



IN THE MATTER OF an application submitted by Phipps Houses 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, changing from an M1-1 District to an R6A District property bounded by the southerly boundary line of the Long Island Railroad Right-of-Way (Main Line), the northerly centerline prolongation of 52nd Street, Barnett Avenue, and the northerly prolongation of the westerly street line of 50st Street, Borough of Queens, Community District 2, as shown on a diagram (for illustrative purposes only) dated October 5, 2020, and subject to the conditions of CEQR Declaration E-573.

This application for a zoning map amendment was filed by Phipps Houses on January 16, 2020, in conjunction with an application for a zoning text amendment (N 200244 ZRQ). 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 map amendment (C 200243 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 200244 ZRQ Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area

BACKGROUND

The applicant seeks a zoning map amendment and zoning text amendment to facilitate the development of a seven-story mixed-use building with approximately 167 affordable dwelling units, including approximately 42 permanently affordable MIH units, and an approximately 5,323-square-foot ground floor community facility space. The project area (Block 119, Lot 143)

is located at 50-25 Barnett Avenue between 50th and 52nd streets. The project area and development site are coterminous.

Phipps Houses acquired the project area in the 1950s and has operated it as a public parking lot since then. Phipps Houses owns and manages the Phipps Garden Apartments development located on the south side of Barnett Avenue, across the street from the project area, which was developed in the 1930s. In August 2016, the CPC approved a zoning map amendment (C 160103 ZMQ) and related text amendments (N 106101 ZRQ and N 106102 ZRQ) to facilitate the development of a seven- to 10-story mixed-use, predominantly residential building, including 220 income restricted housing units, within the same project area. During review by the City Council, the applicant withdrew that application.

The project area includes Block 119, Lot 143, and encompasses approximately 64,366 square feet of lot area. The lot is currently improved with a 223-space public commercial parking lot and a 375-square-foot accessory parking attendant booth. The parking lot is available for use by residents, visitors and employees in the surrounding area. The development site includes 560 feet of frontage along the north side of Barnett Avenue and is 64 feet deep at its western edge, closest to 50th Street, and 150 feet deep at its eastern edge, closest to 52nd Street. There is no existing curb or sidewalk along the front of the project area.

The northern border of the project area is formed by the Long Island Rail Road (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. Pedestrian and vehicular access to Northern Boulevard, north of the rail right-of-way, is provided by 48th Avenue to the west and Woodside Avenue to the east. Residential uses are located primarily to the south of Barnett Avenue, a 60-foot wide street, and consist of a mix of four- to six-story apartment buildings that comprise the Phipps Garden Apartments and one- and two-family attached and semi-detached houses. South of 39th Avenue are several larger apartment buildings, ranging in height from six to 12 stories. The Sunnyside Gardens development, a

planned community of two-story attached townhouses with shared rear yards constructed in the 1920's, abuts to the southwest of the project area. The Sunnyside Gardens development, along with the Phipps Garden Apartments complex, was designated as the Sunnyside Gardens Historic District (N 080005 HKQ) by the Landmarks Preservation Commission in 2007. The 3.5-acre private Sunnyside Gardens Park is located on the southwest corner of Barnett Avenue and 50th Street. Approximately 750 feet south of the project area is Windmuller Park, a public park that includes basketball and handball courts, a playground, a track and a seasonal outdoor pool.

The area is also well served by public transit options. The Northern Boulevard subway station, providing access to the E, M and R lines, is located approximately one-quarter mile northeast of the project area at Northern Boulevard and 54th Street. Additionally, the 52nd Street station, located at 52nd Street and Roosevelt Avenue, providing access to the 7 line, is located less than one-half mile south of the project area. Additionally, the Q104 bus route runs north and south along 48th Avenue, connecting Ravenswood to Broadway Avenue near the Sunnyside/Woodside border. Other nearby bus lines include the Q32 that runs from Penn Station to Jackson Heights, along Roosevelt Avenue, and the Q18 that runs from Astoria to Maspeth, along 58th Street.

The project area is located within an M1-1 zoning district, established in 1961 with the enactment of the Zoning Resolution. M1-1 zoning districts typically include light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Offices and most retail uses are also permitted, and hotels are allowed by special permit. Certain community facilities, such as hospitals, are also allowed in M1 zoning districts by special permit, and uses such as houses of worship are allowed as-of-right. The maximum manufacturing floor area ratio (FAR) is 1.0 and building heights are controlled by a sky exposure plane that begins 30 feet above the street line.

