Project Description (LR Item 3)
Project ID: 2020Q0129

147-14 Northern Boulevard

April 2021

1. Introduction

Northern 147-149 LLC (the "Applicant") seeks a zoning map amendment and zoning text amendments that would affect several properties identified on the New York City ("the City") tax maps as Block 5016, Lots 18, 27, 33, 39, 47 as well as portions of Lots 7 and 11 (the "Project Area") in the Flushing section of Queens Community District #7. The above actions are sought to facilitate a new mixed-use development at Block 5016, Lots 18, 27, 33, 39, 47 (the "Development Site") which would consist of two new 11-story mixed-use buildings. The actions consist of the following (the "Proposed Actions"):

- A zoning map amendment from R5/C1-2 to R7X/C2-3.
- A zoning map amendment from R5/C1-2 to R5.
- A zoning text amendment of Appendix F of the Zoning Resolution ("ZR") to establish the Development Site as part of Mandatory Inclusionary Housing ("MIH") area.
- A zoning text amendment to Appendix I of the ZR to make the Project Area applicable to the Transit Zone.

The Proposed Actions would facilitate the development of two new 11-story mixed use buildings on the Development Site to total 334,247 square feet (6.0 FAR) including 389 dwelling units (128 affordable), 35,721 square feet of commercial retail space (0.64 FAR) and 10,486 square feet of commercial facility space (0.19 FAR).

2. Background

The Development Site was zoned R5/C1-2 at the inception of the 1961 Zoning Resolution and has remained since that time. The buildings in the Project Area were constructed in approximately 1950 and have remained since that time period. Lot 18, which is improved with a gas station, was the subject of an approval by the Board of Standards and Appeals (BSA) dating back to the 1950s and was continually renewed every 10 years until 2008 under 1098-83-BZ. The term of the most recent approval expired April 3, 2014.

In terms of actions in the surrounding area, the block to the east was amended in 1989 as part of a private application (C 880142 ZMQ), the Amber Lantern project. The Amber Lantern application rezoned both sides of Northern Boulevard from R3-2 to R7A for the six blocks located between

149th Street and 150th Place. The existing C2-2 district remained, and the application was sought to facilitate a proposal to construct a seven-story building with 68 residential units and ground-floor retail space. During the public ULURP process, the R7A district was subsequently modified to an R6A district, which remains.

To the west of the Project Area, a special permit was approved in 1994 (C 930135 ZSQ) for Block 5014, Lots 4 and 86, which is located at Northern Boulevard and Parsons Boulevard. The special permit facilitated a new 299 bed long-term care facility in an R6/C1-2 district.

An areawide rezoning was approved in 2005 to the east of the Project Area as part of the East Flushing Rezoning (C 050277 ZMQ). The East Flushing Rezoning affected 103 blocks of Community District 7 with an area generally bounded by Northern Boulevard and 35th Avenue on the north, 166th and 167th streets on the east, portions of Laburnum, 45th, 46th, and Sanford avenues on the south, and portions of 160th Street, 156th Street, and 149th Place on the west. The rezoning was initiated by civic groups, Community Board 7, and the Borough President's Zoning Task Force over concerns of out-of-scale development resulting from the underlying zoning districts at that time. A majority of the affected area, from 149th Street to 166th Street, had allowed as-of-right construction of large multi-family buildings in streets generally developed with single or two-family homes. These areas were rezoned to districts restricting density to one and two-family structures (R2, R4-1 and R4A). Along East Flushing's major thoroughfares, Northern Boulevard and Crocheron Avenue, R6B and R5B districts were proposed for would allow mixed-use development and the depth of commercial overlays were reduced to prevent encroachment onto residential side streets.

