Ocean Crest Rezoning
Project Description – 2021Q0363
January 23, 2023

I. Introduction

This application ("Application") is made on behalf of TCB Beach Channel Drive Limited Partnership (the "Applicant"), the contract vendee of the vacant portion of the property located at 29-32 Beach Channel Drive, Queens (Block 15744, Lot 7; the "Development Site" or the "Zoning Lot"), which is owned by 2932 BCD LLC (the "Owner"). The Development Site is located in an R4-1 zoning district in Community Board 14 in Far Rockaway. The Applicant proposes to rezone the Development Site and Tax Lots 1 and 18 which are adjacent to the Development Site (collectively, the "Project Area" or "Rezoning Area") from R4-1 to R6A (the "Rezoning"). The Applicant also seeks to amend Appendix F of the Zoning Resolution to map a Mandatory Inclusionary Housing ("MIH") Designated Area coterminous with the Project Area (the "Text Amendment"). The Rezoning and the Text Amendment are, collectively, the "Proposed Actions." The Application seeks these Proposed Actions to develop a 100% affordable housing project with a community facility use on the ground floor, exterior parking, and landscaping (the "Proposed Development").

The Development Site will be subdivided into two tax lots, the Proposed Development's future tax lot portion and the Owner-retained portion of the Development Site which includes the Existing Building, defined below. The two tax lots will remain a single zoning lot. The Proposed Development's future tax lot will be purchased by the Applicant and it will continue to be a single zoning lot with the Owner-retained portion of the Development Site. Then, the Applicant intends to construct an eight story affordable multi-family building containing 90,985 square feet of zoning floor area ("ZFA"), including 106 dwelling units (88,994 ZFA) and a community facility (1,991 ZFA; all figures are approximate).

The Rezoning is necessary to achieve this goal. The Project Area covers the most of the Development Site (except for a 5-foot sliver to the east), all of 29-64 Beach Channel Drive ("Lot 1"), and a 10-inch sliver of the western portion of 29-41 Ocean Crest Boulevard ("Lot 18"). Lot 1 and Lot 18 are "Non-Applicant Owned Sites." The Proposed Actions will facilitate the development of the Development Site with the Proposed Development will further the City's goal of providing additional affordable housing to help meet the current housing crisis.

II. Background

The Community Builders

The Applicant is a single-purpose entity created exclusively to facilitate the ownership and construction of the Proposed Development by the Applicant's 501(c)(3) non-profit sponsor, The Community Builders, Inc. ("TCB"). TCB will serve as the Proposed Development's developer, property manager, and asset manager.

TCB has developed over 30,000 units of housing and invested in 2.8 million square feet of residential, commercial, and community space in 15 states. TCB currently owns or manages over 13,000 units across the country.

Previous CPC Actions

Surrounding Area

When the Zoning Resolution was adopted in 1961, the Project Area was mapped as an R6 District.

In 2006, the Bayswater Rezoning (C 060259 ZMQ) downzoned several blocks north of Ocean Crest Blvd. and east of Bayswater Park, with lower-density and contextual districts to facilitate new development that would fit within the built environment of the existing area. This rezoning excluded the Project Area, which remained a R6 district.

In 2021, the city-wide Zoning for Coastal Flood Resiliency ("ZCFR;" N 210095 ZRY) text amendment was adopted. The amendment encourages resiliency in current and future floodplains, supports long-term resilient design, allows for adaptation over time, and facilitates future recovery by minimizing regulatory obstacles. This text also affects the design of the Proposed Development, as described below.

Project Area

Since 1961, only one land use action has specifically affected the Project Area. On July 23, 2008, CPC approved the Rockaways Neighborhoods Rezoning (C 080371 ZMQ), a large rezoning affecting all or portions of 280 blocks in the Rockaway Peninsula from Michaelis-Bayswater Park to the Nassau County Line including the Project Area and most of the Surrounding Area (defined below), which were rezoned from R6 to R4-1. The 2008 rezoning's goal was to preserve the scale and character of the Rockaway neighborhoods affected and to ensure that future residential development would be predictable and in context with traditional building patterns. However, its broad approach actually conflicted with the scale of most of the Project Area, by making the existing six-story building (the "Existing Building") on the Development Site and the existing five-story building on Lot 1 overbuilt. It is worth nothing the Project Area was not included in the downzoning from R6 to R5 of the area to the north and north west (CP 21108, adopted September 16, 1971).