The applicant seeks to rezone the project area to an R6A zoning district. R6A zoning districts allow a maximum FAR of 3.6 for residential use in MIH areas and a maximum FAR of 3.0 for community facility use. The maximum building base height is 65 feet, provided that the qualifying ground floor is at least 13 feet high. Building setbacks of at least 15 feet are required for portions located above the maximum base height on narrow streets. After the required

setback, the maximum building height is 75 feet with a qualifying ground floor or 85 feet in a MIH area with a qualifying ground floor. Accessory off-street parking spaces are required for 50 percent of market-rate dwelling units and no parking is required for affordable units located within the Transit Zone.

The proposed zoning change would facilitate the construction of a seven-story mixed-use, predominantly residential building with approximately 161,085 (2.5 FAR) square feet of floor area. The building would include approximately 155,762 square feet of residential floor area and a 5,323-square-foot ground floor community facility space. No specific tenant or use have been identified for the community facility space, which would be accessed from a dedicated entrance located on the western end of the proposed building. The proposed building would have an articulated street wall measuring approximately 446 feet. The ground floor would include several “maisonette” apartments, units with private entrances fronting Barnett Avenue and that include small private patios with access to the front yard. An outdoor amenity space is proposed for the second floor, built over the open surface parking. The base of the proposed building would rise to a height of six stories, at approximately 59 feet and the total building height would be 69 feet. The proposed building would contain approximately 167 affordable dwelling units, including approximately 42 permanently affordable units, pursuant to Option 1 of the MIH program. Attended parking is proposed for approximately 170 vehicles, including at least 59 spaces reserved for tenants and 111 public spaces. These spaces would be located at-grade on the northern portion of the project area, at the rear of the building and underneath the second-floor roof deck. A new 30-foot wide curb cut at the western end of the project area would provide ingress and egress for parking and loading. A new 12-foot wide curb cut at the eastern end would provide ingress only to the parking area.

The applicant also seeks a zoning text amendment (N 200244 ZRQ) to designate the project area as an MIH area mapped with Option 1. Option 1 requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to residents with

household incomes at an average of 40 percent of the AMI, with no unit targeted to households with incomes exceeding 130 percent of the AMI.

ENVIRONMENTAL REVIEW

This application (C 200243 ZMQ), in conjunction with the application for a zoning text amendment (N 200244 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 20DCP038Q.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on October 5, 2020. The Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to noise and hazardous materials (E-573). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

On October 5, 2020, this application (C 200243 ZMQ) was certified as complete by the Department of City Planning and 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 application for a zoning text amendment (N 200244 ZRQ), which was referred for information and review in according with the procedures for non-Uniform Land Use Review Procedure (ULURP) matters.

Community Board Public Hearing

Queens Community Board 2 held a public hearing on this application (C 200243 ZMQ) and the related application for a zoning text amendment (N 200244 ZRQ) on November 18, 2020, and

on December 3, 2020, by a vote of 28 in favor, 13 opposed, and none abstaining, adopted a resolution recommending approval of the application with the following conditions:

“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-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;

[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 (HOC) or NYC Housing Preservation and Development (HPD);

[Maximize] affordability consistent with HPD/HDC programmatic options;

[Applicant] limit the highest income tier to 80% of Area Median Income (AMI);

[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.”

Borough President Recommendation

The Queens Borough President held a public hearing on this application (C 200243 ZMQ) on December 17, 2020, and on January 6, 2021, issued a recommendation to approve the 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.”

City Planning Commission Public Hearing

On January 6, 2021 (Calendar No. 11), the CPC scheduled January 20, 2021, for a public hearing on this application (C 200243 ZMQ) and the related application for a zoning text amendment (N 200244 ZRQ). The hearing was duly held on January 20, 2021 (Calendar No. 34). Four speakers testified in favor of the application and five in opposition.

The applicant team, consisting of three representatives of the applicant organization, testified in support of the application. The Director of Planning at Phipps Houses gave an overview of the project’s history and the desired goals and objectives for the project. She stated that 100 percent of dwelling units proposed would be permanently affordable. She informed the CPC that, following comments made during public review, the applicant had reduced the maximum income band eligibility from 110 percent of AMI to 90 percent of AMI.

The Vice President of Real Estate Development at Phipps Houses described the proposed ground floor community facility space. Although the applicant has not identified a tenant or type of use to occupy the community facility space, he expressed a preference for a local non-profit. He then described how the proposed project has changed since the related application in 2016 was

withdrawn. This included the reduction of height from 10 to seven stories, reduction in total unit count, an enlarged ground floor community facility space, increased amount of off-street parking, commitment to using union-affiliated maintenance staff, and a deepening of affordability. He further explained that the 2016 proposal had included a maximum income band of 130 percent of AMI, whereas the current proposal has a maximum income band of 90 percent of AMI.

