146-93 GUY R. BREWER BOULEVARD REZONING
146-93 GUY R. BREWER BOULEVARD, QUEENS
JANUARY 31, 2020

1. INTRODUCTION

The applicant, Ranbir LLC, seeks a zoning map amendment to rezone 146-93, 147-07, 147-03 and 147-01 Guy R. Brewer Boulevard, and parts of 178-11 147th Avenue, 178-10 146th Terrace, Block 13354, Lots 12, 19, 21, 22, 23 and p/o 10 and 25 (the "Proposed Project Area"), in the Springfield Gardens neighborhood of Queens within Community District 13, from an R3-2 zoning district to an R6A/C2-2 zoning district. The proposed zoning map amendment will facilitate the development of a new eight-story plus cellar mixed-use Use Group ("UG") 2 residential building with a UG 6 commercial ground floor with approximately 34,503 square feet of floor area (3.2 FAR) and 42 dwelling units (the "Proposed Development") to be constructed at 146-93 Guy R. Brewer Boulevard, Block 13354, Lot 12 (the "Proposed Development Site").

The Applicant also seeks a zoning text map amendment to amend Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Queens Community District 13, to establish the Proposed Project Area as a Mandatory Inclusionary Housing ("MIH") Designated Area. The applicant proposes mapping Options 1 and 2 within the Proposed Project Area to provide maximum flexibility for non-applicant-controlled sites. The Applicant will pursue Option 1 of the MIH program for the Proposed Development, dedicating 25 percent of the residential floor area (approximately 7,619 square feet or 11 units) as affordable. The Applicant will also seek additional input from Queens Community Board 13 and City Council Member Donovan J. Richards regarding the level of affordability for the Proposed Development.

2. BACKGROUND

The area surrounding the Proposed Project Area was mapped as an R3-2 zoning district at the adoption of the 1961 zoning maps. There are no recent previous actions affecting the Proposed Project Area.

In 2007, a Board of Standards and Appeals (the "BSA") variance application (BSA Cal. No. 65-07-BZ) was filed to permit the development of a one-story UG 6 retail store at the Proposed Development Site, in violation of R3-2 zoning district use regulations. This application was denied in February 2008 because, among other reasons the BSA noted, that the site and the area have a history of commercial use, and that such factors were prevalent in the surrounding area and therefore were not unique within the context of ZR § 72-21(a).

3. DESCRIPTION OF THE SURROUNDING AREA

The Proposed Project Area is located in the Springfield Gardens neighborhood of Queens within Community District 13.

Zoning

The area within a 600-foot radius of the Proposed Project Area (the "Surrounding Area") is zoned R3-2 and M1-1.

R3-2 zoning districts are general residential districts that allow a variety of housing types, including low-rise attached houses, small multifamily apartment houses and detached and semi-detached one- and two-family residences. R3-2 zoning districts are the lowest density zoning districts in which multiple dwellings are permitted. Within an R3-2 district, the maximum permitted Floor Area Ratio ("FAR") is 0.5, which may be increased by an attic allowance of up to 20 percent for the inclusion of space beneath a pitched roof. The perimeter wall may rise to 21 feet before sloping or being set back to a maximum building height of 35 feet. The maximum street wall length for a building on a zoning lot is 125 feet. The maximum lot coverage of any residence is 35 percent. Front yards must be at least 15 feet deep. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon. Parking is also allowed within the front yard when the lot is wider than 35 feet. One off-street parking space is required for each dwelling

unit. However, requirements are lower for income-restricted housing units and are further modified within the Transit Zone.

M1-1 zoning districts are manufacturing districts which permit light industrial uses, including woodworking shops, repair shops, and wholesale service and storage facilities. All permitted industrial uses must meet M1 performance standards. Within an M1-1 district, the maximum permitted FAR is 1.0 for industrial and commercial uses and 2.4 for certain community facility uses.

Land Uses and Prevailing Built Form

The land uses with the Surrounding Area consist primarily of a mix of residential, community facility, and manufacturing uses.

