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August 10, 2016 / Calendar No. 27

C 160103 ZMQ

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**IN THE MATTER OF** an application submitted by Sunnyside-Barnett Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9b and 9d as follows:

1. changing from an M1-1 District to an M1-1/R6 district property bounded by the southerly boundary line of the Long Island Rail Road Right-of-Way (Main Line), the northerly centerline prolongation of 52<sup>nd</sup> Street, Barnett Avenue, and the northerly prolongation of the westerly streetline of 50<sup>th</sup> Street; and
2. establishing a Special Mixed Use District (MX-17) bounded by the southerly boundary line of the Long Island Rail Road Right-of-Way (Main Line), the northerly centerline prolongation of 52<sup>nd</sup> Street, Barnett Avenue, and the northerly prolongation of the westerly streetline of 50<sup>th</sup> Street

Borough of Queens, Community District 2, as shown on a diagram (for illustrative purposes only) dated March 28, 2016.

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This application for an amendment of the Zoning Map was filed by the applicant on November 10, 2015 to rezone property located at 50-25 Barnett Avenue (Block 119, Lot 143), which is located in Sunnyside, Queens, Community District 2. The requested action would facilitate the development of a new seven- to ten-story, mixed-use, mixed-income building.

## **RELATED ACTIONS**

In addition to the proposed Zoning Map amendment, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- N 160101 ZRQ** Zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) Designated Area.
- N 160102 ZRQ** Zoning text amendment to establish that R6 districts in MIH Designated Areas are allowed a maximum floor area ratio (FAR) of 3.6, and to modify height and setback regulations in Mixed-Use District MX-17(M1-1/R6)

## **BACKGROUND**

Sunnyside-Barnett Associates LLC, seeks approval of a series of land use actions to facilitate a new mixed-use, predominately residential development on a 64,366 square-foot site located in the Sunnyside neighborhood in Queens, Community District 2. It currently contains a 223-space parking lot in an M1-1 zoning district. The Project Area (Block 119, Lot 143) is proposed to be rezoned with a Special Mixed-Use District (M1-1/R6) to facilitate the development of a seven- to ten-story building containing 220 affordable units, 101 attended accessory parking spaces, and a new 4,800 square foot, universal Pre-Kindergarten facility. The Project Area is roughly bounded by the Long Island Rail Road (LIRR) right-of-way, Barnett Avenue, 50th Street and 52<sup>nd</sup> Street.

The applicant is an affiliate of Phipps Houses, who acquired the Project Area in the 1950's and has been operating it as a public parking lot. Phipps Houses manages the Phipps Garden Apartments development across the street from the Project Area, which it developed in the 1930s. This development occupies a full block with four- and six-story buildings, and it was designed by Clarence Stein, one of the architects who designed the Sunnyside Gardens development.

The existing M1-1 zoning district is a light manufacturing district that allows commercial, light industrial, and certain community facility uses. The maximum permitted floor area ratio (FAR) for commercial and manufacturing uses is 1.0, and for community facility uses, the maximum FAR is 2.4. The maximum permitted height of the front building wall is 30 feet, and the maximum building height is governed by the sky exposure plane.

The proposed Special Mixed-Use District with M1-1/R6 zoning components, in conjunction with the proposed text amendments described in greater detail below, would allow for a range of

residential, light industrial, commercial and community facility uses. The proposed mixed-use zoning would have a maximum residential FAR of 3.6, a maximum community facility FAR of 4.8 and a maximum FAR of 1.0 for commercial and manufacturing uses. The maximum permitted base height for a residential or mixed-use building would be 85 feet, with a maximum building height of 110 feet. There would be an off-street accessory parking requirement associated with 70 percent of the market-rate residential units, and no accessory parking required for affordable housing units, since the Project Area is located within the Transit Zone. For commercial and light industrial uses, off-street parking requirements would vary depending on use and size of the establishment.

### ***Description of the Surrounding Area***

The surrounding area is characterized by a mix of land uses, including residential, light industrial, commercial, transportation, and open space. The northern border of the Project Area is formed by the LIRR right-of-way. Major vehicular roadways in the area include Queens Boulevard five blocks to the south and Northern Boulevard located to the north of the LIRR right-of-way. Smaller streets that provide access to the Project Area include Woodside Avenue, 48th Street, and 39th Avenue.

Residential uses are located primarily to the south of Barnett Avenue and consist of a mix of four- to six-story apartment buildings with elevators, three- and four-story multi-family walkup buildings, and one- and two-family houses. Several larger apartment buildings, ranging in height from six to 11 stories, are located on blocks to the southeast of the Project Area, especially along 52nd Street south of 39th Avenue. The Sunnyside Gardens development, a planned community of two-story attached townhouses with shared rear yards constructed in the 1920's, is located to the southwest of the Project Area on the blocks west of 50th Street and south of 39th Avenue. This development, along with the Phipps Garden Apartments complex, was designated as the Sunnyside Gardens Historic District by the Landmarks Preservation Commission in 2007. Clusters of small retail businesses are located on the ground floors of residential buildings along 39th Avenue and Woodside Avenue. The only open space in the immediately surrounding area is Sunnyside Gardens Park, a 3.5-acre private park owned by a community organization. Two blocks south of the Project Area along 52<sup>nd</sup> Street is Windmuller Park, a three-acre public park with a range of recreational and playground facilities.