The General Manager at Phipps Houses then described improvements made to the Phipps Sunnyside Gardens Apartments after they withdrew the 2016 application. This included a roof replacement and masonry work, elevator cab renovation, upgrades to landscaping, painting in communal space, and other improvements and repairs. Finally, she described the Sunnyside Gardens Apartments Improvement Plan, which was created in response to concerns expressed by the Sunnyside Garden Apartments Tenants Association. This includes additional hiring of maintenance staff, expanded extermination, resident surveys conducted by a third party, annual apartment inspections and increased communication between Phipps Houses and the tenant association.

A member of the 32BJ branch of the Service Employees International Union spoke in support of the application, noting the need for additional affordable housing and the anticipation of prevailing wage jobs and benefits for union members.

Speaking in opposition, a local resident expressed concern that the applicant has a substandard record in maintaining other properties that they own, including the Sunnyside Gardens Apartments. Additionally, she added that existing infrastructure, specifically public transit, is already overutilized and that additional density would place additional stress on that service. Finally, she stated that existing vacant units throughout the city should be utilized before approving the subject application.

Another local resident spoke in opposition, citing concerns that the proposed development is not affordable enough compared to the withdrawn proposal in 2016. She also expressed concern that

conducting the CPC hearing remotely posed accessibility issues for those who are unable to afford suitable devices or those who do not possess the capacity to access the hearing remotely.

A resident of the Sunnyside Gardens Apartments, and the Co-President of the Sunnyside Garden Apartments Tenants Association, testified in opposition, expressing concern about deteriorating conditions of the Sunnyside Gardens Apartments.

Another resident of the Sunnyside Gardens Apartments testified in opposition expressing concerns about current conditions of her residential complex. She stated that approval should only be considered after all maintenance concerns of the apartment complex have been resolved.

A third resident of the Sunnyside Gardens Apartments testified in opposition, reiterating concerns about maintenance. He also expressed concern that the applicant is not hiring adequate staffing to complete necessary repairs.

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

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 200243 ZMQ), in conjunction with the related application for a zoning text amendment (N 200244 ZRQ), is appropriate.

The proposal will facilitate the redevelopment of an underutilized site into a seven-story mixed-use building that will include much-needed affordable housing, along with ground floor community facility space. The proposed building will have a total of approximately 167 dwelling units, 42 of which will be permanently affordable pursuant to MIH Option 1. The proposed development will provide transit-oriented, sustainable development by concentrating higher zoning densities in transit-rich areas. The Commission notes that the project area is located less than one-half-mile away from two subway stations and is proximate to several bus

route stops. This project will help address the pressing need for more housing in this part of Queens and throughout the city, consistent with City objectives for promoting housing production and affordability outlined in *Housing New York*.

The Commission believes that the proposed R6A zoning district will complement the existing R4 and R5B zoning districts mapped to the south of the project area and contribute to an active streetscape along Barnett Avenue. Additionally, due to the proximity to the LIRR right-of-way, the Commission believes the proposed zoning district to be appropriate.

The Commission notes that, although the proposed development will be required to provide permanently affordable units pursuant the MIH program, the applicant has committed to developing a building with 100-percent-affordable units.

The Commission appreciates the applicant's acknowledgement of the strong demand for off-street parking from both local residents and employees, and has voluntarily provided an additional 111 parking spaces beyond the 59 required. The Commission also acknowledges that existing zoning rules permit the applicant to rent accessory parking spaces to non-residents.

In response to Community Board 2's recommendations, the applicant modified the proposed maximum income band for eligible residents, reducing from 110 percent of AMI to 90 percent of AMI. Additionally, the applicant has committed to an improvement plan to address maintenance and communication concerns expressed by residents of a proximate apartment complex owned by the applicant and not subject to this application.

The Commission appreciates that Phipps Houses has made significant improvements to address maintenance concerns expressed by residents of the Sunnyside Gardens Apartments. The Commission further appreciates that Phipps Houses has committed to an improvement plan that establishes a framework to continue improvements and strengthen communication between Phipps Houses and the residents of the Sunnyside Gardens Apartments.

The proposed text amendment to designate the project area as an MIH area is appropriate. The designation is consistent with the City’s goal to promote the development of affordable housing across the city, particularly in areas well served by transit. The Commission supports the development of new affordable housing in a neighborhood with a significant need for additional affordable housing units.

RESOLUTION

RESOLVED, that the having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on October 5, 2020 with respect to this application (CEQR No. 20DCP038Q), 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 Section Nos. 9b and 9d, changing from an M1-1 District to an R6A District property bounded by the southerly boundary line of the Long Island Railroad Right-of-Way (Main Line), the northerly centerline prolongation of 52nd Street, Barnett Avenue, and the northerly prolongation of the westerly street line of 50st Street.

