CITY PLANNING COMMISSION

May 11, 2016/Calendar No. 9 C 160143 HAQ

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development:

1) pursuant to Article 16 of the General Municipal Law of New York State for:

   a. the designation of property located at 133-45 41st Avenue (Block 5037, Lots 64 and 65), as an Urban Development Action Area; and

   b. an Urban Development Action Area Project for such area; and

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a 10-story mixed use 100% affordable multi-family housing project consisting of 231 dwelling units, approximately 19,000 square feet of open space, approximately 11,208 square feet of community facility space, and below grade parking for up to 229 cars, Borough of Queens, Community District 7.

Approval of the three separate matters is required:

1. The designation of property located at 133-45 41st Avenue (Block 5037, Lots 64 and 65), as an Urban Development Action Area;
2. An Urban Development Action Area Project for such area; and
3. The disposition of property located at 133-45 41st Avenue (Block 5037, Lots 64 and 65), as an Urban Development Action Area, to a developer selected by HPD.

The application for the Urban Development Action Area designation and project approval and disposition of city-owned property (C 160143 HAQ) was submitted by the NYC Department of Housing Preservation and Development (HPD) on December 18, 2015, in conjunction with several related actions, to facilitate the development of a mixed-use, affordable, multi-family housing project in the downtown Flushing neighborhood of Community District 7, Queens.

RELATED ACTIONS

In addition to the application for a designation, project approval and disposition of city-owned property (C 160143 HAQ), 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:

C 160138 ZMQ	Amendment to the Zoning Map, Section 10b changing from a C4-2 District to a C4-5X District.
C 160140 ZSQ	Special permit, pursuant to ZR Section 74-52, to allow an attended public parking garage.
C 160141 ZSQ	Special permit, pursuant to ZR Section 74-681, to allow a portion of the right-of-way wherein railroad use has been permanently discontinued or terminated to be included in the lot area.
N 160139 ZRQ	Zoning text amendment to modify ZR Section 23-90 to designate the proposed rezoning area as a Mandatory Inclusionary Housing Area.

BACKGROUND

In this application (C 160143 HAQ), the NYC Department of Housing Preservation and Development (HPD) requests approval of an Urban Development Action Area Project (UDAAP) and disposition of the property to a developer to be selected by HPD to facilitate the construction of a mixed-use, 100 percent affordable, multi-family housing development at property located at 133-45 41st Avenue (Block 5037, Lots 64 and 65) in downtown Flushing.

The Department of Housing Preservation and Development states in its application that:

> The Development Site consists of underutilized vacant land that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of theses substandard, unsanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The Development Site is therefore eligible to be an Urban

Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law. The Development Site is proposed for disposition to a developer selected by HPD.

The development site includes an approximately 43,200 square-foot, city-owned lot (Block 5037, Lot 64) that is currently used as a municipal parking lot with 156 metered parking spaces, managed by the NYC Department of Transportation (DOT). In 2013, this site was identified for future affordable housing development as part of the Willets Point Points of Agreement with the New York City Council, a commitment made by the City to ensure the creation of affordable housing units in CD 3, CD 4 and CD 7. Through a subsequent community engagement process led by HPD, the programmatic elements of the project were identified, including an increase in density to facilitate mixed-use affordable housing for low-income seniors and families. The development site also includes Lot 65, a vacant, discontinued railroad right-of-way measuring approximately 2,200 square feet currently in city owndership, which would be merged with Lot 64 into a single zoning lot.

The project area, which is comprised of the development site (Block 5037, Lot 64 and 65) and several adjoining properties (Block 5037, Lots 60, 61, 62, 63 and part of Lot 5), is located west of Main Street between the Long Island Rail Road's (LIRR) Flushing Main Street Station and related right-of-way and 41st Avenue in downtown Flushing. The downtown vicinity is an active regional commercial center, and the surrounding area contains a broad mix of low- to medium-density office buildings, community facilities, local and regional retail businesses, and residential uses. The project area is zoned C4-2, a medium-density commercial district, and this zoning and similar districts (C4-3 and C4-4) are located in the downtown generally to the north of the LIRR right-of-way. C1-2 commercial overlays are mapped along Main Street south of the LIRR right-of-way, along with a medium density residential district, R6. R6 zoning is generally located south and west of the project area, and these blocks are developed with low- to medium-density residential developments, with typical heights ranging from two to six stories. Taller buildings are interspersed throughout the surrounding area, ranging in heights from seven to 19 stories. The New York City Housing Authority's Bland Houses, a development comprised of five 10-story buildings with 400 apartments, is located northwest of the project area in an R6

District. Sky View Parc is a very large mixed-use project being developed in phases and located in a C4-2 District just west of the Bland Houses. The first phase containing 800,000 square feet of retail space and three apartment towers was completed in 2010. Three additional towers are under construction, and two are slated for completion in the fall of 2016.