The blocks south of Barnett Avenue are zoned for residential use with R4 and R5B districts. R4 districts allow all types of housing (including one- and two-family homes, as well as apartment buildings) with a maximum FAR of 0.75, plus an attic allowance of up to 20 percent for inclusion of space under a pitched roof. The maximum perimeter wall height is 25 feet, and the maximum building height is 35 feet. R5B districts allow a maximum FAR of 1.35, a maximum street wall height of 30 feet, and a maximum building height of 33 feet. The Sunnyside Planned Community Preservation District (PC) is mapped to the south and west of the Project Area. It has underlying R4 zoning, and it encompasses much of the area within the Sunnyside Gardens Historic District. An R7-1 district is located four blocks south of the Project Area, and it contains 10- and 12-story apartment buildings. The maximum residential FAR in the R7-1 district is 3.44, and building height is regulated by the sky exposure plane.

The properties north of the Project Area and to the east and west along the north side of Barnett Avenue are also zoned M1-1 for light industrial and commercial use.

***Description of the Proposed Project Area, Development Site and Project***

The Project Area is located on the north side of Barnett Avenue between 50th and 52nd Streets on Block 119, Lot 143. No other properties that would be affected by the proposed actions, therefore, the Project Area and the Development Site are the same. The Project Area is long and narrow with an east-west orientation along Barnett Avenue. The site extends 560 feet along Barnett Avenue, and it is 64 feet deep at its western edge and 150 feet deep at its eastern edge. Barnett Avenue, at 60 feet wide, is classified as a narrow street. The 64,366 square-foot site is owned by the applicant, and it is currently used as a parking lot for approximately 223 vehicles. The only structure in the parking lot (Project Area) is a single-story, 200 square-foot cinderblock shed.

The Project Area is zoned M1-1, a commercial and light manufacturing district that permits up to 1 FAR of commercial or light industrial use and up to 2.4 FAR for certain community facility uses.

The proposed development, as certified, is a seven- to ten-story residential building with approximately 237,037 square feet (gsf) of floor area, including approximately 232,237 square

feet (gsf) of residential space and 4,800 square feet (gsf) of ground floor community facility space. The building is expected to include approximately 220 affordable housing units and accessory off-street parking for 101 cars located in the rear portion of the site. The ground floor would include the residential lobby and “maisonette” apartments with small front yards along Barnett Avenue. A raised deck over a portion of the rear parking area will provide 9,770 square feet of open space available to all building residents. The western end of the ground floor would include the community facility space, which is planned to house a universal Pre-Kindergarten (UPK) facility to be operated by Phipps Neighborhoods, the social services affiliate of Phipps Houses. As proposed, 100 percent of the residential floor area would be used for affordable housing units, including 20 percent of the units to be affordable to households earning up to 50% of the Area Median Income (AMI), 30 percent of units for households at 100% of AMI and 50 percent of units for households at 130% of AMI.

#### ***Actions Necessary to Facilitate the Project***

The project requires the rezoning of the Project Area from M1-1 to a Special Mixed-Use District MX-17 (M1-1/ R6), as well as zoning text amendments to establish MX-17 (M1-1/R6), to modify height and setback regulations in MX-17 (M1-1/R6), and to establish that R6 districts in MIH Areas have a maximum residential FAR of 3.6. In addition to the proposed rezoning and text amendments, a zoning text amendment is proposed to designate the Project Area as a Mandatory Inclusionary Housing Area. This proposed project would apply the requirements of Option 2. Option 2 requires at least 30 percent of the residential floor area to be reserved for residents with incomes averaging 80% AMI.

#### ***Zoning Map and Text Amendments***

The applicant proposes to rezone the Project Area from M1-1 to a Special Mixed-Use District (MX), which pairs a residential district (R6) with a light industrial district (M1-1) to form MX-17 (M1-1/R6). The new M1-1/R6 zoning district would be bounded by the LIRR right-of way on the north, the prolongation of the centerline of 52nd Street on the east, Barnett Avenue on the south, and the prolongation of the western edge of 50th Street on the west. The proposed MX-17 (M1-1/R6) will allow a range of compatible residential, light industrial, commercial and community facility uses. Ordinarily, the proposed maximum residential FAR in an R6 district

would be 2.43, but in this case the maximum residential FAR will be 3.6 as part of the zoning text amendments that will designate the Project Area as a Mandatory Inclusionary Housing Area. This is the residential FAR allowed for affordable housing developments in an R6 District within 100 feet of a wide street. MX-17 will also have a maximum community facility FAR of 4.8 and a maximum FAR of 1.0 for commercial and manufacturing uses.