Subsequently in 2009, the area to the north of the Project Area was rezoned as part of the North Flushing Rezoning C 090821 ZMQ). The North Flushing rezoning was undertaken by the Department of City Planning (DCP) in response to requests from local council members, Community Boards 7 and 11 and local civic associations to address development pressure resulting from outdated zoning districts that remain from the 1961 Zoning Resolution. The rezoning amended 257 blocks to the northeast of Downtown Flushing and encompassed five neighborhoods, North Flushing, Broadway-Flushing, Bowne Park, Auburndale and Bayside. The intention of the rezoning was to update the area's R3-2, R4, R5 and R6 zoning districts, which allowed for a variety of housing types and densities that were inconsistent with the prevailing low-density development patterns and built character of the North Flushing area. In response, the proposed new districts (R1-2A, R2A, R2, R3X, R3-1, R3-2, R4, R4A, R4-1, R4B, R5B, R5D and C1-3) were intended to ensure that future development would more closely reflect the established scale and character. Proposed commercial overlay district modifications were also employed to prevent the intrusion of commercial uses on residential portions of blocks.

Moreover, the BSA in December 2011 approved a special permit (94-11-BZ) to allow the operation of a physical culture establishment in portions of the cellar, first floor and second floor of a six-story mixed-use commercial/residential/community facility building at 149-06 Northern Boulevard, contrary to ZR § 32-10. There have been no other land use actions approved within the last 10 years, within 1,000 feet of the Development Site.

Most recently, as-of-right construction is occurring in the surrounding area under the R6 and R7-1 districts with C1-2 commercial overlays along Northern Boulevard. This is resulting in an increasingly dense and mixed-use character. To the west of the Project Area, an 11-story building was recently completed at 141-26 Northern Boulevard with ground-floor retail and residential units above, as well as 144-72 Northern Boulevard, where a 7-story mixed use development is being completed to contain 107,956 square feet (4.57 FAR) with ground floor retail and 112 residential units above. In addition, the building directly to the north (across Northern Boulevard) is under construction with another 7-story mixed-use building at 144-66 Northern Boulevard, to contain 179,327 square feet of zoning floor area (3.68 FAR) with ground floor retail and residences above. Moreover, on the block to the north of the Project Area (35-08 146th Street) at 35th Avenue and 146th Street, is a recently completed 15-story residential and community facility building with 64,486 zoning square feet (3.97 FAR). Finally, two parcels to the west of that building, an 8-story building was recently finalized at 144-38 35th Avenue.

3. Description of the Surrounding Area

Northern Boulevard is a principal arterial thoroughfare that travels east-west through the northeastern side of Queens and correspondingly contains a mix of uses and densities, including a high concentration of mid-rise apartment buildings. Approximately a half-mile to the west, or three blocks, is the commercial core of Downtown Flushing with a high concentration of high-rise commercial, mixed-use and residential buildings. In terms of the immediate area, the block to the north of the Development Site (Block 5005) as well as the parcels immediately to the south of the Development Site (Lots 7 & 11) are developed with apartment buildings rising between 6- and 13-stories. The Northern Boulevard itself is lined with neighborhood retail uses including restaurants, pharmacies, bookstores and spas.

The Project Area itself is located in an R5/C1-2 district that extends 150 feet to the south of Northern Boulevard. The area on the north side of Northern Boulevard is zoned R7-1. The area immediately to the west (across 147th Street) is zoned R6/C1-2 and the area immediately to the east (across 149th Street) is zoned R6A/C2-2.

The underlying R5 district is a low-density general residence district that permits residential buildings up to 1.25 FAR and community facility buildings up to 2.0 FAR. The maximum height

of buildings within R5 districts is 40 feet, with a maximum street wall height of 30 feet, as well as a 15-foot setback above the street wall. R5 districts require side yards of at least 8 feet and a 10-foot front yard. Parking is required for 85% of dwelling units. C1-2 commercial overlay districts are mapped along Northern Boulevard to the east and west. These streets are the main commercial thoroughfares in the surrounding area. C1 districts typically permit local retail (Use Group 6) at a maximum of 1.0 in R5 districts and generally requires one off-street parking space per 300 square feet of commercial space.

The R6A zoning district, which is located to the east of the Project Area, is a contextual district with a maximum residential FAR of 3.0. Quality Housing regulations are mandatory in this district. Above a maximum base height of 60 feet, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 70 feet. Off-street parking is required for 50% of a building's dwelling units or can be waived if five or fewer spaces are required.