III. Description of Surrounding Area

Location and Land Use

Within a radius of 600 feet (the "Surrounding Area") of the Development Site, there are a variety of land uses, including single and multi-family residential, mixed-use, commercial, community facilities, transportation, and open space. There are no NYC Landmarks Preservation Commission ("LPC") designated historic districts or LPC designated individual historic buildings in the Surrounding Area.

Prevailing Built Form and Use

Residential Use

The Surrounding Area is improved predominantly with low-rise, residential buildings (comprised of two- and three-story, attached walk-up buildings and one-, two-, and three-story detached walk-up buildings),

a five-story residential building (located on the Development Site), and a mid-rise residential building to the southwest.

The attached residences flank the north and south sides of the side streets to the north (Dwight Avenue, Falcon Avenue, and Ocean Crest Boulevard), between Bayswater Park and the R4-1 and R4A district boundary to the east (approximately at the midblock). Between the district boundary and Hartman Lane, further east, the typology changes to the detached residential buildings.[1] Many of these buildings have garages and parking areas in their front yard, and some have additional paved areas in side yards for additional off-street parking. They appear to have been built between 1945 and 1965.

There is an existing five-story residential building on the Development Site, described below. There is a new (2016) seven-story, mixed use building one block southwest of the Project Area, at the corner of Beach Channel Drive and Seagirt Blvd. in a R6 district. It is seven stories tall and has 154 dwelling units and no parking.

Just outside the Surrounding Area to the south, in an R6 district along the elevated subway line, there are two 20-story Mitchell-Lama houses, that were built in 1975; each tower has 231 dwelling units and approximately 140 at-grade parking spaces.

Community Facility Use

In the Surrounding Area, there are five community facility buildings of varying heights: one five-story community facility building, two four-story community facility buildings (nursing home and high school), one two-story primary school, and one one-story ambulatory care center.

- 29-64 Beach Channel Drive (Block 15744, Lot 1) is part of the Project Area (the southwest portion) and is improved with a five-story non-profit institution with sleeping accommodations with 44 apartments and three parking spaces (further described below).
- 29-38 Far Rockaway Blvd. (Block 15787, Lot 54) is located one block south of the Project Area and is improved with the Bezalel Rehabilitation and Nursing Center with approximately 120 beds and no parking.
- 8-21 Bay 25th Street (Block 15736, Lot 4) is one block northeast of the Project Area and is improved with a high school (Q309, defined below) comprised of multiple schools and approximately 20 parking spaces.
- 25-40 Beach Channel Drive (Block 15737, Lot 1) is located one half block east of the Project Area and is improved with a two-story charter school and no parking (Challenge Preparatory Charter School, further described below).
- 29-15 Far Rockaway Blvd. (Block 15788, Lot 37) is located one block southeast of the Project Area and is improved with a one-story ambulatory care center with 30 parking spaces (Advantage Care Physicians).

Commercial Use

The Beach Channel Shopping Center is located one block southwest of the Project Area and contains a one-story commercial strip mall with a grocery store, a couple of take-out restaurants, a pharmacy, beauty

[1] There are a few pockets of two-story attached, residential buildings east of Hartman Lane and a pocket of three-story detached, residential buildings along Bay 32nd Street, between Beach Channel Drive and Far Rockway Blvd., south of the Project Area.

supply, laundromat, and a parking lot with 150 spaces. Additional commercial retail and food spots are located along the elevated IRT "A" train. The elevated A subway line three blocks away (a six minute walk).

Vacant Sites

Several vacant lots are dispersed throughout the Surrounding Area.

Major Thoroughfares and Transportation

There are no major thoroughfares or arterial highways in the Surrounding Area. Beach Channel Drive (from Marine Parkway Bridge to Nassau County) is, however, considered a "through truck route" on NYC DOT's Truck Route Map. Although Rockaway Freeway is a busy street, it is not considered a main thoroughfare (by DOT) of arterial highway (by zoning).

