CITY PLANNING COMMISSION

August 10, 2016 / Calendar No. 29 N 160102 ZRQ

IN THE MATTER OF an application submitted by Sunnyside-Barnett Associates LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to establish that R6 districts in Mandatory Inclusionary Housing areas area allowed a maximum FAR of 3.6, to establish Mixed-Use District MX-17 (M1-1/R6) and to modify height and setback regulations in MX-17 (M1-1/R6), Borough of Queens, Community District 2.

An application (N 160102 ZRQ) for an amendment to the Zoning Resolution was filed by the applicant on November 10, 2015, to establish that R6 districts in MIH Areas are allowed a maximum FAR of 3.6, to establish Mixed-Use District MX-17 (M1-1/R6), and to modify height and setback regulations in Mixed-Use District MX-17(M1-1/R6)

RELATED ACTION

In addition to the amendment to the Zoning Resolution which is the subject of this report (N 160102 ZRQ), 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 Designated Area.
C 160103 ZMQ	Zoning Map Amendment to rezone property from an M1-1 District to an M1-1/R6 District, and to establish a special mixed use district (MX-17)

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment action (C 160103 ZMQ).

ENVIRONMENTAL REVIEW

This application (N 160102 ZRQ), in conjunction with the related actions (N 160101 ZRQ, C 160103 ZMQ) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 16DCP060Q. The lead is the City Planning Commission.

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 he 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

This application (C 160102 ZMQ), in conjunction with the related actions (N 160101 ZRQ, C 160103 ZMQ), was certified as complete by the Department of City Planning on March 28, 2016,

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).

Community Board Public Hearing

Community Board 2 held a public hearing on this application (C 160101 ZRQ) 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 of the application with conditions.

A summary of the recommendations of Community Board 2 appears in the report for the related zoning map amendment action (C 160103 ZMQ).

Borough President Recommendation

This application (C 160102 ZRQ) was considered by the Queens Borough President, who issued a recommendation disapproving the application on July 5, 2016, unless certain conditions were met.

A summary of the recommendations of the Borough President appears in the report for the related zoning map amendment action (C 160103 ZMQ).

City Planning Commission Public Hearing

On June 22, 2016 (Calendar No.6), the City Planning Commission scheduled July 13, 2016, for a public hearing on this application (N 160102 ZRQ), and the applications for the related actions (N 160101 ZRQ, C 160103 ZMQ). The hearing was duly held on July 13, 2016 (Calendar No. 22), 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, as described in the report for the related action (C 160103 ZMQ), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed amendment to the Zoning Resolution, as modified, in conjunction with the related Zoning Map Amendment, as modified, is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appear in the related report (C 160103 ZMQ).

RESOLUTION

RESOLVED, that 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 Section 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended as follows:

Matter in <u>underline</u> is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Article II
RESIDENCE DISTRICT REGULATIONS

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-10
OPEN SPACE AND FLOOR AREA REGULATIONS

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

23-15
Open Space and Floor Area Regulations in R6 through R10 Districts
R6 R7 R8 R9 R10

* * *

23-154
Inclusionary Housing

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on [date of adoption] shall be as set forth in paragraph (b) of this Section. Special provisions for specified #Inclusionary Housing designated areas# are set forth in paragraph (c) of this Section. The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings) for the applicable zoning district. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

* * *

(b) #Inclusionary Housing designated areas#

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the Table in this paragraph (b), except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the Table, as applicable. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

Maximum #Residential Floor Area Ratio#

District	Base #floor area ratio#	Maximum #floor area ratio#

R6B	2.00	2.20
R6[1]	2.20	2.42
R6[2,3] R6A R7-2[1]	2.70	3.60
R7A R7-2[2]	3.45	4.60
R7-3	3.75	5.0
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R9X	7.3	9.70
R10	9.00	12.00

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[1] for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

[2] for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

[3] for #zoning lots# in #Mandatory Inclusionary Housing areas#

* * *

Article XII
SPECIAL PURPOSE DISTRICTS

Chapter 3
Special Mixed Use District

* * *

123-60
SPECIAL BULK REGULATIONS

* * *

123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section 23-151 (Basic regulations for R6 through R9 Districts), shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-153 (For Quality Housing buildings), or Section 23-155 (Affordable independent residences for seniors), as applicable.

* * *

However, in #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-154 (Inclusionary Housing). The locations of such districts are specified in APPENDIX F of this Resolution.