The R6 district is mapped to the east of the Development. The R6 residential district widely mapped in built-up, medium density areas in Brooklyn and Queens. It permits buildings under both Quality Housing and Height Factor regulations. The height factor regulations for R6 districts encourage small apartment buildings on small zoning lots, and tall, narrow buildings that are set back from the street on larger lots. Quality Housing regulations encourage buildings with higher lot coverage set at or near the street line. For height factor buildings, the district allows a maximum FAR from 0.78 to 2.43 for residential use and a corresponding required open space ratio (OSR) range of 27.5 to 37.5 percent. As an incentive for developers to choose the Quality Housing option, a higher floor area ratio (3.0 FAR) is permitted for buildings on or within 100 feet of a wide street than would be permitted under height factor regulations. For height factor buildings, 70% of dwelling units require parking, while for Quality Housing buildings, 50% of dwelling units require parking.

An R7-1 district is directly north of the Development Site opposite Northern Boulevard. R7-1 districts are similar to R6 districts but permit additional density. For height factor buildings, the district allows a maximum FAR from 0.87 to 3.44 for residential use and a corresponding required open space ratio (OSR) range of 15.5 to 25.5 percent. As an incentive for developers to choose the Quality Housing option, a higher floor area ratio (4.0 FAR) is permitted for buildings on or within 100 feet of a wide street than would be permitted under height factor regulations. For height factor buildings, 60% of dwelling units require parking, while for Quality Housing buildings, 50% of dwelling units require parking.

The Development Site is served by New York City Transit (NYCT) bus service as well as the Long Island Railroad (LIRR). The closest LIRR station is three blocks to the southeast, with the Murray Hill Station at 149th Place and Barton Avenue. In terms of bus service, the Q13 and Q38

make express stops along Northern Boulevard with a stop directly in front of the Development Site. The Q13 provides service between Fort Totten and Flushing, while the Q28 provides service between Flushing Main Street and Bayside. Despite this transit access, the Development Site itself is outside the Transit Zone but is located adjacent the boundary, which is located immediately to the west.

4. Description of the Proposed Project Area

The Proposed Project Area consists of Block 5016, Lots 18, 27, 33, 39, 47 as well as portions of Lots 7 and 11. This consists of the northern 150 feet of Block 5016. Lots 18, 27, 33, 39 and 47 consist of the Development Site and are discussed in greater detail below. The Project Area is currently zoned R5/C1-2. Northern Boulevard is classified as a 'wide' street with 100 feet in width, while 147th Street is classified as a 'narrow' street with 60 feet in width. It should be noted that 149th Street is also classified as a 'wide' street with 80 feet in width.

Lot 7 (147-35 38th Avenue) is a large irregular-shaped lot with approximately 162,400 square feet of lot area. The parcel is improved with three 6-story apartment buildings configured as a tower-in-a-park style development. The building was constructed in 1950 and contains approximately 216 dwelling units in approximately 200,466 square feet (1.23 FAR). Only the northern end of the lot is part of the Project Area (the area zoned R5/C1-2) or an area of approximately 19,200 square feet, which is approximately 11% of the parcel. The remaining area of the parcel is zoned R5.

Lot 11 (37-07 147th Street) is a 26,734 square-foot lot improved with a 6-story apartment building containing 95 dwelling units in 87,223 square feet (3.26 FAR). The building was constructed in 1962. Only the northern end of the lot is part of the Project Area (the area zoned R5/C1-2) or an area of approximately 8,100 square feet, which is approximately 30% of the parcel. The remaining area of the parcel is zoned R5.

5. Description of the Proposed Development Site

The Development Site is comprised of five tax lots along Northern Boulevard and consists of the entire southern side of Northern Boulevard between 147th Street and 149th Street at a depth of approximately 100 feet. It is identified on the City's tax maps as Block 5016, Lots 18, 27, 33, 39 and 47. Together, the Development Site contains approximately 55,735 square feet of lot area with approximately 522 feet of frontage along Northern Boulevard, approximately 105 feet of frontage along 147th Street, and approximately 92 feet of frontage along 149th Street. As noted above, The Development Site is zoned R5/C1-2.