The area is served by several parks, which include the Bland, Bowne and Maple playgrounds located on 40th Road, Union Street and Kissena Boulevard, respectively. The greater Flushing area is also served by Flushing Meadows-Corona Park, home to approximately 1,255 acres of parkland, and Kissena Corridor Park, approximately 100 acres in size. Nearby cultural resources include the Flushing branch of the Queens Public Library which is located east of the rezoning area at the intersection of Kissena Boulevard and Main Street, and St. George's Episcopal Church, located a few blocks north of the rezoning area at Main Street and 39th Avenue.

Downtown Flushing is a major transit hub in northeast Queens. It is well-served by public transportation, including 22 municipal bus lines, the #7 subway line and the LIRR's Port Washington line with a station at Main Street immediately north of the project area. Main Street is the area's major commercial corridor, and this major roadway is the primary north-south spine of downtown Flushing. 41st Avenue is located between Main Street and College Point Boulevard to the west, and it is a 50-foot wide western bound one-way street with two parking lanes and one drive lane.

The proposed development will be a 10-story mixed-use building, containing approximately 231 affordable dwelling units for seniors and families, including units for senior households earning between 37 percent to 47 percent of the New York City Area Median Income (AMI) and units for family households earning between 57 percent to 100 percent of the AMI. In 2016, the AMI for a four-person household in New York City is $90,600.

The residential units will be located on floors 2 through 9, with a total housing floor area of approximately 183,000 square feet. Approximately 66 units will be designated for seniors and 165 units for families with a mix of studios, one-, two-, and three-bedroom units. The building will provide approximately 14,000 square feet of community facility space at the ground level

and second floor. The ground level community facility space would include community meeting and exhibition space and the second floor community facility space would be programmed for care services for senior residents. Six thousand square feet of outdoor space is planned on the second floor in the rear of the site, and a 6,000 square-foot accessible roof terrace will be located on the 10th Floor. The open space on the second floor will include a Zen Garden and seating area for the community facility as well as a children's play area and outdoor community space for residents towards the east side of the building. The open space on the 10th floor will include a rooftop GrowNYC garden and outdoor seating for the residents. Approximately 26,000 square feet of commercial space will be located on the ground floor, which is expected to be leased to retailers for shops ranging from 500 to 3,000 square feet. The project will provide a total of 229 parking spaces in the cellar of the building. This parking garage will be used as a public parking facility, replacing the current use of the lot. The total zoning floor area of the building will be approximately 226,325 square feet, with a floor area ratio (FAR) of 4.98.

Several related actions are required to facilitate the proposed mixed-use, affordable, multi-family housing project, including a Zoning Map amendment (C 160138 ZMQ) to change the zoning on a portion of one block from a C4-2 District to a C4-5X District, a zoning text amendment (N 160139 ZRQ) to designate the proposed rezoning area as a Mandatory Inclusionary Housing Area, a special permit to allow an attended public parking facility with a maximum capacity of 229 spaces in a high-density central area (C 160140 ZSQ), and a special permit to allow a portion of a discontinued railroad right-of-way to be included in the lot area of the project (C 160141 ZSQ).

Separate from the UDAAP application, the Department of Housing Preservation and Development (HPD) is seeking a zoning override to waive the requirement for an accessory off-street loading berth.

Zoning Map Amendment (C 160138 ZMQ)

The applicant proposes to change the existing C4-2 District to a C4-5X District on a portion of Block 5037. The rezoning area includes the development site (Block 5037, Lots 64 and 65), totaling approximately 45,400 square feet and approximately 10,000 square feet of privately-

owned and MTA-owned properties (Block 5037, Lots 60, 61, 62, 63, and part of Lot 5). The rezoning area is located on the north side of 41st Avenue, between Main Street and College Point Boulevard.

Lot 60 consists of a four-story, attached commercial office building with ground floor retail. Similarly, Lots 61 and 62 consists of a three-story, attached commercial office building with ground floor retail. Lot 63 consist of a two-story, attached commercial office building with ground floor retail. Lot 5 is occupied by the LIRR's Flushing Main Street Station.

The proposed development will be constructed on Lot 64, a City-owned site currently used as a municipal parking lot consisting of 156 spaces. Lot 65 is located between Lot 64 and the LIRR right-of-way and has no street access. Lot 65 was formerly a portion of the adjacent railroad right-of-way that was discontinued in 1968, when it was transferred to City ownership. Lots 64 and 65 will be merged into a single zoning lot.