The proposed MX-17 (M1-1/R6) would usually allow residential buildings to rise to a maximum height of 60 feet within 15 feet of the street, but a zoning text amendment will allow this height to be 85 feet instead. Beyond 15 feet of the street the maximum building height will be 110 feet, as it is in other MX districts with R6 zoning.

The proposed zoning text amendments include the following sections of the Zoning Resolution (ZR):

- ***ZR Section 23-154 Inclusionary Housing designated areas:*** To establish that all R6 districts in Mandatory Inclusionary Housing Areas are allowed a maximum FAR of 3.6.
- ***ZR Section 123-63 Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts:*** To establish the new Mixed-Use District MX-17 (M1-1/R6) as an Inclusionary Housing district whose floor area ratio would be governed by R6 provisions in ZR Section 23-154.
- ***ZR Section 123-662 Height and Setback Regulations - All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations:*** To modify height and setback regulations applicable in Mixed-Use District MX-17 (M1-1/R6) to allow the height of buildings in this particular Mixed-Use district with R6 zoning to rise to a height of 85 feet, instead of 60 feet, within 15 feet of a narrow street.
- ***ZR 123-90 Special Mixed Use Districts Specified:*** To establish the Project Area as Special Mixed-Use District 17.

- *Appendix F*: To add the Project Area to the city-wide list and maps of Mandatory Inclusionary Housing Areas.

## **ENVIRONMENTAL REVIEW**

This application (C 160103 ZMQ), in conjunction with two related actions (N 160101 ZRQ, N 160102 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 16DCP060Q. The lead agency is the Department of City Planning.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement (EAS), a Negative Declaration was issued on March 28, 2016. A Revised Negative Declaration was issued on August 4, 2016 and supersedes the previous Negative Declaration. The Revised Negative Declaration includes an (E) Designation (E-376) related to hazardous materials and noise to avoid the potential for significant adverse impacts, as described below.

The (E) designation requirements related to hazardous materials and noise would apply to the following development site:

Block 119, Lot 143

The text for the (E) Designation related to hazardous materials is as follows:

### Task 1-Sampling Protocol

The applicant submits to the Office of Environmental Remediation (OER), for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination

(i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

#### Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

The text of the (E) designation related to noise is as follows:

To ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 31 dBA window/wall attenuation on all facades facing north or west and 28 dBA of attenuation on all facades facing east or south to maintain an interior noise level of 45 dBA. To maintain a closed-



window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but not limited to, central air conditioning.

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

### **UNIFORM LAND USE REVIEW**

On March 28, 2016, this application (C 160103 ZMQ) was certified as complete by the Department of City Planning, and was duly referred to Queens Community Board 2 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 applications for zoning text amendments, (N 160101 ZRQ, N 160102 ZRQ) which were referred for information and review in accordance with the procedures for non- ULURP matters.

### **COMMUNITY BOARD PUBLIC HEARING**

Community Board 2 held a public hearing on this application on May 18, 2016 and on June 2, 2016, by a vote of 38 in favor, 1 opposed, and 1 abstaining, adopted a resolution recommending disapproval with modifications/conditions of the application, with the following comments:

1. Affordable housing is not affordable enough- Income tiers of 20% at 50 % AMI, 30% at 100% AMI and 50% at 130% AMI do not adequately represent need of CB2 community. According to a 2015 Furman Center study 75% of CB2 residents have incomes below 100% of AMI.
2. Size and scale of proposed building are out of scale with the surrounding neighborhood. A new 10 story building in the M1 zone alters the low rise context of the community and puts added pressures on services, transportation, etc. The absence of land cost will enable the developer to maximize profits for this albeit "affordable" building. Scaling back the size of the building will provide relief to local residents.

3. Removal of parking - the current parking facility serves surrounding residents and local businesses. While Phipps Houses has no obligation to provide community parking, removal of the existing lot will add to the already severe scarcity of parking in Sunnyside Gardens.
4. Impact on local businesses - The project is not characteristic of the surrounding neighborhood. The Barnett Avenue M1 zone has been occupied by local businesses including an upholsterer, glass fabricator, car repair service, parking lot, and shoe manufacturer. They have historically coexisted with the low-rise character of Sunnyside Gardens.
5. Negative precedent - New residential development will likely establish a speculative precedent for the change in use of the M1 zone along Barnett Avenue, through zoning changes or BSA applications. This will threaten local businesses and make the Barnett Avenue corridor ripe for speculative residential development by developers seeking to maximize profits at the expense of the existing commercial uses.
6. Accelerated development in CB2 without corollary essential infrastructure and city services - This project will place pressure on existing city services, including schools, community facilities, public transportation, parking and physical infrastructure. These city services are already drastically over-burdened, and there is no current commitment of sufficient capital funds or planning to meaningfully mitigate or alleviate these deficiencies.

