50% or less of Area Median Income. The remaining thirty percent (30%) of studio units would serve formerly homeless seniors with special needs who are aged 55 and up. One residential unit would be reserved for the building superintendent. The proposed building would also include an expanded medical health facility on the ground floor and cellar level, amenities for the residents that would include a fitness room, computer room and a community room. Breaking Ground is a not-for-profit organization that specializes in providing supportive and affordable housing and has been operating in New York City since the 1990s. Breaking Ground will manage and operate the housing to be built on this site;
- Community Health Network has operated a federally qualified medical health clinic on the site since 1978 in a 6600 SF facility. The proposed Community Health Network would continue to operate the enlarged 15,000 SF medical health clinic;
- The site is within the Special Downtown Jamaica District which was established in 2007 to build upon Jamaica's strengths as a multimodal transportation hub. The project lies within a highly populated area, with a high concentration of commerce in addition to several modes of public transportation (subway, buses, Long Island Rail Road), AirTrain. The area is dense, with both C-6 and R-6 zoning directly across from the project location. There are small homes in the area in addition to the taller residential buildings;
- The proposed site is a rectangular lot that is roughly 100 feet by 150 feet. The site sits on the corner of 97th Avenue and 146th Street. The abutting property, outside of the proposed location, is roughly 50 feet by 100 feet and sits on the corner of 97th Avenue and Waltham Street.
- Community Board 12 (CB 12) disapproved this application unanimously by a vote of forty (40) in favor, zero (0) against and zero (0) abstentions at the monthly meeting held on October 20, 2021. CB 12 had several issues with the plan, listed below:
 - Not enough parking.
 - The board is suggesting they only do 9 stories.
 - 50% local preference for apartments was too low.
 - 25% MWBE construction hiring was too low.
 - Not enough attention paid to the process of evictions, in similar buildings they feel people have been evicted unfairly.
 - CB12 felt there was no plan to address quality of life issues.

QUEENS BOROUGH PRESIDENT RECOMMENDATION

ULURP #210214 ZMQ

Page two

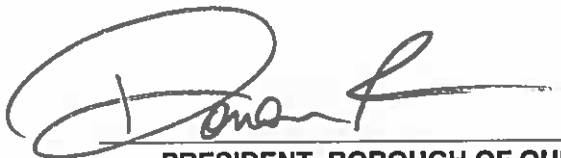
- o At the Queens Borough President's Land Use Public Hearing on November 4, 2021, the applicant stated that proposed building will provide increased availability and expanded health care and medical services for the community at large as well as the senior residents of the project above. Breaking Ground also testified that an agreement had been recently reached with DC 37 for their employees to become members. The speakers who testified in favor of the project spoke about continued access to increased health and medical services from the provider already on the site and the need for affordable housing. In addition to the public speakers a representative for the local Councilmember read testimony in support of the application into the record.

RECOMMENDATION

There is a continuing pressing need both for quality medical health services and affordable housing. This project both expands increased medical health care and provides affordable housing for seniors.

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

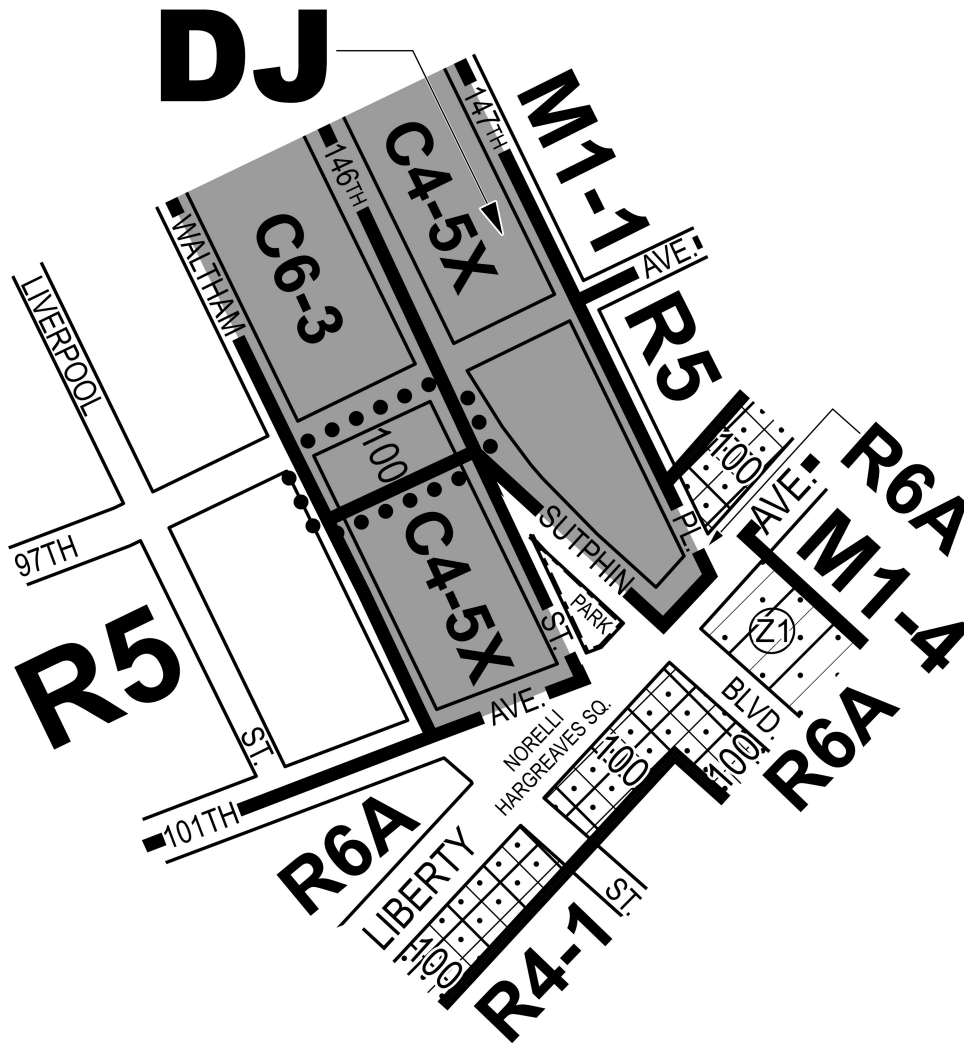
- The applicant should commit to a target of 30% minimum rate during construction and post construction of working with locally owned business, MWBE firms, 50% local hiring, and locally community based organizations for capacity building and job fairs.
- There should be quarterly meetings with the Community Board 12 to report on the success of reaching these goals.



PRESIDENT, BOROUGH OF QUEENS

12/2/2021

DATE



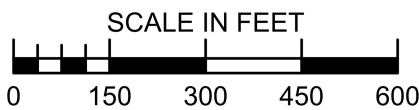
CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

14d
 BOROUGH OF
QUEENS






for Kerry Rammine
 S. Lenard, Director
 Technical Review Division



New York, Certification Date:
 August 30, 2021



NOTE:

-  Indicates Zoning District Boundary
-  The area enclosed by the dotted line is proposed to be rezoned by changing from an existing C4-5X District to an C6-3 District.
-  Indicates a C2-3 District
-  Indicates a C2-4 District
-  Indicates a Special Downtown Jamaica District