Borough of Queens, Community District 2, as shown on a diagram (for illustrative purposes only) dated October 5, 2020, and subject to the conditions of CEQR Declaration E-573.

The above resolution (C 200243 ZMQ), duly adopted, by the City Planning Commission on March 3, 2021 (Calendar No. 11), 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*

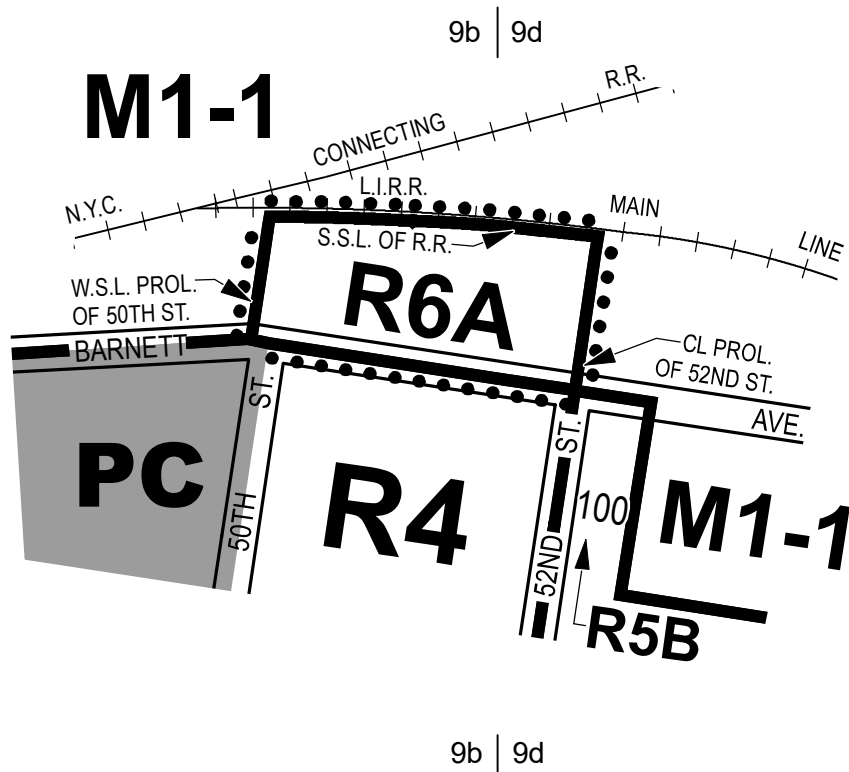
KENNETH J. KNUCKLES, Esq., *Vice-Chairman*

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*

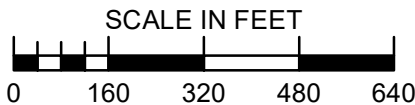


CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
9b & 9d
 BOROUGH OF
QUEENS



New York, Certification Date:
 October 05, 2020

S. Lenard, Director
 Technical Review Division



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is rezoned by changing from an M1-1 District to an R6A District.
- Indicates a Special Planned Community Preservation District



Donovan Richards
Queens Borough President

Community Board No. 2

43-22 50th Street, 2nd Floor
Woodside, New York 11377

(718) 533-8773

Fax (718) 533-8777

Email qn02@cb.nyc.gov

www.nyc.gov/queenscb2

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

DCP ULURP Project Application Number C200243ZMQ and N200244ZRQ – Resolution for 50-25 Barnett Avenue



Donovan Richards
Queens Borough President

Community Board No. 2

43-22 50th Street, 2nd Floor
Woodside, New York 11377

(718) 533-8773

Fax (718) 533-8777

Email qn02@cb.nyc.gov

www.nyc.gov/queenscb2

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 #200243 ZMQ

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 an amendment of the Zoning Map, Section Nos. 9b and 9d, changing from an M1-1 District to an R6A District property bounded by the southerly boundary line of the Long Island Railroad Right-of-Way (Main Line), the northerly centerline prolongation of 52nd Street, Barnett Avenue, and the northerly prolongation of the westerly street line of 50th Street, Borough of Queens, Community District 2, as shown on a diagram (for illustrative purposes only) dated October 5, 2020, and subject to the conditions of CEQR Declaration E-573. (Related ULURP #N200244 ZRQ)

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 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 has also concurrently filed another application (ULURP #200244 ZRQ) to amend Appendix F of the Zoning Resolution designating and establishing the proposed rezoning area as a Mandatory Inclusionary Housing (MIH) Area;
- 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;

- o 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;
- o 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;
- o 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;
- o 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