Both C4-2 and C4-5X zoning districts permit commercial, residential and community facility development. Bulk regulations for C4-2 districts are based on either height factor or Quality Housing zoning regulations. Buildings developed using the height factor regulations are often tall buildings set back from the street and surrounded by open space and on-site parking. C4-2 districts permit a maximum FAR that ranges from 0.78 to 2.43 for residential uses, 3.4 for commercial uses and 4.8 for community facilities. The optional Quality Housing regulations allow new buildings with high lot coverage, require front walls to be placed at or near the street line, and have firm height limits to ensure greater compatibility with surrounding buildings in the neighborhood. In a C4-2 zoning district, an R6 residential district equivalent, buildings containing all affordable floor area utilizing the Quality Housing regulations and with qualifying ground floors are permitted a maximum base height of 65 feet and a maximum building height of 85 feet with a maximum of 8 stories.

C4-5X zoning districts, an R7X residential district equivalent, produce new buildings with allowable maximum residential and community facility FAR of 5.0, and 4.0 for commercial uses. Buildings containing affordable independent residences for seniors (AIRS) for at least 20

percent of the floor area of the zoning lot utilizing the Quality Housing regulations and with qualifying ground floors are permitted to have a maximum base height of 105 feet and a maximum building height of 145 feet with a maximum of 14 stories. Mandatory Inclusionary Housing (MIH) regulations would allow for R7X developments to have an FAR of 6.0. The project would have MIH applied onto the rezoning area and would qualify for residential use at maximum FAR of 6.0. The proposed development, however, will achieve an FAR of 4.98 with a total building height of approximately 106 feet.

The rezoning area is part of a Transit Zone area and no parking is required for MIH units or units below 80% AMI. There is also no parking requirement for affordable independent residences for Seniors (AIRS) within the Transit Zone. For units above 80% AMI, the number of required parking spaces is based upon underlying zoning requirements for market rate units.

Parking requirements in the C4-2 district for local retail and general commercial uses range from one parking space per 200 square feet to 600 square feet, and the parking requirement for health care facilities listed in Use Group 4 is one space for 300 square feet. No parking for commercial uses is required in C4-5X districts.

Zoning Text Amendment (N 160139 ZRQ)

The applicant proposes a zoning text amendment to designate the proposed rezoning area as a Mandatory Inclusionary Housing Area. This program will require a certain amount of new housing be provided as permanently affordable to low- or moderate-income households. Two basic options are available to ensure the provision of affordable units. Option 1 requires that at least 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent AMI, including a 10 percent band at 40 percent AMI. Option 2 requires that at least 30 percent of the residential floor area shall be provided at an average of 80 percent AMI. Both options are proposed as part of the text amendment.

Special Permit for a Public Parking Facility (C 160140 ZSQ)

The applicant is proposing a 229-space, attended, public parking garage. Pursuant to ZR Section 74-52, public parking garages with more than 150 parking spaces may be permitted in C4-5X

districts provided required findings are met. The proposed parking garage will be built in conjunction with the proposed mixed-use residential development on the project site, and it will be located in the cellar level. The parking entrance will be located on 41st Avenue at the western end of the proposed building, furthest away from the main commercial and major thoroughfare of Main Street. The public parking facility will have an entrance/ exit that includes a 21-foot wide curb cut and a ramp to the cellar with two lanes for entry and one lane for exit. The proposed facility will provide 11 reservoir spaces. The findings for the special permit are related to land use compatibility with the general area, surface traffic and pedestrian flow, minimizing vehicular traffic drawn to and through local streets in nearby residential areas, the provision of adequate reservoir space, and adequacy of the street to handle the traffic that is generated by the proposal.

Special Permit to allow development within a railroad right of way (C 160141 ZSQ)

The applicant is proposing to use approximately 10,647 square feet of available development rights from Lot 65 (a discontinued railroad right-of-way currently in city owndership) by merging this lot with Lot 64 into a single zoning lot and development site. The addition of approximately 10,647 square feet of floor area to the development will allow for nine additional affordable housing units as part of the development. Pursuant to ZR Section 74-681, when a development is located partially or entirely within a railroad or transit right-of-way, the City Planning Commission may permit any portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated be included in the lot area for such development, provided required findings are met. The findings are related to adequacy of the street to handle traffic resulting from the proposal, maintaining the character of the surrounding area, compatibility of the proposed uses and development as they relate to one another, and that the site plan and structural design of the development do not preclude future use of, or improvements to, the right-of-way, if deemed appropriate for future transportation use.

ENVIRONMENTAL REVIEW

This application (C 160143 HAQ), in conjunction with the related actions (C 160138 ZMQ, N 160139 ZRQ, C 160140 ZSQ and C 160141 ZSQ), 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 16HPD014Q. The Lead Agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on December 17, 2015.