Areas to the north, east and west of the Proposed Project Area are located within an R3-2 zoning district. The predominate built form in the R3-2 zoning district is two-story one- and two- family residential buildings. Guy R. Brewer Boulevard to the north and west of the Proposed Project is characterized by non-conforming one- and two-story commercial buildings. Several large community facility buildings are located to the north and west of the Proposed Project Area, including PS 52 on the entirety of Block 13353 and the Springfield Family Residence (a homeless shelter located on Block 13307).

The area directly south of the Proposed Project Area and across 147th Avenue is located within an M1-1 zoning district. A four-story hotel is located directly south of the Proposed Project Area on Block 13406. Block 13378, located along 147th Avenue and diagonally across from the Proposed Project Area, is designated for transportation and utility use, is used for parking and is improved with a two-story building. Block 13407, at the easterly border of the Surrounding Area, contains five two- to three-story non-conforming residential buildings within the M1-1 zoning district. These one- and two-family residential buildings have frontages along 147th Avenue, 181st Street and 182nd Street. Further south of 147th Avenue is characterized typically by one- to two-story warehouses and parking.

Mass Transit and Transportation

The Proposed Project Area is accessible by MTA bus service. The Q111, Q113 and Q114 buses run north to south along Guy R. Brewer Boulevard and are served by three bus stops within feet from the Proposed Project Area: one stop located directly in front of the Proposed Development Site along Guy R. Brewer Boulevard, one stop located at the south-east intersection formed by Guy R. Brewer Boulevard and 147th Street and one stop located at the south-west intersection formed by Guy R. Brewer Boulevard and 147th Street. The Q111 bus route originates from Jamaica Center, Queens and runs south through to the Rosedale neighborhood along the Queens and Nassau County border. The Q113 and Q114 buses routes originate from Jamaica Center and run south through the Woodmere, Inwood, Cedarhurst and Lawrence neighborhoods of Nassau County, and eventually terminate in Far Rockaway, Queens.

The Long Island Railroad Laurelton train station is located approximately 1½ miles northeast of the Proposed Project Area.

The Proposed Project Area is located less than ½ mile south of the Belt Parkway, which runs east to west and serves as a major vehicular thoroughfare for access through Staten Island, Queens and Nassau County. The Belt Parkway also provides direct vehicular access to John F. Kennedy International Airport, located approximately 2 miles south of the Proposed Project Area.

Demography and Housing Typology

The Surrounding Area generally comprises Census Tract QNCT 320, which is generally bounded by the Belt Parkway to the north, Rockaway Boulevard to the south, Springfield Boulevard to the east and Farmers Boulevard to the west.

According the U.S. Census Bureau's 2013-2017 vs 2006-2010 Economic Profile, QNCT 320 has had an increase in total households; however, incomes are decreasing. Total households increased

from 963 to 1,070, an increase of 11 percent, while median household income decreased by 16 percent, from $89,934 to $75,729. Family households increased from 776 to 850, while median family income decreased from $91,720 to $80,336. Non-family households increased from 187 to 221, while median non-family income decreased from $69,621 to $50,875. Per capita income has decreased from $23,701 to $19,607. The increase in housing demand correlates with a 63 percent decline in vacancies, from 107 to 40. Overcrowding has increased. Within occupied housing units, those with 1.01 or more occupants per room increased from 67 of 963 total occupied housing units in 2006-2010 (6.9 percent), to 117 of 1,070 total occupied housing units in 2013-2017 (10.9 percent, a 75 percent increase). This data indicates a growing mismatch between the existing housing supply and the changing demographics.

There is a rapidly increasing need for new multifamily housing units in this area—which has historically been zoned for low-density housing and has been dominated by single-family housing. In fact, the American Community Survey ("ACS") data show that this area has already begun a *de facto* trend away from single-family, home owner housing towards medium-density, multifamily housing with an increase in buildings with three or four dwelling units (increasing from 8 to 64). Moreover, even as the total number of housing units increased, the number of owner-occupied units declined by 15 percent (110 units) and the number of renter-occupied units increased by 105 percent (218 units).

