80-01 BROADWAY COMMERCIAL OVERLAY
80-01 BROADWAY, QUEENS
AUGUST 30, 2023

1. INTRODUCTION

The applicant, GWY Realty Inc., seeks a zoning map amendment (the "Proposed Action") from the City Planning Commission to rezone Queens Block 1509, p/o Lots, 1, 17, and 6 (the "Project Area") from an R7A to an R7A/C2-4 zoning district. The Proposed Action would bring the existing legally non-conforming commercial properties within the Project Area into conformance.

2. BACKGROUND

The Project Area is located in the northern portion of the Elmhurst neighborhood. It was originally zoned R6A in the 1961 zoning ordinance and was rezoned to an R7A district in 1989 as a result of Elmhurst/Corona Rezoning (880920 ZMQ, effective September 14, 1989). There were no other rezonings within the 400-foot Study Area.

3. DESCRIPTION OF THE SURROUNDING AREA

The Project Area is located within the Elmhurst neighborhood of Queens, Community District 4. Existing land uses within a 400-foot buffer around the Project Area primarily consist of one- and two-family and multi-family residences, mixed commercial and residential buildings, commercial buildings, and public facilities (Elmhurst Hospital). Built form in the surrounding area varies by use, and generally consists of six-story multi-family elevator buildings, two-to five-story multi-family walkup buildings, two-story one- and two-family buildings, and one-story commercial buildings. The surrounding area also contains an eleven-story hospital (Elmhurst Hospital).

Broadway is the major commercial corridor in the area. Baxter Avenue has significant commercial activity in the vicinity and turns into a commercial corridor to the north of the Project Area where it merges with another large commercial corridor along Roosevelt Avenue. Pettit Avenue and Layton Street along with other local streets are residential in character.

The existing zoning of the surrounding 400-foot area consists of R7A, R7A/C1-3, R7B, R6B, R5 zoning districts.

<u>R7A</u>
The Project Area is within an R7A zoning district that generally extends northwest and southeast of the Project Area along Broadway. R7A districts allow for residential development up to 4.6 FAR in Inclusionary Housing Designated Areas and MIH Areas with a maximum base FAR of 3.45, and community facility uses up to 4.0 FAR. The building form requires a street wall of 40 to 75 feet, a setback above the maximum base height, and a maximum building height of up to 95 feet for Inclusionary Housing buildings with a qualifying ground floor. R7A districts require off-street parking for 50 percent of the dwelling units in a building, with an exemption from parking for income-restricted units within the Transit Zone.

R7B

The area north and south of the Project Area is mapped R7B. In contextual R7B districts, the mandatory Quality Housing regulations are similar to those of R6B districts, but the higher floor area ratio (FAR) and height limit generally produce six to seven-story apartment buildings rather than the rowhouses typical of R6B districts. The FAR is 3.0; the base height of a new building before setback must be between 40 and 65 feet before rising to a maximum building height of 75 feet. To maintain the traditional streetscape, curb cuts are prohibited on zoning lot frontages less than 40 feet. The front wall of a new building, on any lot up to 50 feet wide, must be as deep as one adjacent front wall but no deeper than the other. On lots 50 feet wide or more, the front wall must be no closer to the street line than the front wall of an adjacent building. Front walls need not be set back beyond 10 feet. Buildings must have interior amenities for residents pursuant to the Quality Housing Program. Off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are lower for income-restricted housing units (IRHU).

R6B

The western and southern portions of the 400-foot Study Area are mapped R6B. The FAR of 2.0 and the mandatory Quality Housing regulations also accommodate apartment buildings at a similar four- to five-story scale. The base height of a new building before setback must be between 30 and 40 feet and the maximum height is 50 feet. For buildings providing a qualifying ground floor, the maximum base height and overall height increase by 5 feet. Higher maximum FAR is available for buildings participating in the Inclusionary Housing program or that provide certain senior facilities. Off-street parking spaces are required for 50% of the dwelling units. However, requirements are lower for income-restricted housing units (IRHU) and are further modified within the Transit Zone. Parking can be waived if five or fewer spaces are required.

R5

The area northeast and southwest of the Project Area is mapped R5. R5 districts allow for a variety of housing, typically three- and four-story attached houses and small apartment houses, with a maximum permitted FAR of 1.25. With a height limit of 40 feet, R5 districts provide a transition between lower- and higher-density neighborhoods. The maximum street wall height and the maximum building height is 40 feet. A setback of 15 feet is required from the street wall of the building above a height of 30 feet. In addition, any portion of the building that exceeds a height of 33 feet must be set back from a rear or side yard line. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight-foot-wide side yard. Apartment houses need two side yards, each at least eight feet wide. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to prevent cars parked on-site from protruding onto the sidewalk. 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.

C1-3

C1-3 commercial overlays are mapped along Broadway to the east of the Project Area within the R7A district. C1-3 zoning districts are commercial overlay districts mapped within residential neighborhoods along streets that serve local retail needs. Typical retail uses include neighborhood

grocery stores, restaurants, and beauty parlors. 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 R6 through R10 districts, the maximum commercial FAR is 2.0.

Public Transportation

The area is well-served by transit with two nearby subway stations with service from four trains. The Elmhurst Avenue subway station with service from the E, M, R trains is located approximately 400 feet southeast of the Project Area at the corner of Broadway and 82nd Street. The 82 Street subway station with service from the 7 train is located approximately 1,250 feet to the north of the Project Area. The subway stations provide full-time connecting service to Manhattan. In addition, there is a bus line accessible to users in the area. The Q53-SBS bus connects the Elmhurst neighborhood with Rockaway Beach and has two bus stops in different directions on Broadway, 400 feet west of the Project Area.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA

The Project Area is comprised of Block 1509, p/o lots 1,6, and 17 and is generally bounded by Pettit Avenue to the east, Broadway to the South, Baxter Avenue to the west, and a line offset 100 feet to the north of Broadway.