The Board also recommended that the applicant amend and modify the application to satisfactorily address the Board's concerns as follows:

- a) The inclusion of more, and deeper, affordability bands that would make residents earning 50 and 100% AMI eligible for units;
- b) A reduction of the size and scale of the proposed building to bring it more in line with the surrounding buildings;
- c) The inclusion of a larger community facility space that would provide a much wider variety of needed community services than solely UPK, including but not by way of limitation day care and/or senior activities, to serve a much wider range of community residents through a partnership or other arrangement with a reputable, qualified not-for-profit service provider;
- d) Full and proper remediation of all existing environmental issues on the site.
- e) The relocation of parking that is being removed;
- f) A firm and reliable commitment to work with our elected officials, Community Board No. 2, and federal, state and city agencies toward sidewalk improvements along the rest of Barnett Avenue, the siting and construction of a middle school in the community, and the improvement of transportation infrastructure; and
- g) A commitment to use union labor.

## **BOROUGH PRESIDENT RECOMMENDATION**

The application was considered by the Queens Borough President, who issued a recommendation to disapprove the application on July 5, 2016, unless the following conditions are met:

1. While taller buildings do exist around the general neighborhood, the areas immediately around the project site are still lower in density and height. The building height of the project should be lowered to stay within the context of the buildings immediately around it;
2. Deepen the band of affordability to allow more area residents an opportunity to remain in their neighborhood. As currently proposed with 50% of units geared towards households at 130% AMI, as many as 75% of Community District 2 residents do not earn enough or are able to afford the proposed new moderate income housing. The mix of affordability for this project should be adjusted to reflect the incomes earned by the majority of area residents;
3. Inclusion of a larger community facility space to accommodate a wider range of services and constituency. Sunnyside has a growing school age and senior population. Coordination with established, proven well-operated not-for-profit service providers and a larger community facility space are needed to provide more programs and services for those growing populations;
4. Infrastructure improvements are needed to address the issues currently faced in Sunnyside and Community District 2. Such improvements would include: assessment of the overall condition of Barnett Avenue, particularly the sidewalk, should be assessed and a funded plan for improvements should be implemented; a middle school site should be identified and constructed to relieve the shortage of seats; and improvements must be identified and implemented to address transportation delays and congestion;
5. To assure the quality, durability and safety of construction, the workers for this project should be highly skilled and trained. The construction and trade unions are very experienced in all types of building and should be utilized for development, operation and maintenance of this project.

## **CITY PLANNING COMMISSION PUBLIC HEARING**

On June 22, 2016 (Calendar No. 4), the City Planning Commission scheduled July 13, 2016, for a public hearing on this application (C 160103 ZMQ), and the applications for the related actions (N 160101 ZRQ, N 160102 ZRQ). The hearing was duly held on July 13, 2016 (Calendar No. 20), in conjunction with the public hearing on the applications for the related actions. There was one speaker in favor of the application and one in opposition.

The project sponsor gave an overview of the project's history and the desired goals and objectives for the project. The developer discussed how they are prepared to adjust the income bands of potential residents to satisfy concerns shared by the community board and the Borough President. As certified, the application proposed 20 percent of units for households at 50% of AMI, 30 percent of units for households at 100% of AMI and 50 percent of units for households at 130% of AMI.

The applicant explained that the 100% AMI band which would have included 30 percent of the planned units will be shifted entirely to the 80% AMI band or to a range between 80% and 100% AMI. The applicant explained that maintaining 50 percent of the units at the 130% AMI band is necessary in order to maintain the financial feasibility of the project. In addition, the applicant noted that the requested actions will facilitate the development of 209 units, instead of 220 units, as certified. This reflects an updated unit-size breakdown that now includes fewer, but larger units. The applicant's environmental consultant responded to a direct question from the Commission, confirming that parking demand will decrease with the lower income bands proposed by the applicant.

Speaking in opposition, a representative from a labor union stated that the developer should commit to employing unionized workers in both the construction and maintenance of the proposed building, expressing the need for prevailing quality jobs for new affordable housing developments.

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

## **CONSIDERATION**

The Commission believes that the grant of the proposed Zoning Map amendment, in conjunction with the related application for proposed zoning text amendments, is appropriate.

The Commission finds that the revised rezoning proposal, to rezone the project site from M1-1 to MX-17(M1-1/R6) on the entire site would create a substantial increase in the supply of affordable housing and enable local community facility uses to be developed within the ground floor of the project consistent with existing land use patterns.

The Commission believes that the rezoning proposal would facilitate the redevelopment of an underdeveloped site into much-needed affordable housing that is supportive of the character of the

surrounding area. The Commission also believes the potential proposed rents will be below the market-rate rents currently available, and in the future that the proposal will allow current residents to remain in their community as the housing market becomes more expensive.

The Commission notes that in addition to fulfilling the requirements of Option 2 of the Mandatory Inclusionary Housing program (30 percent of units available to households earning an average of 80% of the AMI), the developer also proposes to make the entirety of the 209 units available to those making between 50% and 130% of AMI, with no market-rate units created. In this way, the proposed project will contribute meaningfully to the City's comprehensive plan to develop and preserve 200,000 units of affordable housing.

The Commission notes that Community Board 2, reviewed the application and on June 2, 2016, adopted a resolution, by a vote of 38 in favor, 1 opposed and 1 abstaining, to disapprove the application, unless certain modifications or conditions were not mitigated. These included the community board's concern that an insufficient proportion of the units will not be available to households earning less than 100% of AMI. The Commission notes that the applicant is prepared to adjust the income eligibility of residents in the second tier of affordability downward in order to address the community board's concern.