Current zoning has effectively precluded the development of much-needed multifamily housing options, as discussed in depth below.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA

The Proposed Project Area is in the Springfield Gardens neighborhood of Queens Community District 13 and includes 146-93, 147-07, 147-03 and 147-01 Guy R. Brewer Boulevard, 178-11 147th Avenue, 178-10 146th Terrace, Block 13354, Lots 12, 19, 21, 22, 23 and p/o 10 and 25. The Proposed Project Area is zoned R3-2, a low-density residential district allowing a variety of housing types at maximum building height of 35 feet.

146-93 Guy R. Brewer Boulevard (Lot 12), the Proposed Development Site, is a corner lot with approximately 102 feet of frontage on Guy R. Brewer Boulevard and approximately 97 feet of frontage on 147th Avenue (approximately 10,750 sq. ft. of lot area). The lot is used as an open parking lot and has two curb cuts along Guy R. Brewer Boulevard leading to the parking area. The curb cuts along Guy R. Brewer Boulevard are 32 feet and 25 feet wide. There is one inactive, 37-foot wide curb cut along 147th Avenue. Lot 12 is located within the existing R3-2 zoning district.

147-07 Guy R. Brewer Boulevard (Lot 19) has 30 feet of frontage on Guy R. Brewer Boulevard (approximately 2,780 sq. ft. of lot area) and is improved with a two-story building with a commercial ground floor restaurant and residential above (0.43 FAR). The building was built in or around 1931. Lot 19 is located within the existing R3-2 zoning district.

Block 13354, Lot 21 has 30 feet of frontage on Guy R. Brewer Boulevard (approximately 2,780 sq. ft. of lot area) and is used as an open parking lot. The lot has two curb cuts along Guy R. Brewer Boulevard leading to the parking area. According to publicly available information, each curb cut measures approximately 13 feet in width. Lot 21 is located within the existing R3-2 zoning district.

147-03 Guy R. Brewer Boulevard (Lot 22) has 20 feet of frontage on Guy R. Brewer Boulevard (approximately 1,840 sq. ft. of lot area) and is improved with a one-story check cashing commercial office building (0.54 FAR). The building was built in or around 1931. Lot 22 is located within the existing R3-2 zoning district.

147-01 Guy R. Brewer Boulevard (Lot 23) has 20 feet of frontage on Guy R. Brewer Boulevard and approximately 92 feet of frontage on 146th Terrace (approximately 1,840 sq. ft. of lot area) and is improved with a one-story deli and grocery store (0.54 FAR). The building was built in or around 1931. Lot 23 is located within the existing R3-2 zoning district.

178-11 147th Avenue (Lot 10) has 33 feet of frontage on 147th Avenue (approximately 4,200 sq. ft. of lot area) and is improved with a one-story plus attic residential building (0.39 FAR). The building was built in or around 1920. Lot 10 is located within the existing R3-2 zoning district. Only a small portion of the lot is located within the Proposed Project Area.

178-10 146th Terrace (Lot 25) has 40 feet of frontage on 146th Terrace (approximately 4,000 sq. ft. of lot area) and is improved with a two-story residential building (0.6 FAR). The building was built in or around 1996. Lot 26 is located within the existing R3-2 zoning district. Only a small portion of the lot is located within the Proposed Project Area.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Proposed Development Site is 146-93 Guy R. Brewer Boulevard, Block 13354, Lot 12. The Proposed Development Site is a corner lot and has approximately 102 feet of frontage on Guy R. Brewer Boulevard and approximately 97 feet of frontage on 147th Avenue, with approximately 10,750 sq. ft. of lot area. The Proposed Development Site is used as an open parking lot and has a single curb cut along Guy R. Brewer Boulevard leading to the parking area.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed rezoning will facilitate the development of a new mixed-use residential (UG 2) and commercial (UG 6) eight-story plus cellar building (the "Proposed Building") with a total floor area of approximately 34,503 sq. ft. (3.2 FAR) and 42 dwelling units at the Proposed Development Site.