Although the Surrounding Area is not in the Transit Zone, it is close to mass transit. It has two bus lines that connect to subway lines just beyond the Surrounding Area, the Q22 and QM 17 which run east/west along Seagirt Avenue, a quarter-mile southwest of the Project Area. The Q22 serves most of the Far Rockaway peninsula, whereas the QM 17 serves the eastern portion of the peninsula with express connection to Manhattan vis Cross Bay Blvd., Long Island Expressway, and the Midtown Tunnel. The elevated IRT "A" subway line is a quarter-mile southeast of the Project Area; the closest subway stop is the Beach 25th Street Station – only an eight minute walk (under half a mile) from the Project Area.

Educational, Senior, and Health Institutions

There are four schools in the Surrounding Area: Challenge Preparatory Charter School ("CPCS"), one block east of the Project Area; and Queens High School for Information, Research and Technology, Far Rockaway High School, and Kappa VI, which are in one building (the "Q309 School"), one block northeast of the Project Area (Block 15736, Lot 4). CPCS includes Kindergarten to Ninth Grade instruction and its 2021 enrollment was approximately 900 students. The Q309 school includes Fifth to 12th Grade, including special education, and its 2021 enrollment was approximately 1,000 students.

There is one daycare center in the Surrounding Area: CIDK Daycare, one block north of the Project Area.

There is one senior home in the Surrounding Area (Bezalel Rehabilitation and Nursing Center) and one ambulatory care facility (Advantage Care Physicians (Rockaway location)), previously described.

Open Space and Parks

There is one large public park in the Surrounding Area directly across the street (80 feet) from the Project Area: Bayswater Park (or a/k/a/ Michaelis Bayswater Park). Bayswater Park opens directly onto Norton Basin and Jamaica Bay; it is approximately 40 acres large and contains barbecuing areas, a skateboard park, three basketball courts, two baseball fields, six tennis and six handball courts, hiking trails, playgrounds, spray showers and kayak/canoe launches. The majority of these amenities is within 600 feet of the Project Area. The passive areas of the park are equally balanced between large open lawns and areas with dense foliage and with mature trees (most of which are deciduous). The western edge of Bay 32nd Street allows perpendicular parking for up to 60 cars. The park is not enclosed with a fence and is accessible along its borders. The primary, landscaped entrances are directly across from the one-story shopping center and at the midblock between Ocean Crest Blvd. and Falcon Avenue.

The Q309 School building, mentioned above, has tennis courts, a football field, and a track. Although it is not a public park, some of these areas may be publicly accessible after school hours or on the weekends through an event-specific application process with the Department of Education.

Zoning District and Special Districts

The Surrounding Area is comprised of five zoning districts: R3-2, R4A, R4-1, R6/C2-2, and R6A/C2-2. There are no Special Districts.

R3-2 districts permit residential and community facility use with FARs of 0.5 and 1.0, respectively.[2] For residential developments, the maximum street wall is 21 feet. Above the street wall, sloping planes control the maximum height of a building requiring either a setback or a pitched roof. These planes start at the maximum height of the street walls and meet at a ridge of 35 feet above the base plane. For community facility developments, the maximum front wall is 25 feet, then a Sky Exposure Plane ("SEP") is required.[3] The required residential parking ratio is 100% (one space per unit) or 50% for Income Restricted Housing Units ("IRHUs").

R4A districts are contextual districts and permit residential and community facility use with FARs of 0.75 and 2.0, respectively.[4] For residential developments, the maximum street wall is 21 feet, above which a required setback or a pitched roof up to 35 feet is permitted. For community facility developments, the maximum front wall is 35 feet, then a SEP of 1:1 is required. The required residential parking ratio is 100% (one space per unit) or 50% for IRHUs.

R4-1 districts are contextual districts and permit residential and community facility use with FARs of 0.75 and 2.0, respectively.[5] For residential developments, the maximum street wall is 25 feet, above which a required setback or a pitched roof up to 35 feet is permitted. For community facility developments, the maximum street wall is 35 feet, then a SEP of 1:1 is required. The required residential parking ratio is also 100% or 50% for IRHUs.

R6 districts permit residential and community facility uses with FARs of up to 2.43 and 4.8, respectively.[6] For HF residential developments, the maximum front wall is 60 feet or six stories, whichever is less, after which a required setback and a SEP of 2.7:1 (for narrow streets) or 5.6:1 (for wide streets) are required. For QH residential developments, the minimum base height is 40 feet, the maximum base height is 65 feet, and the maximum building height is 70 feet.[7] The required residential parking ratio is 70% or 50% for IRHUs (reduced to 50% or 25%, respectively, for QH developments).