#Special Mixed Use District#	Designated #Residence District#
MX 2 - Community District 2, Brooklyn	R7A R8A
MX 8 - Community District 1, Brooklyn	R6 R6A R6B R7A
MX 11 - Community District 6, Brooklyn	R7-2
MX 13 – Community District 1, The Bronx	R6A R7A R7X R8A
MX 14 - Community District 6, The Bronx	R7A R7X
MX 17 - Community District 2, Queens	R6

* * *

123-66
Height and Setback Regulations

* * *

123-662
All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

(1) In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District without a letter suffix, the height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building or other structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.

Table A
HEIGHT AND SETBACK FOR ALL BUILDINGS
IN MEDIUM AND HIGH DENSITY
NON-CONTEXTUAL DISTRICTS
(in feet)

District	Maximum Base Height	Maximum #Building# Height
R6	60	110
R7-1 R7-2	60	135
R7-3	85	185
R8	85	210
R9	85	225
R9-1	85	280
R10	110	350

(2) In #Special Mixed Use District# 15 in the Borough of Manhattan, where the designated #Residence District# is an R7-2 District, the height and setback regulations of paragraph (a)(1) of this Section shall not apply. In lieu thereof, the height and setback regulations of this paragraph, (a)(2), shall apply.

(i) A #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet, except for dormers permitted in accordance with paragraph (c) of this Section.

(ii) At least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#.

(iii) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph, (a)(2). Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.

(3) In #Special Mixed Use District# 17 in the Borough of Queens, where the designated #Residence District# is an R6 District, the height and setback regulations of paragraph (a)(1) of this Section shall be modified such that a #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, may rise to a maximum base height of 85 feet provided that such #building or other structure# contains #affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

* * *

123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED

The #Special Mixed Use District# is mapped in the following areas:

* * *

#Special Mixed Use District# - 17: ([date of adoption])
Sunnyside, Queens

The #Special Mixed Use District# - 17 is established in Sunnyside in Queens as indicated on the #zoning maps#.

* * *

The above resolution (N 160102 ZRQ), duly adopted, by the City Planning Commission on August 10, 2016 (Calendar No. 29), 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, Chairman
KENNETH J. KNUCKLES, Esq., Vice Chairman
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, MICHELLE DE LA UZ, JOSEPH I. DOUEK, CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISSA ORTIZ, Commissioners

NYCPLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 160103 ZMQ**	Project Name: **Barnett Avenue Rezoning**
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

1. 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 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"
2. 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:

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 52nd Street, Barnett Avenue, and the northerly prolongation of the westerly streetline of 50th 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 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):	Applicant's Representative:
Sunnyside-Barnett Associates LLC 902 Broadway, 13th Floor New York, NY 10010	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 Vote 6/2/16 Location: 43-31 39th Street

Was a quorum present? YES ☑ NO ☐ *A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.*

Date of Vote: 6/2/16 Location: 43-31 39th Street

RECOMMENDATION

☐ Approve ☐ Approve With Modifications/Conditions
☐ Disapprove ☑ Disapprove With Modifications/Conditions

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

Voting

In Favor: 38 # Against: 1 # Abstaining: 1 Total members appointed to the board: 49

Name of CB/BB officer completing this form	Title	Date
Dehe Marshall Kent	District Manager	6/21/16

The City of New York

Community Board No. 2

43-22 50th Street, 2nd Floor
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Melinda Katz
Queens Borough President

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 #160102 ZRQ **COMMUNITY BOARD: Q02**

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Sunnyside-Barnett Associates LLC pursuant to Section 201 of the NYC Charter, for an amendment of the NYC Zoning Resolution, to establish that R6 districts in Mandatory Inclusionary Housing areas are allowed a maximum FAR of 3.6, to establish Mixed-Use District MX 17 (M1-1/R6) and to modify height and setback regulations in MX-17 (M1-1/R6) in Community District 2. (related applications ULURP #s 160101 ZRQ, 160103 ZMQ)

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:

- The applicant is proposing a zoning text amendment that would establish the maximum Floor Area Ratio (FAR) of 3.6 for R6 districts within Mandatory Inclusionary Housing Areas, establish a new Mixed-Use District MX 17 (M1-1/R6) and modify height and setback regulations in the Mixed-Use District MX 17 (M1-1/R6). This application and the other related applications under concurrent review would facilitate development of affordable housing at 50-25 Barnett Avenue;

- 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;

- 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;

- 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 NYSERDA;

- The project site is located on the north side of Barnett Avenue between 50th and 52nd 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;

- 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