The Commission notes that the proposed project will provide thoughtful building articulation and massing along the Barnett Avenue frontage in order to vary its long façade. Most of the initial portions of the front building wall will rise to seven or eight stories above which the building will provide a setback before reaching heights of nine and ten stories. The Commission notes that the applicant has provided assurances to maintain the articulation and massing, as certified, and use materials that are vernacular to the surrounding area.

In regard to concerns over the displacement of parking, the Commission notes that the EAS indicates that the displacement of the current parking is unlikely to result in any significant adverse impacts. The Commission notes that since the project site is located within the Transit Zone, no accessory parking is required for this 100 percent affordable housing development. The

Commission believes that the 101 parking proposed to be provided will adequately meet the demand of spaces generated by the project, and the Commission notes that in the event that there are unused spaces, the applicant has the ability to make these available to the general public.

The Commission notes that the Borough President, in her resolution, called on the applicant to improve the condition of Barnett Avenue, particularly the sidewalk. As proposed, the applicant would completely renovate the adjacent street to provide for a complete sidewalk with a double corridor of trees. In addition, the Commission notes that the proposal includes open space components that will be beneficial to the well-being of future residents and the surrounding area. This includes recreational space on second floor decking, the front yard adjoining the “maisonette” apartments and the proposed playground attached to the proposed UPK facility.

The Commission notes that the applicant also filed two zoning text amendment applications that will facilitate the project. The Commission notes that one requested zoning text amendment (N 160101 ZRQ) would designate the proposed rezoning area as a Mandatory Inclusionary Housing (MIH) Designated Area in Appendix F of the Zoning Resolution. The Commission further notes that the applicant has identified MIH Option 2 as being applied in this area so that 30 percent of total residential floor area will remain permanently affordable for residents with incomes that average at 80% of AMI.

The Commission notes that the second amendment (N 160102 ZRQ) would establish that R6 districts in MIH areas are allowed a maximum FAR 3.6; establish Mixed-Use District MX-17 (M1-1/R6); and modify height and setback regulations in MX-17 (M1-1/R6). The Commission believes that these amendments will appropriately set a reasonably maximum density and scale for the project.

Overall, the Commission believes that the requested actions provide a rare opportunity in this neighborhood to facilitate new, 100 percent affordable residential development, including permanently affordable housing under MIH.

## **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 revised 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 hereby amended by changing the Zoning Map, Sections No. 9b and 9d:

1. changing from an M1-1 District to an M1-1/R6 district property bounded by the southerly boundary line of the Long Island Rail Road Right-of-Way (Main Line), the northerly centerline prolongation of 52<sup>nd</sup> Street, Barnett Avenue, and the northerly prolongation of the westerly streetline of 50<sup>th</sup> Street; and
2. establishing a Special Mixed Use District (MX-17) bounded by the southerly boundary line of the Long Island Rail Road Right-of-Way (Main Line), the northerly centerline prolongation of 52<sup>nd</sup> Street, Barnett Avenue, and the northerly prolongation of the westerly streetline of 50<sup>th</sup> Street

Borough of Queens, Community District 2, as shown on the diagram (for illustrative purposes only) dated March 28th, 2016.

With the assignment of the proposed (E) designation (E-376), no significant adverse impacts related to hazardous materials and noise would result from the proposed actions.

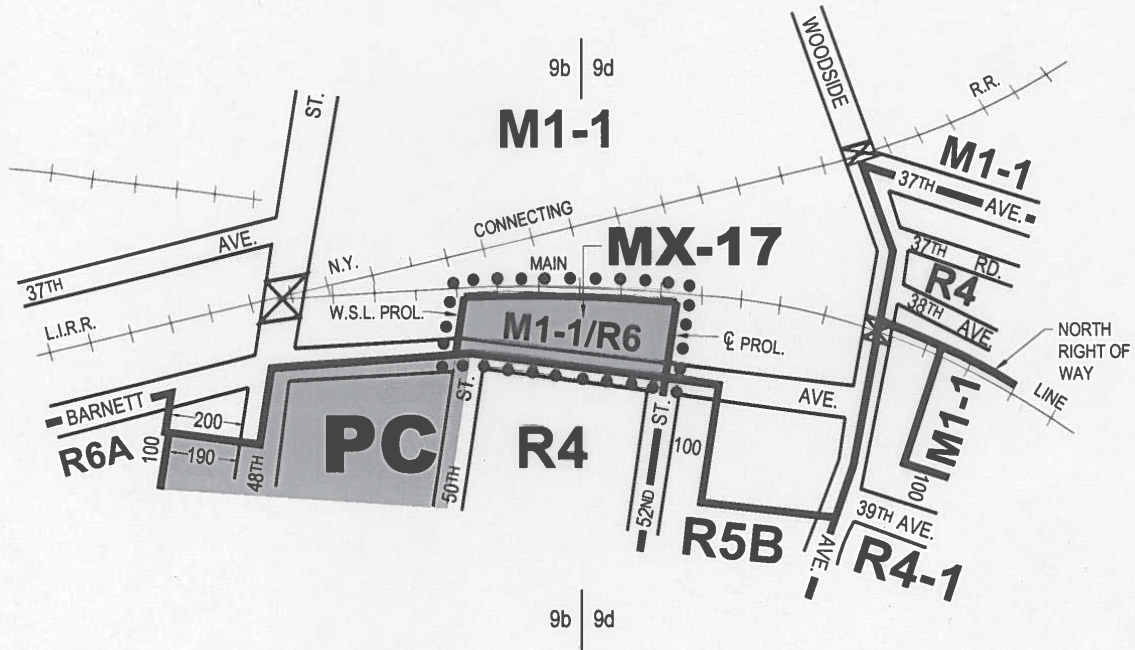
The above resolution (C 160103 ZMQ), duly adopted, by the City Planning Commission on August 10, 2016 (Calendar No. 27), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**CARL WEISBROD**, Chair