When R6 districts are mapped with a C2-2 commercial overlay, commercial use is permitted up to 2.0 FAR.

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[2] For developments providing Affordable Independent Residents for Seniors ("AIRS") up to 0.95 FAR is permitted.
[3] In low-density residential districts, the initial height and setback controls apply to the "perimeter" walls of a new building. For community facilities, the initial height and setback regulations apply to the "front" wall of a new building. In both cases, these are also known as the "street walls."
[4] For developments providing AIRS up to 1.29 FAR is permitted.
[5] For developments providing AIRS up to 1.29 FAR is permitted.
[6] The FAR can be capped at 2.2 for Quality Housing ("QH") developments.
[7] For QH developments in R6 districts on narrow streets or beyond 100 feet of a wide street, these heights are reduced to 30, 45, and 55 feet, respectively. For QH developments providing inclusionary housing or AIRS, the maximum base height may be increased to 65 feet and the maximum building height may be increased to 80 feet (or eight stories) and up to 85 feet if a Qualifying Ground Floor ("QGF") is provided but in no event taller than eight stories.

R6A districts are contextual districts that permit residential and community facility uses with FARs of up to 2.43 and 3.0, respectively. QH developments are required and HF developments are not permitted. The minimum base height is 40 feet, the maximum base height is 60 feet, and the maximum building height is 70 feet.[8] The required residential parking ratio is 50% or 25% for IRHUs.

When R6A districts are mapped with a C2-2 commercial overlay, commercial uses are permitted up to 2.0 FAR.

IV. Description of the Project Area

The Project Area is located in Community District 14 of the Queens in the Bayswater neighborhood of the Rockaways. It is surrounded by Dwight Avenue to the north, Hartman Lane to the east, Bayswater Park to the west, and Rockaway Freeway and the elevated Subway line to the south.

The Project Area comprises all of the Development Site, except a five-foot sliver to the east, all of 29-64 Beach Channel Drive (Block 15744, Lot 1), and a 10-inch sliver of the western edge of 29-41 Ocean Crest Blvd. (Block 15744, Lot 18). 29-64 Beach Channel Drive and 29-41 Ocean Crest Blvd. (Non-applicant Controlled Sites) are not under the control of the Applicant.

The Development Site and the Proposed Development

The Development Site is located on the southwest portion of the block bounded by Beach Channel Drive, Bay 32nd Street, and Ocean Crest Blvd. It has a lot area of 58,991 SF. It is an irregularly shaped zoning lot with 296 feet of frontage along Beach Channel Drive (a narrow street), 124 feet of frontage along Bay 32nd Street (a wide street), and 174 feet of frontage along Ocean Crest Blvd. (a narrow street). The majority of the Development Site (approximately 58,324 SF) is located in an R4-1 district and a 5-foot sliver is located in the R4A district to the east, along Beach Channel Drive. The southern portion of the Development Site is not located in the flood plain. The northern portion of the Development Site is partially located in a Zone X and in a Zone AE (with a flood elevation of 9 feet NAVD88).

The Development Site is improved with the Existing Building, built in 1958 (i.e., prior to the adoption of the 1961 Zoning Resolution). The Existing Building is six stories and contains an estimated 114,834 ZFA (1.95 FAR) and is overbuilt under R4-1 regulations. Its CofO indicates it is 59 feet tall, has 107 apartments, 69 parking spaces in the cellar, and an enclosed playground and swimming pool as exterior accessory uses (CofO # 163103, dated September 21, 1965). Historical Google Aerial photos show the swimming pool was filled in and paved over for additional permitted parking sometime between 1996 and 2001. Today, the parking area is rarely used.