Approximately 4,028 sq. ft. of local commercial retail space will be located on the first floor. There will be a total of four commercial units (two with frontage on Guy R. Brewer Boulevard, one with frontage on 147th Avenue and one with frontage on both Guy R. Brewer Boulevard and 147th Avenue). The first floor will also contain a residential lobby accessible on 147th Avenue.

Floors one through eight will contain approximately 30,475 square feet of residential floor area with 42 dwelling units. The Applicant intends to pursue MIH Option 1, which will result in approximately 7,619 square feet of permanently affordable residential floor area, or 11 inclusionary units (25 percent of the 30,475 square feet of the total residential floor). Were the Applicant to pursue MIH Option 2, the Proposed Development would result in approximately 9,142 square feet of permanently affordable floor area, or 13 inclusionary units.

An open parking area for 23 cars is proposed to be provided at the rear of the lot (2 in excess of the 21 required spaces for the 42 dwelling units). The parking area will be accessed by a curb cut on 147th Avenue. A parking attendant's office will be located on the first floor, accessible through the residential lobby and the parking area. Parking for commercial use would be waived.

As shown in the illustrative drawings provided with this application, the Proposed Development would be built to the street line and would rise to 4 stories (43 feet) at the northerly portion of the lot, along an 11' side yard. The Proposed Development sets back 14' at the fourth floor, and then sets back 10' along Guy R. Brewer Boulevard and 15' along 147th Avenue at the sixth floor, rising to eight stories at a height of 83', excluding bulkheads.

7. ACTIONS NECESSARY TO FACILITATE THE PROPOSAL

The actions necessary to facilitate the proposal are: (1) zoning map amendments to rezone the Proposed Project Area from and R3-2 zoning district to an R6A/C2-2 zoning district and (2) a zoning text map amendment to ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Queens Community District 13, to establish the Proposed Project Area as an MIH Designated Area. The applicant proposes mapping MIH Options 1 and 2 within the Proposed Project Area to provide maximum flexibility for non-applicant-controlled sites.

a. Rationale for the R6A/C2-2 zoning district at the Proposed Project Area

This application seeks to rezone the Proposed Project Area from an R3-2 zoning district to an R6A/C2-2 zoning district. The historical zoning designation of the Proposed Project Area, unchanged since 1961, is wholly inappropriate and fails to recognize the transitional role of the Proposed Project Area to buffer the nearby industrial uses from the low-rise residential development in the area. Although zoned R3-2, there are no conforming developments in the Proposed Project Area.

The proposed rezoning to an R6A/C-2-2 zoning district will enable the applicant to develop the Proposed Development Site, an underbuilt site currently used for parking, with a residential and commercial building consistent with the built character of the Surrounding Area. The proposed eight-story residential and commercial building with 34,503 sq. ft. of floor area (3.2 FAR), and first floor parking, is consistent with the built character of the neighborhood and subject block, as discussed below.

The portion of Guy R. Brewer Boulevard north of 147th Avenue that includes the Proposed Project Area has an entirely non-residential land use pattern for over 450 feet along the east side and over 460 feet on the west side of Guy R. Brewer Boulevard. While the land use character north of 146th Drive matches the R3-2 zoning, the area between 147th Avenue and 146th Drive does not present conditions where R3-2 residential development would be expected or appropriate. While this does not present immediate conflicts where existing institutional uses (PS 52Q and the Salvation Army) occupy the Guy R. Brewer Boulevard frontage, the mismatch between zoning designation and the existing land use patterns hinder the productive development of the Proposed Project Area.

The underused and non-conforming uses within the Rezoning Area present an opportunity to address local housing needs and to provide a transition for uses and activity from the manufacturing district to the south to the lower-density residential areas to the north along Guy R. Brewer Boulevard and to the east and west of the Boulevard.