- Lot 1: a 1947 CO permitted a two-story building with bowling alleys and a boiler in the cellar, stores, restaurants, cabaret, and light manufacturing on the first floor and offices on the second floor. A 1949 CO permitted a two-story building with bowling alleys, storage, and a boiler room in the cellar; stores, restaurants, and catering establishments on the first floor; and offices on the 80-01 Broadway Rezoning 2 second floor. A 1958 CO permitted a two-story building with bowling alleys, storage, and a boiler room in the cellar; stores, catering establishments, and Bar & Grill on the first floor; and offices and factory on the second floor. A 1967 CO permitted a two-story building with bowling alleys, storage, and a boiler room in the cellar; stores, catering establishments, and restaurants on the first floor; and UG 6 offices on the second floor. A 1981 CO permitted a two-story building with a storage and a boiler room in the cellar; stores, medical offices, and a post office on the first floor; and offices on the second floor. A 1998 CO permitted a two-story building with a storage and a boiler room in the cellar; stores (retail), medical offices, and a post office on the first floor; and offices and day care & school on the second floor. Lot 1 is currently a two-story commercial building

- Lot 17: a 1952 CO permitted sale of used cars and parking of more than five cars on ground. A 1957 CO permitted a six-story building with a boiler room, storage, doctor's offices, telephone answering services, a garage, and multiple class A dwelling units in the cellar and multiple class A dwelling units on floors 1-6. It is currently a six-story mixed use building.

- Lot 6: a 1977 CO permitted Janitor's apartment, storage, and boiler room in the cellar, multiple class A dwelling units and doctor's office on the first floor, and multiple class A dwelling units on floors 2 through 6. A 1984 CO permitted Janitor's apartment, storage, and boiler room in the cellar

and multiple class A dwelling units on floors 1 through 6. It is currently a six-story multi-family building.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Applicant-Owned Development Site includes Block 1509, Lot 1. Lot 1 is an 18,125-SF corner lot with frontages on Broadway and Baxter Avenue. The lot is currently improved with 17,806 GSF of lot area which includes an approximately 8,746-GSF, two-story mixed-use commercial and community facility building, a 6,100-GSF, one-story commercial building, and a 2,960-GSF, one-story building occupied by a post office. The two-story building contains commercial uses on the ground floor and a community facility use on the second floor. The ground floor commercial uses include local retail consisting of 3 restaurants, a pharmacy, and a surgical supply store with a total retail floor area of 3,557 GSF and an attorney office of approximately 764 GSF. The second floor is occupied by Star America Preschool with approximately 4,425 GSF of floor area. The one-story commercial building is occupied by a hardware store and a laundromat and approximately 80-01 Broadway Rezoning 4 includes 6,100 GSF of floor area. The one-story building occupied by a post office includes 2,960 GSF of floor area. In total, Lot 1 contains 10,421 GSF of commercial use and 7,385 GSF of community facility use. Lot 1 also contains a rear access alley and a small parking area with approximately 6 parking spaces for commercial and community facility uses.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The zoning map amendment would rezone Block 1509, Lots 1, p/o 17, and 6 from the existing R7A zoning district to an R7A/C2-4 zoning district to legally permit the existing commercial uses within the Project Area. The Applicant has no plans to redevelop the existing structures on Lot 1 or find new tenants for the Lot 1 property. However, the Applicant would like to have the flexibility to invite new tenants in the future.

7. ACTIONS NECESSARY TO FACILITATE THE PROPOSAL

The action necessary to facilitate the proposal is a Zoning Map Amendment to map R7A/C2-4 zoning district in the Project Area currently zoned as R7A. The Site is located on Broadway, a thoroughfare with very heavy vehicular traffic. The current R7A does not reflect the existing commercial uses that are lining this busy street. The C2-4 overlay would make the existing ground floor commercial uses on the Site conforming, and permit continued commercial use. It would also provide a continuation of the commercial overlays that already line Broadway for roughly five blocks both on the north and south along this frontage.

The commercial and office building on the Applicant-controlled Block 1509, Lot 1 was built prior to the enactment of the Zoning Resolution. The existing commercial uses on Lot 1 are legal nonconforming. Other blocks along Broadway south of the Project Area were mapped with 100-foot-deep C1-3 Commercial Overlays at the time of enactment of the Zoning Resolution. The proposed project is sought to bring the existing legal nonconforming commercial uses on Lot 1 into conformance by mapping a 100-foot-deep C2-4 Commercial Overlay along frontages of Lots

1 and 17 on Broadway. The proposed C2-4 Commercial Overlay would match the adjacent C1-3 Commercial Overlays along Broadway south of the Project Area and preserve the overall existing commercial character of this section of Broadway. The Project would provide the Applicant with more flexibility when inviting new tenants in the future that may seek to expand or significantly alter commercial uses.

8. CONCLUSION

As discussed above, the applicant proposes a zoning map amendment to rezone the Proposed Project Area in Elmhurst, a neighborhood of Queens Community District 4, from an R7A zoning district to an R7A/C2-4 district. The proposed actions would permit a wider array of commercial uses and would legalize existing commercial uses in the area.