The cellar garage is striped for 69 spaces, of which only 19 are actively used and rented. The exterior parking area is striped for 27 spaces, of which only nine are actively used. Therefore, the utilization rate of the Existing Building's parking is 29%. It is worth noting that of the nine outdoor spaces being used, four are rented out to a local landscape company. The parking area is accessed by a single, 14-foot curb cut located on Ocean Crest Blvd., adjacent to Lot 18. To access the cellar garage by car, one needs to

[8] For developments providing inclusionary housing or AIRS, the maximum base height may be increased to 65 feet and the maximum building height may be increased to 80 feet (or eight stories), or up to 85 feet if a QGF is provided, but in no event taller than eight stories.

enter from the same curb cut and drive across the outdoor parking area to the cellar's garage entrance in the north façade of the Existing Building.

The northwest corner of the Development Site (*i.e.*, the at-grade parking lot and former swimming pool area) is the vacant and underutilized portion where the Proposed Development will be situated.

Non-applicant Controlled Sites

29-64 Beach Channel Drive (Lot 1) is a corner lot that fronts on Beach Channel Drive and Bay 32nd Street with a total area of 10,141 SF. It is improved with a five-story, community facility building, built in 2007 (the "Lot 1 Building"). The property was formerly controlled by the Foundation for Supporters of the Disabled (supported by the New York State Office of Mental Health). In 2003, it was transferred to PSCH Inc., a private, non-profit health care and social assistance agency. Construction of the community facility building started in 2006 (before the 2008 rezoning). It contains a Non-Profit Institution with Sleeping Accommodations ("NPISAs"). The facility does not have a name. Its latest Certificate of Occupancy ("CofO") indicates the Lot 1 Building is 58 feet tall, has 44 sleeping rooms, and outdoor parking for three spaces. The Lot 1 Building contains an estimated 25,355 ZFA (2.5 FAR) and is overbuilt under R4-1 regulations.

29-41 Ocean Crest Blvd. (Lot 18) is an interior lot fronting on Ocean Crest Blvd. with a lot area of 6,000 SF. It is improved with a two-story (plus attic) residential building and single-car garage (the "Lot 18 Building"). There is no CofO online, but its I-Card confirms that it has two stories, plus an attic, and contains three apartments. It is estimated the Lot 18 Building contains approximately 2,319 ZFA (0.39 FAR) and is underbuilt under R4-1 regulations. The Building is set back from the Development Site' northeast zoning lot line by 17'-1".

V. Description of Proposed Development

Proposed Development

The Proposed Development is an L-shaped, eight-story (approximately 80-foot tall, excluding bulkhead) residential building (the "Proposed Building") that will front on Bay 32nd Street and Ocean Crest Blvd., exterior parking for 35 cars (some are covered by the Proposed Building above), and landscape improvements. The Proposed Building will surround a rectangular courtyard (almost 60 feet by 110 feet), that will provide open space and at-grade parking for the Proposed Building, an access drive aisle from Ocean Crest Blvd. to the cellar parking in the Existing Building, and legal light and air for courtyard-facing apartments in the Proposed and Existing Buildings. There will be an 8'-0" side yard adjacent to Lot 18. The Proposed Building will have approximately 90,985 ZFA (1.54 FAR) with approximately 106 affordable dwelling units and a community facility on the ground floor (likely a day care provider). The Proposed Building and the Existing Building will have approximately 205,819 ZFA (3.49 FAR) which complies with R6A regulations for MIH.

The Proposed Building's ground floor is elevated above both the Base Flood Elevation (9 feet), and the Design Flood Elevation (10 feet), and is set at the projected future sea-level rise mandated by ZFCR.[9]

[9] Base Flood Elevation plus FEMA 1% x 40 inches for useful building life until 2080.

As a result, the Proposed Building's base plane is roughly 3.37 feet above average curb level. The ground floor will contain the main entrance lobby, support spaces, protected tenant bike storage, base building mechanical services, a community facility space with a dedicated entrance on Bay 32nd Street, and a portion of the parking area (an open garage the street-facing edge of which will be screened with building elements and plantings).

The Proposed Building's facades include dormers, setbacks, and street wall articulation which break up the massing so it appears as multiple buildings. Setbacks are provided on the seventh floor and are in context with the street walls of the Existing Building and the Lot 1 Building. These setbacks provide small private terraces and a larger, common terrace for all building residents.