As discussed in the Demography and Housing Typology section above, changes in demographics and living patterns are exacerbating the growing mismatch between the existing housing supply and the demand for rental and multifamily housing in this section of southeast Queens. The existing housing supply is dominated by single-family housing. However, decreasing average incomes, declining rates of owner-occupied housing (and a correlating increase in rental housing), and increases in occupants per room (a *de facto* shift to multifamily housing) indicate a shift in the housing demand toward increased multifamily density.

The existing R3-2 zoning in the Proposed Project Area cannot produce the necessary housing, both because of the limitations inherent in the bulk controls of the zoning district, as well as practical considerations inherent to the Proposed Project Area. First, the permitted residential FAR in R3-2 districts is lower than the existing built condition of the non-conforming commercial uses within the Proposed Project Area, strongly disincentivizing new residential development. Second, ground-floor residences are highly undesirable along the Proposed Area and generally incompatible with the adjacent manufacturing zoning district and commercial uses. Other low- and medium-density zoning districts would present similar obstacles to multifamily development considering the adjacent uses and the impracticality of ground-floor residential development.

R6A districts are medium-density, contextual residential districts where the Quality Housing bulk regulations are mandatory. These regulations produce high lot coverage, six- or seven-story apartment buildings set at or near the street line. The maximum FAR in an R6A district is 33.6 with Mandatory Inclusionary Housing. Above a maximum base height of 60 feet, a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street, before rising to a maximum height of 70 feet. Off-street parking is required for 50 percent of all dwelling units or can be waived if five or fewer spaces are required. R6A districts are mapped along larger corridors in eastern Queens, including along sections of Liberty, Jamaica, and Hillside Avenues.

C2-2 districts are commercial overlay districts mapped within residence districts along streets that serve local retail needs in corridors frequently accessed by private vehicles. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 overlays permit a slightly

wider range of uses that C1 overlays, such as funeral homes and repair services. C2 commercial overlays are frequently mapped in medium-density residential districts as an additional buffer from adjacent industrial uses. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When commercial overlays are mapped in R1 through R5 districts, the maximum commercial FAR is 1.0; when mapped in R6 through R10 districts, the maximum commercial FAR is 2.0. In eastern Queens, C2-2 commercial overlays are drawn along sections of major corridors, including Cross Bay, Springfield, and Rockaway Boulevards.

Mapping a commercial overlay along such lower density districts to allow an alternative ground floor use, without additional residential density above, has also failed to generate mixed-use development citywide. Using R6B residential districts (the highest density residential zoning district below the proposed R6A) with commercial overlays as a baseline, we see that commercial overlays generally do not spur new development (even more so, mixed-use development). According to the City's PLUTO™ data and Department of Buildings permit information, of the 6,168 buildings located in R6B zoning districts with commercial overlays citywide (2,636 in Queens), there have only been 40 new building applications since 2000 (32 in Queens). Of these new buildings, only 5 contain commercial and residential development, including buildings partially located in higher density residential zoning districts. What we see is that in R6B districts, where the maximum FAR is 2.0 for all uses, ground floor commercial use consumes too much floor area to support residential construction above and is therefore rarely developed.

The proposed R6A/C2-2 zoning district is further consistent with the transitional role of the Proposed Project Area, as being a buffer between the industrial uses to the south, and the single-family residential areas to the north. The Proposed Project Are is well-served by vehicular access and bus service along two bounding wide streets, including Guy R. Brewer Boulevard and 147th Avenue (80' each), and is therefore particularly well-suited for the mixed-use development proposed in the instant application.

While southeastern Queens is largely mapped for low-density development, the proposed R6A/C2-2 district is also consistent with other actions in which the City recognized the need for diverse housing options in discrete areas. The most significant of these areas is the R6 zoning district (and adjacent C4-2) mapped over the Rochdale Village development site in 1961. This R6 zoning district extends across the LIRR right-of-way along Baisley Boulevard where four, eight-story buildings and 1 14-story building have been constructed between 2008 and 2018, providing over 300 units of senior housing. In 2017, the Northeastern Towers Annex Rezoning (C 170336 ZMQ) upzoned an R3X zoning district along Guy R. Brewer Boulevard to an R6 zoning district to facilitate a 10-story Affordable Independent Residence for Seniors.