UNIFORM LAND USE REVIEW

This application (C 160143 HAQ), in conjunction with the related actions (C 160138 ZMQ, N 160139 ZRQ, C 160140 ZSQ and C 160141 ZSQ), was certified as complete by the Department of City Planning on January 4, 2016, and was duly referred to Community Board 7 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 7 held a public hearing on the application (C 160143 HAQ) on March 14, 2016 and on that date, by a vote of 37 in favor, 2 in opposition, and 1 abstention, adopted a resolution recommending disapproval of the application. The community board's recommendation included the following comments:

I. The committee opposes the Mayoral Override to eliminate the loading berth, as there is a great deal of traffic issues throughout downtown Flushing due to street loading the Applicant states they will ask DOT to allow for a "few" commercial street parking spaces in front of the building as replacement. The Committee feels these spaces should be "numerous" not a "few" and as far west along 41st Avenue to minimize the queue of traffic turning from Main Street onto 41st Avenue.

II. This project is 100% affordable and does not need the MIH overlay. MIH is a program with "permanent" affordability for 25% or 30% of units with a Site. This Site is 100% affordable and has a 40-year financial structure with no exit strategy. MIH does not apply and is not needed. The committee does not want to hamper sound development with political agendas.

III. It is HPD policy to allocate 50% of the affordable units (via lottery) to residents of the Community Board where the project resides, and the balance of the units available (also via lottery) Citywide. This application will still have 50% Citywide lottery, but the balance will be divided:

25% for CB7
12.5% for CB3
12.5% for CB4

In essence, CB7 is being told we will lose 25% of our allotment (approximately 58 units) that are desperately needed for our community. We were told this was negotiated as part of "Willets Point". How can this be? Willets Point is 100% in CB7 and so is Muni Lot #3.

Community Board 3 and 4 have no say in either project and have no right to preferential treatment in this application. This is an insult to all members of Community Board 7 who worked with extreme diligence and under tremendous community fire for nearly 10-years on Willets Point, only to receive this political slap in the face.

Muni Lot 3 is in our district. We made our community valuable, and we haven't been offered any reciprocal preferential treatment in HPD projects from CB3 or CB4.

CB7 has no obligation to be philanthropic!

Borough President Recommendation

This application (C 160143 HAQ) was considered by the Queens Borough President, who issued a recommendation approving the application with conditions on April 12, 2016. The Borough President's recommendation included the following comments:

- The proposed project is wholly located in Community District 7 well within its boundaries. Downtown Flushing, and particularly around the project site on 41st Avenue, is seriously impacted by traffic gridlock especially during the peak hours on weekdays and weekends. While the proposed project will bring benefits to the immediate area and all of Queens, there will also be added impacts on that part of 41st Avenue during the construction period for approximately two years or more. The community preference for affordable housing is offered as a means to offset the inconveniences endured during the construction and also to offset the effects on long term low income residents who may be priced out of their neighborhood. Going forward, the community preference for selection of the initial residents of future projects should be allocated solely to the affected community district.

- Traffic congestion is a major problem in Downtown Flushing. The development team should coordinate with NYC Department of Transportation and NYPD Enforcement to find the most effective way to minimize the impact of the new development especially during construction and afterwards specifically with commercial loading activities. To assure that commercial loading does not become a major impact, standing and loading signage must be posted along with appropriate enforcement efforts.

City Planning Commission Public Hearing

On March 30, 2016 (Calendar No. 9), the City Planning Commission scheduled April 13, 2016, for a public hearing on this application (C 160143 HAQ) and related actions. The hearing was duly held on April 13, 2016 (Calendar No. 10), in conjunction with the application for the related actions. There were 8 speakers in favor of the application and none in opposition.

Three members of the applicant team spoke in favor of the project. They described the proposed development, explained the need for intergenerational affordable housing in the area, and explained the programmatic elements of the project. The team spoke on the history of the Willets Point Points of Agreement and on the rationale for splitting the community preference so as to ensure affordable housing in community districts.

Three senior residents living in the community district spoke in favor of the project, describing the need for senior housing. They stated their want to stay in the neighborhood where they grew up and did not want to be displaced. A member of a citywide advocacy group for senior housing also spoke in favor of the project.

A representative of a labor union spoke in favor of the project, but the speaker expressed 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 this application (C 160143 HAQ) and the related actions for a Zoning Map amendment (C 160138 ZMQ) to change the zoning on a portion of one block from a C4-2 District to a C4-5X District, a zoning text amendment (N 160139 ZRQ) to designate the

proposed rezoning area as a Mandatory Inclusionary Housing Area, a special permit for a 229-space public parking facility (C 160140 ZSQ), and a special permit to allow a portion of a railroad right-of-way to be included in the lot area (C 160141 ZSQ) are appropriate.

The Commission believes that the application for Urban Development Action Area designation, project approval and disposition of city-owned property (C 160143 HAQ) will facilitate the proposed development on an underutilized property and provide much-needed affordable housing for senior and families. The Commission notes that the proposed project will provide approximately 66 apartment units for senior citizens, which would have rents set at affordability levels ranging between 37 percent to 47 percent of the AMI. And approximately 165 apartment units for families would be set for affordability between 57 percent to 100 percent of the AMI. In addition, the Commission believes that this project will promote sound growth and development on unbuilt city-owned property that is located in close proximity to mass transit, public services and retail, allowing convenient access by building residents.

