

# Queens Borough President Recommendation

APPLICATION: ULURP #190124 ZMQ

COMMUNITY BOARD: Q01

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Akerman LLP on behalf of 44-01 Northern Boulevard, LLC pursuant to Sections 197-c and 201 of the NYC Charter for the amendment of the Zoning Map, Section No. 9b:

1. changing from an M1-1 District to an R6B District property bounded by 44<sup>th</sup> Street, a line 100 feet southwesterly of 34<sup>th</sup> Avenue, 45<sup>th</sup> Street, and a line 200 feet of 34<sup>th</sup> Avenue;
2. changing from an M1-1 district to an R7X District property bounded by 44<sup>th</sup> Street, a line 200 feet southwesterly of 34<sup>th</sup> Avenue, 45<sup>th</sup> Street, and Northern Boulevard;
3. establishing within the proposed R6B District a C2-4 District bounded by a line 150 northerly of Northern Boulevard, 45<sup>th</sup> Street, and a line 200 feet southwesterly of 34<sup>th</sup> Avenue; and
4. establishing within the proposed R7X District a C2-4 District bounded by 44<sup>th</sup> Street, a line 150 feet northerly of Northern Boulevard, a line 200 feet southwesterly of 34<sup>th</sup> Avenue, 45<sup>th</sup> Street, and Northern Boulevard;

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 20, 2019 and subject to the conditions of CEQR Declaration of E-537.  
(Related ULURP #N190125 ZRQ)

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, July 11, 2019, 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 was two other speakers. The hearing was closed.

## CONSIDERATION

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

- The applicant is proposing to rezone and existing M1-1 District to R6B and R7X with a C2-4 to a depth of 150 feet north of Northern Boulevard. The R7X District would be mapped on the Northern Boulevard frontage of the site between 44<sup>th</sup> and 45<sup>th</sup> Streets and the R6B District would be mapped on the midblock portion of the site;
- The applicant has also concurrently filed another application to amend Appendix F of the Zoning Resolution designating and establishing the rezoning area as a Mandatory Inclusionary Housing (MIH) Area;
- The applicant is proposing to develop a stepped four- to ten-story building with 303,930 sf, 310 apartments including 95 units of affordable housing (30% of units @ 80% AMI), 51,400 sf ground floor retail space, 175 parking spaces and one loading dock. The ten-story portion of the building would be located on Northern Boulevard and the four story portion of the building would be located on the midblock portion of the site;
- The area to be rezoned is three tax lots that form an irregularly shaped parcel with frontage on Northern Boulevard extending to the midblock between 44<sup>th</sup> & 45<sup>th</sup> Streets. The site is developed with buildings used for auto sales and service, and other commercial uses allowed in the M1-1 District. Northern Boulevard is a major thoroughfare that separates the commercial and industrial uses to the south from the areas to the north that are mostly developed with low- to medium rise residential buildings. This portion of Northern Boulevard is developed with several auto related and retail uses in one- and two-story buildings;
- The applicant met with the Community Board 1 Land Use Committee (LUC) three times over six months leading up to the full board hearing. During those meetings concerns were raised about the proposed level of affordability (30% of units @ 80% AMI) relative to the income levels of the current residents in the neighborhood surrounding the project site, a need for more family sized units instead of the number of studios or one-bedroom apartments proposed, the need for a more comprehensive planning for this portion of Northern Boulevard which has been the subject of an increased number of rezoning proposals, and more site specific concerns about air quality, green building systems, open space and onsite parking for all residents;

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- Community Board 1 (CB 1) conditionally approved this application by a vote of twenty-three (23) in favor with eight (8) against and one (1) abstaining for cause at a public hearing held on June 18, 2019. CB 1's condition of approval was that the permanent affordable housing should be under MIH Option 1 (25% of units @ 60% AMI);
- At the Borough President's Land Use Public Hearing, the applicant stated as the public review goes forward there would be consideration of the CB 1 condition that MIH Option 1 should be used for the affordable units, and that a scenario for the provision of more two- and three-bedroom apartments has been formulated and is under consideration. There was a member of SEIU 32 BJ who testified in favor of the application and that an agreement had been reached with the applicant to provide prevailing wage jobs upon completion of the project.

**RECOMMENDATION**

CB 1 has expressed their concerns that local residents living in the area of the proposed rezoning should be able to afford to continue to live in their neighborhood. They have pointed out that the AMI percentages used are drawn from a wider tri-state region and are inconsistent with the incomes in the neighborhood closest to the project area.

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

- The applicant should make all efforts to provide affordable housing that will better match the income levels of the residents who currently live in the area to be rezoned. Every effort must be made to provide opportunities for all local residents, who contribute to the neighborhood and make it a desirable place, to remain in the community they have helped to build;
- Skilled tradespeople earning equitable salaries are essential in assuring a safe construction site that will result in a durable well-constructed building. As important are the building staff who provide services to maintain and keep buildings in good repair. The applicant should work with the building trades and labor unions that represent these workers to reach an agreement that would assure quality construction and success of the project.

  
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PRESIDENT, BOROUGH OF QUEENS

7/22/19  
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DATE