The Proposed Development to be facilitated by the proposed rezoning will therefore be consistent with development along well-traveled wide streets in Queens. The proposed R6A zoning district is therefore appropriate in terms of density and permitted bulk.

The proposed C2-2 commercial overlay will further address the shortcomings of the current R3-2 zoning. Firstly, the C2-2 overlay will bring the existing non-conforming uses within the Proposed Project Area into conformance. Secondly, ground floor commercial development would serve as a buffer between nearby industrial uses, the residential units above, and the low-density residential development characteristic of the neighborhood to the north. Finally, ground floor commercial development within the Proposed Project Area would support the increased residential density from the Proposed Rezoning by providing retail and other commercial uses to benefit the residents of the area, as well as new employment opportunities on currently underutilized sites. The proposed C2-2 commercial overlay is positioned within, and adjacent to, MTA bus stops located directly in front of, and across the street from, the Proposed Project Area. The C2-2 overlay also ensures that any larger commercial development would be required to provide accessory parking for patrons arriving by private vehicle.

b. Rationale for the Appendix F: Inclusionary Housing Designated Area Text Map Amendment

The City's Census enumerated population has been growing steadily since the 1980 Census and is currently estimated at 8,398,748 as of July 2018. This represents a gain of 223,615 over is the

highest enumerated population in the City's history of 8,175,133 in 2010. Projections by the Department of City Planning and the New York Metropolitan Transportation Council ("NYMTC") predict continued growth in the City's population. NYMTC's draft project for 2050 forecasts a population of close to 9.2 million residents. Over the last 15 years the demands for housing, both in this community and throughout the City, have steadily increased. This has resulted in rising prices for for-sale residences and rising rents for rental housing. The shortage of affordable housing and housing in general has been highlighted by the current administration as an urgent issue that needs addressing. The administration has released *Housing New York, A Five-Borough, Ten-Year Housing Plan*, which calls for the production and preservation of 200,000 affordable housing units by 2022 and an additional 100,000 units by 2026.

The U.S. Census Bureau and ACS figures discussed above reveal the following trends within QNCT 320: rising population, shifting demographics within vulnerable populations (i.e. seniors), rising household figures, decreasing incomes, increasing unit numbers coupled with increasing occupancy rates and decreasing vacancy rates, increasing unit count within buildings (i.e. density increase), decrease in owner-occupied housing coupled with an increase in renters, and an increase in renters paying a larger percentage of Gross Rent as Percentage of Household Income ("GRAPI"). These trends highlight the dire need for an increase of affordable housing options within QNCT 320.

The proposed text amendment to ZR Appendix F will require the Proposed Development Site and other lots located within the Proposed Project Area to develop in accordance with the MIH program. The applicant proposes mapping MIH Options 1 and 2 within the Proposed Project Area to provide maximum flexibility for non-applicant-controlled sites. Option 1 requires 25 percent of residential floor area to be set aside for affordable housing units for residents with incomes averaging 60 percent AMI, with a minimum of 10 percent of housing to be affordable at 40 percent AMI. Option 2 requires 30 percent of residential floor area to be set aside for affordable housing units for residents with incomes averaging 80 percent AMI. The proposed affordable housing set asides will ensure that any future residential development at the Proposed Project Area will address the need for housing to serve a broad range of the City's diverse incomes.

8. CONCLUSION

As discussed above, Ranbir LLC proposes a zoning map amendment to rezone the Proposed Project Area from an R3-2 zoning district to an R6A/C2-2 zoning district. The proposed zoning map amendment will facilitate the construction of a new eight-story residential and commercial building at the Proposed Development Site. The applicant also seeks a zoning text map amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas for Queens Community District 13, to establish the Proposed Project Area as an MIH Designated Area. The proposed zoning text map amendment will allow future residential development in the Proposed Project Area to address the need for housing to serve a broad range of the City's diverse incomes.