The Commission believes that the related application for a Zoning Map amendment (C 160138 ZMQ) to change the zoning on a portion of one block from a C4-2 District to a C4-5X District is necessary to facilitate the development of the proposed 10-story, mixed-use, multi-family affordable housing building on an underutilized city-owned property that has close proximity to mass transit, public services and retail uses in downtown Flushing, a regional hub in northeast Queens. The Commission believes the rezoning will provide for a land use mix of housing, commercial and community facility uses that will be consistent with the patterns found in the surrounding area. The Commission believes that the C4-5X District, an R7X equivalent, has bulk regulations that will allow a building scale that will be compatible with the scale of other existing nearby developments.

The Commission believes that the related application for a zoning text amendment (N 160139 ZRQ) is appropriate since this request to designate the proposed rezoning area as a Mandatory Inclusionary Housing Area will ensure permanent affordability for a portion of the units on the site. The Commission notes that the application seeks to make both Options 1 and 2 available in this area. Option 1 requires that at least 25 percent of the residential floor area shall be provided

as housing affordable to households at an average of 60 percent AMI, including a 10 percent band at 40 percent AMI. Option 2 requires that at least 30 percent of the residential floor area shall be provided at an average of 80 percent AMI.

The Commission believes that the request for a special permit to allow a public parking facility (C 160140 ZSQ) with 229 parking spaces in the cellar level of the proposed development is appropriate. Although the development site is within a Transit Zone, well-served by mass transit, the Commission notes that the initial Request for Proposals issued by HPD for this site reflected an agreement with the community that the current 156 public parking spaces in the municipal lot would be replaced in the new development. Further, the Commission understands that subsequent negotiations with the community increased the number of spaces to 229 to reflect the additional commercial and community facility uses included in the project. The Commission believes that the street providing access to the parking facility will be adequate to handle traffic because the location of the entrance is approximately 500 feet from the intersection of 41st Avenue and Main Street. The Commission notes that this location of the parking entrance will convey traffic a reasonable distance from Main Street, and it is located in a such a way as to draw a minimum of vehicular traffic to and through local streets in the nearby residential areas. The Commission also notes that 11 reservoir spaces will be provided within the proposed facility to minimize entering vehicles from overflowing and congesting traffic on 41st Avenue.

The Commission believes that the request for special permit to allow development within a railroad right-of-way (C 160141 ZSQ) is appropriate. The Commission notes that the merger of Lot 65 into a single zoning lot with Lot 64 will allow for 10,647 square feet of floor area to be included in the lot area, thereby, providing for nine additional affordable housing units as part of the development. The Commission finds that 41st Avenue, which will provide access to the development, is adequate to handle traffic resulting from these additional units and also finds the distribution of the floor area and dwelling units do not adversely affect the character of the surrounding area by being unduly concentrated in any portion of the development. The floor plate of the proposed development will be evenly distributed throughout the site, and the Commission believes the 10-story scale of the overall development will fit into the context of seven- to 13-story buildings found in the vicinity. The Commission also notes that all uses located in the zoning

lot do not adversely affect each other as the proposed programs are designed to complement each other. In addition, the Commission finds that if such railroad right-of-way is deemed appropriate for future transportation use, then the site plan and structural design of the development do not preclude future use of, or improvements to, the right-of-way for such transportation use. The Lot 65 portion of the zoning lot, which contains the railroad right-of-way, will remain vacant.

The Commission acknowledges that the proposed project requires a zoning override to eliminate a required accessory off-street loading berth. The Commission believes that the loading berth is not required for the local and small-scale retail uses that will occupy the sub-divided commercial space, and if provided, such a loading berth would unduly impede pedestrian flows with an additional curb cut and turning movements across the sidewalk.

The Commission understands Community Board 7's concern regarding community preference for residents eligible for new affordable housing, and the Commission acknowledges the Borough President's condition that community preference for selection of initial residents of future projects should be allocated to the community districts that are directly affected by the construction and traffic impacts related to new affordable housing developments. The Commission believes that the proposed development will help to address the need for affordable housing in the northern Queens area, and it will be a resource to both the senior community and to the overall neighborhood.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the actions described herein will have no significant impact on the environment; and

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of properties located at 133-45 41st Avenue (Block 5037, Lot 64 and Lot 65) in Community District 7, Borough of Queens, as an Urban Development Action Area; and

WHEREAS, the Department of Housing Preservation and Development has also recommended

the approval of an Urban Development Action Area Project for such area;

THEREFORE, be it further **RESOLVED**, that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act:

a) the designation of property located at 133-45 41st Avenue (Block 5037, Lot 64 and Lot 65) as an Urban Development Action Area; and

b) an Urban Development Action Area Project for such area;

to facilitate the development of an 10-story building, with approximately 231 affordable dwelling units for seniors and families and 14,000 square feet of community facility space, in the Borough of Queens, Community District 7; and

BE IT FURTHER RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development, for the disposition of city-owned property located at 133-45 41st Avenue (Block 5037, Lot 64 and Lot 65) in Community District 7, Borough of Queens, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 160143 HAQ).

