

Queens Borough President Recommendation

**APPLICATIONS: ULURP 210128 ZMQ
ULURP N210129 ZRQ**

COMMUNITY BOARD: Q8

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Jay Goldstein, Esq. on behalf of VP Capital Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 14c:

1. eliminating from within an existing R3-2 District a C1-2 District bounded by 77th Road, a line 150 feet easterly of Vleigh Place, 78th Avenue, and Vleigh Place;
2. changing from an R3-2 District to an R6A District property bounded by 77th Road, a line 400 feet southwesterly of Main Street, 78th Avenue, and Vleigh Place; and
3. establish within the proposed R6A District a C2-3 District bounded by 77th Road, a line 400 feet southwesterly of Main Street, 78th Avenue, and Vleigh Place;

Borough of Queens, Community District 8, as shown on a diagram (for illustrative purposes only) dated January 18, 2022, and subject to the conditions of CEQR Declaration E-657.

IN THE MATTER OF an application submitted by Jay Goldstein, Esq. on behalf of VP Capital Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for zoning text amendment to designate the Project Area as a Mandatory Inclusionary Housing ("MIH") area, Borough of Queens, Community District 8 as shown on a diagram (for illustrative purposes only) dated January 18, 2022, and subject to the conditions of CEQR Declaration E-657. (Related ULURP #210128 ZMQ)

PUBLIC HEARING

A remote Public Hearing was held by the Queens Borough President via Zoom webinar and livestreamed on www.queensbp.org on Thursday, April 7th at 9:30 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 25 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 an existing R3-2 District to an R6A District, as well as removing and replacing current C1-2 Overlay with a C2-3 Overlay. The area to be rezoned (Block 6630, Lot 1 and p/o 15) is generally bounded by 77th Road to the north, Vleigh Place to the east, 78th Avenue to the south, and portions of Lot 15 to the east. The rezoning would facilitate the development of a new eight-story mixed use building with housing, medical, and retail space;
- The applicant has also concurrently filed another application (ULURP #210129 ZRQ) to amend Appendix F of the Zoning Resolution to map and establish the proposed rezoning area as a Mandatory Inclusionary Housing (MIH) Area;
- The rezoning would facilitate a newly proposed six-story, approximately 83,500-SF (approximately 2.4 FAR) building with approximately 80-90 dwelling units (approximately 24-27 units under MIH Option 2, 30% of residential floor area at 80% averaged Area Median Income), 126 parking spaces, and approximately 35,000-SF of commercial and/or community facility space on the ground floor and in the cellar. A majority of the units are proposed as two-bedroom apartments. The building height would rise approximately 55 feet with two 25-foot setbacks at the rear of the building at the 5th floor, and the building would feature a green roof with open space for tenants. In response to community concerns about the proposed building's height and unit count, the Applicant Team stated they would file a restrictive declaration against the property to ensure a building no higher than 5 or 6 stories could be built, despite the allowed FAR and bulk in an R6A District;
- The original proposal included an eight-story, 124,380-SF (3.6 FAR) mixed-use building with 119 dwelling units (36 units at MIH Option 2), 126 accessory parking spaces, 10,557 SF of medical office space and 24,922 SF of retail space. The Applicant Team revised their original proposal in response to negative feedback from Community Board 8 and surrounding communities about this proposal;