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

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,  
MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, CHERYL COHEN EFFRON,  
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISSA ORTIZ,**  
Commissioners



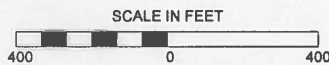


CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**9b & 9d**  
 BOROUGH OF  
**QUEENS**



New York, Certification Date  
**MARCH 28, 2016**

*J. Miraglia*  
 J. Miraglia, Director  
 Technical Review Division



**NOTE:**

- Indicates Zoning District Boundary.
- The area enclosed by the dotted line is proposed to be rezoned by changing an existing M1-1 District to an M1-1/R6 District and by establishing a Special Mixed Use District (**MX-17**)
- Indicates a Planned Community Preservation District.
- Indicates a Special Mixed Use District (**MX-17**).

Application #: <b>C 160103 ZMQ</b>	Project Name: <b>Barnett Avenue Rezoning</b>
CEQR Number: 16DCP060Q	Borough(s): Queens Community District Number(s): 2

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

**SUBMISSION INSTRUCTIONS**

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
  - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

*Docket Description:*

**IN THE MATTER OF** an application submitted by Sunnyside-Barnett Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9b and 9d as follows:

- changing from an M1-1 District to an M1-1/R6 district property bounded by the southerly boundary line of the Long Island Rail Road Right-of-Way (Main Line), the northerly centerline prolongation of 52nd Street, Barnett Avenue, and the northerly prolongation of the westerly streetline of 50th Street; and
- establishing a Special Mixed Use District (MX-17) bounded by the southerly boundary line of the Long Island Rail Road Right-of-Way (Main Line), the northerly centerline prolongation of 52nd Street, Barnett Avenue, and the northerly prolongation of the westerly streetline of 50th Street

Borough of Queens, Community District 2, as shown on the diagram (for illustrative purposes only) March 28, 2016.

Applicant(s): Sunnyside-Barnett Associates LLC 902 Broadway, 13th Floor New York, NY 10010	Applicant's Representative: Cara McAteer Phipps Houses 902 Broadway, 13th Floor New York, NY 10010
Recommendation submitted by: Queens Community Board 2	
Date of public hearing: 5/18/16 <sup>vote</sup> 6/2/16 Location: 43-31 39 <sup>th</sup> Street	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>	
Date of Vote: 6/2/16 Location: 43-31 39 <sup>th</sup> Street	
<b>RECOMMENDATION</b> <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input checked="" type="checkbox"/> Disapprove With Modifications/Conditions	
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>	
<b>Voting</b> # In Favor: 38 # Against: 1 # Abstaining: 1 Total members appointed to the board: 49	
Name of CB/BB officer completing this form <i>Debra Marshall</i>	Title District Manager
Date 6/21/16	





Melinda Katz  
Queens Borough President

## Community Board No. 2

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Patrick A. O'Brien  
Chairman

Debra Markell Kleinert  
District Manager

June 3, 2016

Mr. Carl Weisbrod, Chair  
City Planning Commission  
22 Reade Street, Room 2 West  
New York, New York 10007

RE: ULURP Application - Barnett Avenue Rezoning  
Application Number # C 160103 ZMQ

Dear Mr. Weisbrod:

On May 18, 2016, Community Board 2 held a public hearing concerning the ULURP Application on the Barnett Avenue Rezoning, Application Number #C 160103 ZMQ.

At the Community Board meeting on June 2, 2016, a motion was made and seconded to oppose the ULURP Application for the following reasons. The vote was 38 in favor of the motion with 1 opposed and 1 abstention.