The above resolution (C 160143 HAQ), duly adopted by the City Planning Commission on May 11, 2016 (Calendar No. 9), 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 R. DE LA UZ, CHERYL COHEN EFFRON, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA 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 160140 ZSQ**	Project Name: **One Flushing**
CEQR Number: 16HPD014Q	Borough(s): Queens Community District Number(s): 7

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, Room 2E, 22 Reade Street, New York, NY 10007
   - **FAX:** (212) 720-3356 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 the New York City Department of Housing Preservation & Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 229 spaces on a portion of the ground floor and cellar level of a proposed mixed use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 & 65), in a C4-5X* District, Borough of Queens, Community District 7.

*Note: The site is proposed to be rezoned from a C4-2 to a C4-5X District under a concurrent related application (C 160138 ZMQ).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

Applicant(s):	Applicant's Representative:
NYC Department of Housing Preservation and Development 100 Gold Street New York, NY 10038	Jaclyn Sachs NYC Department of HPD 100 Gold Street New York, NY 10038

Recommendation submitted by:
Queens Community Board 7

Date of public hearing: 3/14/16 **Location:** Union Plaza Care Center 33-23 Union St.

Was a quorum present? YES [X] 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: 3/14/16 **Location:** Union Plaza Care Center 33-23 Union Street - Fl. 11354

RECOMMENDATION

- [ ] Approve
- [ ] Approve With Modifications/Conditions
- [X] Disapprove
- [ ] Disapprove With Modifications/Conditions

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

Voting

 # In Favor: 37 **# Against:** 2 **# Abstaining:** 1 No Conflict **Total members appointed to the board:** 48

Name of CB/BB officer completing this form	*Title*	*Date*
[signature]	Chairperson	3/14/16

TO: Gene Kelty – Chair CB#7

FROM: Chuck Apelian – Land Use Chair CB#7

RE: "One Flushing" AKA 133-45 41st Avenue
AKA Flushing Municipal Parking Lot #3

DATE: February 12, 2016

The Committee met on January 14, 2016 and February 11, 2011 and the attendance sheets are in the Board Office.

The Applicant in conjunction with NYC DCP and NYC HPD ask the following in order to build 232 affordable housing units on Municipal Parking Lot # 3.

1. Rezone property form C4-2 to C4-5-X
2. Overlay proposed MIH text
3. Special Permit for Public Parking Facility over 150 spaces more than required.
4. Special Permit to allow FAR from adjacent LIRR ROW used for the Site
5. Mayoral override to waive loading berth requirement
6. Designation of UDAAP and Disposition of City-owned property

I. The committee opposes the Mayoral Override to eliminate the loading berth, as there is a great deal of traffic issues throughout downtown Flushing due to street loading. The applicant states they will ask DOT to allow for a "few" commercial street parking spaces in front of the building as replacement. The Committee feels these spaces should be "numerous" not a "few" and as far west along 41st Avenue to minimize the queue of traffic turning from Main Street onto 41st Avenue.

II. This project is 100% affordable and does not need the MIH overlay. MIH is a program with "permanent" affordability for 25% or 30% of units within a Site. This Site is 100% affordable and has a 40-year financial structure with no exit strategy. **MIH does not apply and is not needed.** The Committee does not want to hamper sound development with political agendas.

III. It is HPD policy to allocate 50% of the affordable units (via lottery) to residents of the Community Board where the project resides, and the balance of the units available (also via lottery) Citywide.

This application will still have the 50% Citywide lottery, but the balance will be divided:

25% for CB #7
12.5% for CB #3
12.5% for CB #4

In essence, CB#7 is being told we will lose 25% of our allotment (approximately 58 units) that are desperately needed for our community. We were told this was negotiated as part of "Willets Point". How can this be? Willets Point is 100% in CB #7 and so is Muni Lot #3.

Community Boards #3 and #4 have no say in either project and have no right to preferential treatment in this application. This is an insult to all members of Community Board #7 who worked with extreme diligence and under tremendous community fire for nearly 10-years on Willets Point, only to receive this political slap in the face.

Muni Lot #3 is in our district. We made our community valuable, and we haven't been offered any reciprocal preferential treatment in HPD projects from CB #3 or CB #4.

CB#7 has no obligation to be philanthropic!

For these reasons, the Committee unanimously voted 11-0 to disapprove the application.