The proposed R6A district boundary will split Lot 18. The majority of Lot 18 will remain in the R4-1 district. Within 25 feet of the district boundary, developments in R6 districts adjacent to zoning lots (in whole, or part) in R4-1 districts are capped at a maximum building height of 45 feet above the base plane (commonly known as the "step-down" provision). In addition to the step-down, a minimum side yard of 8'-0" is required. The Proposed Building will comply with both requirements by providing a side yard at grade and by setting the eastern façade of the Proposed Building back 15'-9 ½" above 45'-0" (above the third floor). With consideration for the Lot 18 building, the Applicant has designed the Proposed Building to minimize the perception of bulk to the east. Above the step-down setback, the Proposed Building will rise only two stories in the front along Ocean Crest Blvd. and four stories in the rear by the inner courtyard up to the maximum building height.

The proposed R6A district permits a maximum base height of 60 feet and a maximum building height of 80 feet unless the building has a QGF. The Proposed Building will not have a QGF will comply with these heights.

As a result of the mapping of a MIH designated area over the Project Area, 25% of any residential building will be required to comply with Option 1 in perpetuity. With 106 dwelling units, at least 27 of the proposed dwelling units will comply with MIH affordability Option 1. The remaining non-MIH dwelling units in the Proposed Building will also be affordable. The Proposed Building is not located in the transit zone; therefore, 25% of the new affordable units require parking and 28 spaces are provided.

Funding

The Proposed Development will be financed through the New York City Department of Housing Preservation and Development ("HPD") and Housing Development Corporation ("HDC"). All rental units will be rent-regulated including the 27 to 32 units that are subject to the specific regulations under the MIH Program. Financing in the project's capital stack includes low-income housing tax credits ("LIHTC"), tax-exempt bonds, and soft subsidy funding from HPD. Private financing participation will include an investor to utilize the LIHTC and a bank to provide a letter of credit for the tax-exempt bonds.

Sustainable and Resilient Features

The Proposed Building will comply with the latest version of the Enterprise Green Communities Program. Many sustainable features will be included in the Proposed Building including, high-efficiency wall and

window systems, high efficiency HVAC system for heating and cooling, condensing water heaters, energy star appliances, LED lighting, occupancy sensors for lighting in public areas, non-metallic windows, and photovoltaic solar panel arrays on the main roof, amongst other considerations.

The Proposed Building will include many concepts from the Active Design Guidelines to promote a sustainable building and healthy building and resident culture.

The Proposed Building will comply with the NYC Climate Resiliency Design Guidelines - Version 4.0, whereby the design flood elevation is 39" inches (or 3'-3") above the FEMA 1% (PFIRM), per table 4 of the guidelines for non-critical facilities with an "end of useful life" of 2080. The Proposed Building will also include a generator to provide power to the building's life safety elements and elevator, in case of a power outage.

Tax Lot Subdivision and Zoning Lot Development Agreement

The Proposed Building is being built on the vacant portion of the Development Site. More than 20 years ago this portion of the Development Site had a swimming pool which was paved over for parking. The parking spaces are rarely used. [Removing the parking area will not violate any legal obligations of the Owner for the remaining portion of the Development Site.] The tax lot comprising the Development Site will be subdivided into two tax lots, the Development Site's future tax lot and the Owner-retained portion of the Development Site which includes the Existing Building. They will remain a single zoning lot. The Development Site will be purchased by the Applicant and it will continue to be a single zoning lot with the Owner-retained portion of the Development Site.

VI. Actions Necessary to Facilitate the Proposed Development

Proposed Actions

To facilitate the Proposed Development, this Application seeks:

I. A change to Zoning Map 31a, rezoning the Project Area, from an R4-1 to an R6A zoning district (approximately 68,312 sf). The R6A boundary will extend along the centerlines Beach Channel Drive, Bay 32nd Street, and Ocean Crest Blvd., be parallel to and extend 175 feet from Bay 32nd Street along Ocean Crest Blvd., and will be parallel to and extend 100 feet beyond Ocean Crest Blvd. Its easternmost limit will be the same as the existing R4-1 and R4A district boundary along Beach Channel Drive.

II. A text amendment of Appendix F of the Zoning Resolution to classify the Project Area as an MIH Designated Area. In accordance with the Mayoral policy and the "Housing New York: A Five-Borough, Ten-Year Plan," all rezonings that result in increased residential development potential will be mapped as MIH Designated Areas.