1. AFFORDABLE HOUSING IS NOT AFFORDABLE ENOUGH- Income tiers of 20% at 50 % AMI, 30% at 100% AMI and 50% at 130% AMI do not adequately represent need of CB2 community. According to a 2015 Furman Center study 75% of CB2 residents have incomes below 100% of AMI.
2. SIZE AND SCALE OF PROPOSED BUILDING are out of scale with the surrounding neighborhood. A new 10 story building in the M1 zone alters the low rise context of the community and puts added pressures on services, transportation, etc. The absence of land cost will enable the developer to maximize profits for this albeit "affordable" building. Scaling back the size of the building will provide relief to local residents.
3. REMOVAL OF PARKING - the current parking facility serves surrounding residents and local businesses. While Phipps Houses has no obligation to provide community parking, removal of the existing lot will add to the already severe scarcity of parking in Sunnyside Gardens.

4. **IMPACT ON LOCAL BUSINESSES** - The project is not characteristic of the surrounding neighborhood. The Barnett Avenue M1 zone has been occupied by local businesses including an upholsterer, glass fabricator, car repair service, parking lot, and shoe manufacturer. They have historically coexisted with the low-rise character of Sunnyside Gardens.
5. **NEGATIVE PRECEDENT** - New residential development will likely establish a speculative precedent for the change in use of the M1 zone along Barnett Avenue, through zoning changes or BSA applications. This will threaten local businesses and make the Barnett Avenue corridor ripe for speculative residential development by developers seeking to maximize profits at the expense of the existing commercial uses.
6. **ACCELERATED DEVELOPMENT IN CB2 WITHOUT COROLLARY ESSENTIAL INFRASTRUCTURE AND CITY SERVICES** - This project will place pressure on existing city services, including schools, community facilities, public transportation, parking and physical infrastructure. These city services are already drastically over-burdened, and there is no current commitment of sufficient capital funds or planning to meaningfully mitigate or alleviate these deficiencies.

The Board also recommended that the applicant amend and modify the application to satisfactorily address the Board's concerns as follows:

- a. The inclusion of more, and deeper, affordability bands that would make residents earning 50 and 100% AMI eligible for units;
- b. A reduction of the size and scale of the proposed building to bring it more in line with the surrounding buildings;
- c. The inclusion of a larger community facility space that would provide a much wider variety of needed community services than solely UPK, including but not by way of limitation day care and/or senior activities, to serve a much wider range of community residents through a partnership or other arrangement with a reputable, qualified not-for-profit service provider;
- d. Full and proper remediation of all existing environmental issues on the site.
- e. The relocation of parking that is being removed;
- f. A firm and reliable commitment to work with our elected officials, Community Board No. 2, and federal, state and city agencies toward sidewalk improvements along the rest of Barnett Avenue, the siting and construction of a middle school in the community, and the improvement of transportation infrastructure; and
- g. A commitment to use union labor.



Please contact Community Board 2 if you have any questions.

Sincerely,

  
Debra Markell Kleinert  
District Manager

DMK/mag

cc: Honorable Joseph Crowley, 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 Michael DenDekker, NYS Assembly  
Honorable Margaret Markey, NYS Assembly  
Honorable Catherine T. Nolan, NYS Assembly  
Honorable Elizabeth Crowley, NYC Council Member  
Honorable Jimmy Van Bramer NYC Council Member, Majority Leader  
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  
Yoni Bokser, Queens Borough President's Office  
John Young, Department of City Planning  
Penny Lee, Department of City Planning  
Scott Solomon, Department of City Planning  
Alexis Wheeler, Department of City Planning  
Michael Wadman, Phipps Houses  
Sunnyside-Barnett Associates LLC  
Adam Weinstein, Phipps Houses  
Cara McAteer, Phipps Houses  
Denise Keehan-Smith, Chairwoman, Community Board 2  
Patrick A. O'Brien, Chairman, Community Board 2  
Lisa Deller, Chair, Land Use Committee CB 2

# Queens Borough President Recommendation

APPLICATION: ULURP #160103 ZMQ

COMMUNITY BOARD: Q02

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Sunnyside-Barnett Associates LLC pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning map. Sections 9b and 9d as follows:

1. changing from an M1-1 district to an M1-1/R6 district property bounded by the southerly boundary line of the Long Island Rail Road Right-of-Way (Main Line), the southerly centerline prolongation of 52<sup>nd</sup> Street, Barnett Avenue, and the northerly prolongation of the westerly streetline of 50<sup>th</sup> Street; and
2. establishing a special Mixed-Use District (MX 17) bounded by the southerly boundary line of the Long Island Rail Road Right-of-Way (Main Line), the northerly centerline prolongation of 52<sup>nd</sup> Street, Barnett Avenue, and the northerly prolongation of the westerly streetline of 50<sup>th</sup> Street

Borough of Queens, Community District 2, as shown on the diagram (for illustrative purposes only) March 28, 2016 (related applications ULURP #s 160101 ZRQ, 160102 ZRQ)