Respectfully submitted,

Chuck Apelian
Committee Chair
Land Use Chair
Vice Chair – CB #7

Queens Borough President Recommendation

APPLICATION: ULURP #160143 HAQ **COMMUNITY BOARD: Q07**

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the City of New York Department of Housing Preservation and Development ("HPD"), pursuant to Section 197(c) of the NYC Charter, for a designation and project approval of an Urban Development Action Area Project and disposition of City-owned property:

- Designation of the Development Site as an Urban Development Action Area;
- Approval of the Proposed Development as an Urban Development Action Area Project;
- Disposition of the Development site to a developer selected by HPD;

to facilitate the development of a 10-story, mixed-use, 100% affordable multi-family housing project on Block 5037, Lots 64 and 65 on 41st Avenue between Main Street and College Point Boulevard, Zoning Map 10b, Flushing, Borough of Queens. (Related: ULURP #C160138 ZMQ, #N 160139 ZRQ, #C 160140 ZSQ, #C160141 ZSQ)

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on March 31, 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 four speakers (4) speakers in support and one (1) written testimony in opposition of the application. The hearing was closed.

CONSIDERATION

Subsequent to review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is requesting a designation and project approval of an Urban Development Action Area Project and disposition of City-owned property for the development site. The proposed designation of an Urban Development Action Area Project would facilitate construction of a 10-story mixed-use, 100% affordable multi-family housing building;
- There are four related ULURP applications: a zoning map amendment to rezone from a C4-2 district to a C4-5X district an area located on the north side of 41st Avenue between Main Street and College Point Boulevard in Downtown Flushing; a zoning text amendment to map the project area as a Mandatory Inclusionary Housing (MIH) Area that will require 30% of floor area dedicated for families at average 80% of Area Median Income; a special permit to allow development within or over a railroad right-of-way; and a special permit to allow an attended public parking garage with a maximum capacity of 229 spaces. There will also be a mayoral override providing a waiver of a required loading berth;
- The area to be rezoned includes the development site (Block 5037, Lots 64 and 65), four privately owned lots (Lots 60, 61, 62 and 63) and part of Lot 5 which is owned by MTA. The four privately-owned lots face Main Street and are developed with two- to four-story attached commercial office buildings. The MTA-owned lot is occupied by the Long Island Rail Road (LIRR) Port Washington line track and the Flushing Main Street Station;
- The development site is two city-owned tax lots that are to be merged into a single zoning lot. Lot 64, with frontage on 41st Avenue, is currently developed as the 156 parking space Flushing Municipal Parking Lot #3. Lot 65 is an undeveloped interior lot located between Lot 64 and the LIRR right-of-way with no street access. The combined lot area of the development site is 45,425.36 sf. The proposed mixed-use building will be constructed on Lot 64;
- The development site is located 100 ft west of the intersection of Main Street and 41st Avenue and abutted by the Long Island Rail Road track to the north. Downtown Flushing is a regional multi-modal transportation hub densely developed with a concentration of commercial/retail, office, hotel, and residential buildings. These buildings are occupied with a mix of local and national retail stores, offices, residents and many community facilities. 41st Avenue is a heavily traveled one-way west bound street between Main Street and College Point Boulevard that is often congested. The New York City Housing Authority Bland Houses five-building complex is located to the northwest of the project area directly on the other side of the LIRR track. The area to the west of the site is developed with medium-density residential buildings. Main Street to the east of the site is a major thoroughfare and is the focal point of much the area's activity. There are also many community facilities, office and ground floor retail buildings located south of the site. Downtown Flushing is served by 22 municipal bus lines, the terminus of the #7 subway line, and the Long Island Rail Road Port Washington line with a stop at Flushing Main Street. The development site is located within the transit zone in which no parking spaces are required for affordable and senior affordable housing;