- The Development Site (approx. 34,553 SF) is currently a vacant lot improved with a building foundation. The owner built out the foundation after a fire destroyed a previous one-story commercial building in 2016. Shortly after, the Department of Environmental Conservation cleared and excavated the site as part of a cleanup program. Plans were filed with the Department of Buildings in 2018 for an as-of-right 40,079 square-foot (1.16 FAR) commercial and community facility use two-story building. This building was never constructed but the plans to do so were posted publically;
- Within a 600-ft radius, the surrounding area is mainly low-density residential, with a mix of single-family homes and three-story walk-up apartment buildings. The only commercial/retail uses in the area are found along Main Street and include neighborhood retail uses such as banks, grocery stores, and establishments for eating and drinking. In terms of community facilities, North Queens Community High School is one block north and Steppingstone Day School is directly to the west. Public transportation in the area is composed of the Q20A and Q20B on Main Street (College Point to Jamaica), as well as the Q46 on the Union Turnpike (Kew Gardens to Glen Oaks/Lake Success in Nassau County). The Rezoning Area is approximately 1.5 miles to the east from the Union Turnpike E Train Subway Station;
- Community Board 8 (CB 8) disapproved this application by a vote of twelve (12) in favor, eighteen (18) against and zero (0) abstentions at the monthly meeting held on March 23, 2022. There were 25 public speakers on the matter: 20 opposed, 5 in favor. The concerns were around traffic, density, and feeling deceived by the applicant team. The Board shared the following concerns:
 - The previous plan for the property was a 2-story commercial and community building, signs were publically posted on the property. Many community members feel misled.
 - They feel the height of the project is out of character for the neighborhood, that the neighborhood is comprised of buildings that are 2-4 stories tall.
 - The Community Board is concerned about the traffic and density this would bring.
 - Community Board 8 is requesting union labor on this project.
 - More 2 bedroom apartments were requested.
 - The impact of additional families on the nearby Judge Moses Weinstein Playground was brought forward.
 - Board members feel there is not enough parking.
 - Concerns around building design include lack of a loading dock to ensure deliveries do not cause traffic and a need for an elevator that will stop on every floor during Shabbos.
- In response to Community Board 8 voting against the project, the applicant sent the board a letter dated March 25, 2022 addressing several concerns and committing to the changes listed below:
 - Lowering the height from 8 to 6 stories by filing a restrictive declaration against the property.
 - Exploring the use of union labor.
 - Increasing the amount of 2-bedroom apartments.
 - A commitment to working with the community and Parks Department to fund modest improvements for Judge Moses Weinstein Playground.
 - Committing to 1 parking spot per unit.
 - Committing to adjust their building design to include a loading dock to ensure deliveries do not cause traffic and an elevator that will stop on every floor during Shabbos.
 - In response to a request for a gym, the applicant agreed to attempt to fill the commercial space with uses that will benefit the community.
- At the Borough President's Land Use Public Hearing, the applicant's team addressed concerns around height, parking, and community space. The applicant also shared renderings of an adjusted 6-story building. The Borough President asked about the possibility of R6B instead of R6A. The developer responded that a R6B would shrink the project even further and would not be possible. The Borough President asked about utilizing MIH Option 1 instead of Option 2. Option 2 was chosen based on the income level of the surrounding neighborhood and feedback from the community. The Borough President asked for updates on the traffic study on the area to address community feedback. The applicant shared that despite concerns about in the area, the Environmental Assessment Statement did not call for further traffic analysis based on the trip generation estimate and they were estimated to remain well under the threshold. In terms of the jobs that would be provided, the Borough President asked about union labor, M/WBE procurement, and prevailing wage. The Applicant Team stated that one of their contractors is an M/WBE and they plan to continue to meet the M/WBE goals. They also stated that union employment is important and are currently adjusting their number to include it. There were twenty-five (25) speakers, the majority of which spoke in opposition to the project due to height and density concerns;
- The Borough President's Office received numerous correspondence in opposition of this application. In total, 5 letters or emails received were in favor of the project and 167 received were in opposition of this project. Additionally a letter of opposition was received from State Senator Toby Ann Stavisky. The letters largely echoed the community board feedback, mainly that the density and height would be out of character for the neighborhood.

RECOMMENDATION

The Applicant Team has demonstrated a willingness to hear and act on community concerns with the Proposed Development. While Queens is in need of deeply affordable housing with community facility space, local retail and open space, the Proposed Development should be contextual to the neighborhood character.

Based on the above consideration I hereby recommend disapproval unless all of the following conditions are met:

- The Applicant Team should revise their rezoning proposal from R6A to R6B. Doing so would simultaneously trigger Mandatory Inclusionary Housing (MIH) requirements and limit the Development's maximum height to 55 feet as per the NYC Zoning Resolution;
- The Applicant Team should also revise their proposal from MIH Option 2 (30% of residential floor area at average 80% AMI) to Option 1 (25% of residential floor area at averaged 60% AMI) to include deeper levels of affordability for Queens constituents;
- The Applicant Team should also explore expanding the total number of affordable units within the Development;
- To the best of their ability, the Applicant Team should act on the proposed commitments in their letter to Community Board 8, dated March 25, 2022; and
- There should be a goal of 30% for local hiring and use of M/WBE businesses in the construction and development of this project. There should also be quarterly reporting on the numbers of people hired and if the 30% hiring goal has been reached.



PRESIDENT, BOROUGH OF QUEENS

04/25/2022

DATE