The MIH program requires permanently affordable housing within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped "Mandatory Inclusionary Housing Areas" ("MIHAs"). The proposed action includes a zoning text amendment to establish a MIHA that covers the entire Project Area. Within this MIHA, all new

developments, enlargements, and conversions that provide residential floor area will have to comply with the MIH program requirements of Option 1, described below:

- Option 1: 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index, with no unit targeted at a level exceeding 130 percent of Average Medium Income ("AMI"). As part of the 25 percent set-aside, 10 percent of residential floor area shall be provided for households at 40 percent AMI.

The Proposed Development will comply with the underlying zoning regulations for R6A districts as they relate to MIH developments. The Proposed Building and the Existing Building will have a total of 3.49 FAR, which complies with the maximum FAR of 3.6 for MIH developments. The Proposed Building will have a maximum base height of 60 feet and a maximum building height of 80 feet, which are the maximum heights permitted without a QGF in the R6A.

The upzoning from an R4-1 district to an R6A district is appropriate for the Project Area and the Surrounding Area for the following reasons:

- The Project Area is located on a wide street (Bay 32nd Street) and directly adjacent to a large, expansive public park;
- The Project Area is located at the intersection of two wide streets (Bay 32nd Street and Beach Channel Drive);
- The Project Area is catty-corner to an existing R6A district;
- The Rezoning will restore zoning compliance of the Existing Building and Lot 1 that both existed prior to the 2008 rezoning (C 080371 ZMQ);
- The Surrounding Area has limited MIH areas; and
- The Project Area is located at the nexus of all the amenities and characteristics of a neighborhood that should have increased, smart residential growth.

The Project Area is close to mass transit and is directly across the 40-acre Bayswater Park. These factors support an increase in bulk and density. The increase in bulk would be consistent with the R6A/C2-2 district diagonally across the street and the R6/C2-2 district south and southeast of the Project Area. The proposed R6A district is a natural extension of the existing medium-density districts along the intersections of Beach Channel Drive and Seagirt Avenue. The R6A district would also restore the Existing Building and the Lot 1 Building bulk to compliance, which was lost when it was included in the 2008 rezoning . Lastly, the R6A district would permit more floor area which would allow the development of the Proposed Building to activate the east side of Bay 32nd Street opposite the park.

The proposed Rezoning is appropriate for the neighborhood. The Surrounding Area includes several schools and local retail (grocery stores, hair salons, etc.) that can support the additional density of the Proposed Development. Increasing affordable housing in this transit and commercially served area makes sense. The eight-story Proposed Building would be contextual with the Existing Building on the Development Site and the existing building on Lot 1, both of which are mid-rise structures (six and five stories, respectively), and with the new mixed-use building at the corner of Beach Channel Drive and Seagirt Blvd.

The proposed Text Amendment is also appropriate for the neighborhood. The MIH mapping will be one of the first MIHAs in Bayswater area of the Rockaways. Recent rezonings beyond the Surrounding Area have mapped MIHAs in Far Rockaway and Arverne, but there are no IH Designated Areas or MIHAs in the Surrounding Area. Recent data indicates the Surrounding Area has an average income of $76,865.[10]

All of the residential units in the Proposed Development will be affordable.

VII. Conclusion

In conclusion, the Proposed Development will result in a 90,985 ZFA (1.64 FAR), eight story building with 106 dwelling units; facilitated through the rezoning from an R4-1 to an R6A district, contemplated by this Application and the proposed text amendment of Appendix F to classify the Project Area as a MIH Designated area. The Proposed Development will be consistent with the character of the portions of the Surrounding Area, especially that area to the south, where the existing 3.0 FAR districts (mostly non-contextual) extend along the elevated rail and go north of the elevated rail to follow Beach Channel Drive across from Bayswater Park. The Rezoning would enable the Applicant to implement its mission of revitalizing underutilized property in commercial and transit-served communities with affordable housing. There is a dearth of affordable housing in Bayswater, specifically, and the Rockaway peninsula, generally; the Proposed Development will help to fill this gap. . The proposed R6A is a contextual district with absolute bulk control to preclude out-of-scale development. Even so, the Proposed Development is sensitive to the heights of buildings on the block and does not use all of the height that would be permitted. This Application is therefore worthy of the City Planning Commission's consideration and approval.

[10] Census Tract 1008.02 for 2021.