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- The applicant is proposing to construct a 226,325 sf ten-story mixed-use building which will include retail, community facility space, 100% affordable multi-family and senior housing, and replacement public parking. The community facility will occupy a total floor area of 11,208 sf which includes a senior service center and other social service offices on the second floor and 5,000 sf on the ground floor will be made available for use by community based organizations. There will be 28,277 sf of ground floor retail space provided in stores ranging from 500 to 4,000 sf each. The 183,139 sf of residential space will be located on the second through ninth floors in 231 affordable units of housing with an apartment for the superintendent. The attended public parking garage utilizing stackers will be on the cellar level with a maximum capacity for 229 cars. Space will be provided on the tenth floor and rooftop for a community room, laundry facility, gym and vegetable garden for building residents;
- Out of 231 housing units, 165 units will be allocated to families with income levels between 57% AMI to 100% AMI and sixty-six (66) units will be for seniors with income levels between 37% AMI to 47% AMI. The affordable units will be made available through a lottery for applicants who meet the income criteria. The initial group of applicants will be given preference if they meet the following criteria: residents of Community Board (CB) 7(25% of units), CB 3 (12.5%) and CB 4 (12.5%), persons with mobility disability (5%), hearing/visually disabled (2%) and municipal employees (5%). After the lottery process is completed units will be assigned based on the income criteria;
- The proposed development will provide a variety of services for the community and building residents. The community facility space will be used for senior services, weatherization services and space for community groups. The retail space tenants will be eligible for a $2 million loan fund from AAFE's Renaissance EDC for small businesses. The sidewalk on 41st Avenue will be effectively widened by 5' to 10' setbacks of the building from the property line to create a safer and better pedestrian environment. There will be a garden on the second floor and vegetable farm on the rooftop for building residents;
- This site was identified as an affordable housing development site as part of the Willets Point Points of Agreement in 2013. The development program was developed through a community engagement process which specified a mixed-use affordable housing development for low income seniors and families. The development team was selected through a competitive Request for Proposals process. The team is comprised of Asian Americans for Equality (AAFE), HANAC, and Monadnock Development and Construction. Each of these organizations have a long history of providing various social services and preservation and development of affordable housing in Queens and the City. Monadnock Development and Construction will construct the project and AAFE and HANAC will operate the senior service center and weatherization services in the building;
- CB 7 disapproved this application by a vote of thirty-seven (37) against two (2) in favor, and one (1) abstaining at a community board meeting held on March 14, 2016. The reasons for CB7's disapproval are: traffic congestion and backups will be exacerbated by not providing a required loading berth which would be waived by the Mayoral Override; MIH does not apply and is not needed because the project will provide 100% affordable housing; the community board preference for the affordable housing units should only be given to CB 7 since the site is located within CB 7;
- At the Borough President Land Use Public Hearing, State Senator Tony Avella's testimony opposing to the project was read into the record. He stated that the proposed project will overtake a municipal parking lot adjacent to the Long Island Rail Road and will further exacerbate difficult parking conditions in Downtown Flushing. Four speakers testified for the project emphasizing the need for affordable housing in the area and the City especially for seniors.

RECOMMENDATION

- The proposed development will provide much needed affordable housing for low- and moderate-income families and low-income seniors. According to the study by the Department of City Planning, Flushing is identified as one of the areas with the largest increase in rent burdened households between 2008 and 2012. Analysis of rent burden by income levels shows very low-income households face the highest burden. Also, many seniors have difficulty finding affordable places to live and receive appropriate services. It is projected that senior population will increase by 35 percent within two decades. Therefore, the need for affordable senior housing will only increase. The proposed development will provide 100% of its housing units dedicated to low and moderate-income households and low-income seniors with appropriate services for the seniors.
- The development team consists of organizations that are experienced in developing affordable housing and providing valuable social services. They have been a major presence in Queens and New York City providing services to the community. The proposed building will provide much needed affordable housing, a senior service center, and community space that will be a great resource for Downtown Flushing.

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- Community Board 7 held several committee meetings with the development team during which there were detailed review and discussions about the project. In consideration that the effect of the impacts and burdens of the project would be solely felt in their district they were against the split community preference. CB 7 also cited concerns that the waiver of the required loading berth would result in unloading on the street exacerbating the existing traffic conditions on 41st Avenue. CB 7 acted in the interest of their district and this was reflected in the overwhelming majority of the full board 37-2-1 vote against the project.
- The proposed development will be a 100% affordable housing project for seniors, low- and moderate-income residents. This project is proposed in response to an HPD Request for Proposals developed with community input with the goal of providing much needed affordable housing. The development team, selected on the basis of being the most responsive to the goals of the RFP, are organizations with a proven track record in Queens and NYC. Most importantly, the project will result in 100% affordable housing, services for seniors, retail spaces and a new space open for use by community based organizations. This project will benefit Queens and NYC.

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

- The proposed project is wholly located in Community District 7 well within its boundaries. Downtown Flushing, and particularly around the project site on 41st Avenue, is seriously impacted by traffic gridlock especially during the peak hours on weekdays and weekends. While the proposed project will bring benefits to the immediate area and all of Queens, there will also be added impacts on that part of 41st Avenue during the construction period for approximately two years or more. The community preference for affordable housing is offered as a means to offset the inconveniences endured during construction and also to offset the effects on long term low income residents who may be priced out of their neighborhood. Going forward, the community preference for selection of the initial residents of future projects should be allocated solely to the affected community district.
- Traffic congestion is a major problem in Downtown Flushing. The development team should coordinate with NYC Department of Transportation and NYPD Enforcement to find the most effective way to minimize the impact of the new development especially during construction and afterwards specifically with commercial loading activities. To assure that commercial loading does not become a major impact, standing and loading signage must be posted along with appropriate enforcement efforts.

PRESIDENT, BOROUGH OF QUEENS

4/12/16
DATE