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, June 23, 2016, 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 two (2) speakers against with one (1) in favor. 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 proposes to rezone the site from M1-1 to M1-1/R6 and establish a Special Mixed Use District (MX 17) to facilitate development of affordable housing for low to moderate households and a Universal Pre-K facility on a property located at 50-25 Barnett Avenue. The proposed rezoning and zoning text amendments (concurrently under review) would enable the applicant use of the Mandatory Inclusionary Housing maximum 3.6 Floor Area Ratio (FAR);
- o The project site is owned by the applicant who purchased the property in the 1950s. The site is currently in use as a public parking lot for approximately 223 vehicles. With the exception of an attendants booth the site is otherwise undeveloped;
- o The applicant is proposing to develop 209 units of affordable housing. The proposed mix of housing would be forty-two units (20%) for households at 50% of Area Median Income (AMI), sixty-two units (30%) for households at 100% AMI and one hundred four units (50%) for households at 130% of AMI. One unit of housing is set aside for the superintendent of the building;
- o The buildings would be 7-8 stories tall on Barnett Avenue and 9-10 stories tall to the rear of the site towards the railroad right-of-way. The site would include an approximately 4,000 sf community space, 200 attended at-grade parking space with any unused spots made available to the public, and new 15 feet wide sidewalks along Barnett Avenue with a double row of trees and landscaping. The applicant has committed to attaining sustainability standards set by Enterprise Green Communities and NYSEERDA;
- o The project site is located on the north side of Barnett Avenue between 50<sup>th</sup> and 52<sup>nd</sup> Streets. The north side of the site is bordered by the right-of-way for the Long Island Rail Road. The properties to the east of the site are occupied by 1- to 3-story commercial buildings. The properties to the west of the site are used for bus storage and open parking. The properties south of Barnett Avenue are primarily developed with a variety of residential building types ranging from one- and two family houses, walkup apartment buildings and larger elevator buildings. The Phipps Sunnyside Gardens complex, owned and operated by the applicant since the 1930s, are located directly across the street from the proposed project site are buildings four- to six-stories tall built around interior courtyards. Taller six- to eleven-story buildings are located a few blocks away to the southeast;
- o Community Board 2 (CB2) conditionally disapproved this application by a vote of thirty-eight (38) against with one (1) in favor and one (1) abstaining at a public meeting held on June 2, 2016. CB2's conditions were as follows: the inclusion of more and deeper affordability bands that would make residents earning 50% and 100% of AMI eligible for units; reduction of the size and scale of the proposed building in the context of the surrounding buildings; inclusion of a larger community facility space to allow more needed community services in addition to the proposed universal pre-k possibly in coordination with reputable and qualified not-for-profit service providers; full environmental remediation of the site; replacement of lost parking; applicant commitment to work with elected officials and CB2 on sidewalk improvements for Barnett Avenue, siting and construction of a community middle school and infrastructure improvements; and commitment to use union labor.



## RECOMMENDATION

- The applicant, Phipps Houses has a long standing record as a not-for-profit developer, owner and manager of affordable housing. Phipps has created over 8,000 units of affordable housing for low to moderate income families citywide. In addition to affordable housing, Phipps provides programs and services in support of children, individuals and families;
- The Furman Center's most recent *State of New York City's Housing and Neighborhoods in 2015* study shows that the distribution of household income levels (in 2015 dollars) in Queens Community District 2 are: 13% \$20,000 or less; 20% \$20,000 to \$40,000; 19% \$40,000 to \$60,000; 23% \$60,000 to \$100,000; 21% \$100,000 to \$250,000 and 3% \$250,000 or more. The study also shows that median rental rates in all categories have increased from 2010 to 2014 at a higher rate than the NYC rates overall;
- Over the last 15 years, Community District 2 at large has experienced transformative changes due to rapid development of many medium to high rise developments with more coming online. The increased numbers of residents, mass transit users, vehicular traffic and school age children are stretching the area's limits on infrastructure and services. These are reflected in service delays, shortages of school seats, lack of open space and traffic congestion;

Based on the above consideration, I hereby recommend disapproval of this application in its present form unless the following conditions are met:

- While taller buildings do exist around the general neighborhood, the areas immediately around the project site are still lower in density and height. The building height of the project should be lowered to stay within the context of the buildings immediately around it;
- Deepen the band of affordability to allow more area residents an opportunity to remain in their neighborhood. As currently proposed with 50% of units geared towards households at 130% AMI, as many as 75% of Community District 2 residents do not earn enough or are able to afford the proposed new moderate income housing. The mix of affordability for this project should be adjusted to reflect the incomes earned by the majority of area residents;
- Inclusion of a larger community facility space to accommodate a wider range of services and constituency. Sunnyside has a growing school age and senior population. Coordination with established, proven well-operated not-for-profit service providers and a larger community facility space are needed to provide more programs and services for those growing populations;
- Infrastructure improvements are needed to address the issues currently faced in Sunnyside and Community District 2. Such improvements would include: assessment of the overall condition of Barnett Avenue, particularly the sidewalk, should be assessed and a funded plan for improvements should be implemented; a middle school site should be identified and constructed to relieve the shortage of seats; and improvements must be identified and implemented to address transportation delays and congestion;
- To assure the quality, durability and safety of construction, the workers for this project should be highly skilled and trained. The construction and trade unions are very experienced in all types of building and should be utilized for development, operation and maintenance of this project.

  
PRESIDENT, BOROUGH OF QUEENS

7/5/16  
DATE