The parcels that constitute the Development Site are developed with a series of single-story buildings. Lot 18 is a corner lot at 147th Street and Northern Boulevard and is improved with a gas station containing 1,984 square feet (0.14 FAR). The adjacent parcels to the east (Lots 27, 33 and 39) are developed with a single-story commercial building containing approximately 17 retail units. These currently include a bank, realtors office, computer repair store, electronics store, massage parlor, eating and drinking establishments, an adult day care facility, a bookstore, florist, laundromat, and take-out establishments. It should be noted the rear area of this building contains accessory surface parking. Based on lot area, the building contains approximately 0.5-1.2 FAR per parcel.

The remaining lot (Lot 47) is a narrow irregular-shaped sliver of land with approximately 2,000 square feet along the rear of the property. The property is vacant and contains a width of approximately 11 feet by 411 feet in length.

6. Description of the Proposed Development

The Proposed Actions would facilitate the development of two (2) new 11-story mixed use buildings on Development Site (Building A and Building B). In total, this would include 334,247 zsf 6.0 FAR) including 389 dwelling units, 35,721 zsf of commercial retail space (0.64 FAR) and 10,486 zsf of commercial facility space (0.19 FAR). 280 off-street parking spaces would be provided where 240 spaces would be required.

Both buildings would rise to maximum height of approximately 125 feet measured from the curb level. The buildings would provide an alternating street wall height of approximately 63 feet (6-stories) and 105 feet along the Northern Boulevard frontage before setting back 10 feet and rising to 125 feet. The rear portion of the building rises to 53 feet (5-stories) within 25 feet of the R5 district per transition rules and then rises to 125 feet.

The proposed commercial space would occupy the ground-floor, basement and cellar levels and would consist of neighborhood retail. The proposed community facility use would be provided at the basement level and would consist of a community-oriented use, such as a community center. It should be noted the site experiences small changes in grade between 149th and 147th Streets. As such, the ground floor is a classified as a 'basement' floor, with the area counting towards zoning floor area.

The proposed 389 dwelling units would include a super's unit for each building. Of the total 389 dwelling units, 128 are proposed as affordable units under MIH or 30% of the total residential floor area. The residential units would comprise a mix of studio, one- and two-bedroom units.

Approximately 4% of the building would contain required recreation space for building residents, pursuant to the Quality Housing program.

280 off-street parking spaces would be provided, where 240 are required as a result of the proposed uses, including a waiver for the proposed income-restricted dwelling units in the Transit Zone. These additional spaces are provided as reserve spaces for residents and visitors, as well as the proposed commercial or community facility uses. The spaces would be accessible via two curb cuts, each located on 147th and 149th Street. The curb cuts would be 22 feet wide and accommodate two-way traffic. The parking spaces would be provided at the cellar and sub-cellar levels and made accessible via ramp.

7. Actions Necessary to Facilitate the Project

The Proposed Actions consist of a zoning map amendment and a zoning text amendment to two sections of the Zoning Resolution. The proposed zoning map amendment would amend portions of an R5/C1-2 district to R7X/C2-3. The new R7X/C2-3 district would be mapped at 100 feet in depth from Northern Boulevard on Block 5016 and would encompass the Development Site. In addition, the area beyond 100 feet that is currently zoned R5/C1-2 would be amended to R5, thereby removing the remainder of the C1-2 overlay from the subject block.

The proposed R7X/C2-3 district is a mixed-use district intended for wide streets and in relative proximity to transit. The district typically results in mid-rise buildings between 11- and 14-stories and permits a maximum FAR of 6.0 under MIH. The district permits a street wall of 60-105 feet and a maximum height of 140 feet or 145 feet with a Qualifying Ground Floor (QGF). 2.0 FAR is permitted for commercial uses (Use Groups 5-9 & 14) and ground-floor non-residential space is required in the district. Parking varies by use for commercial uses, with general retail typically requiring one space per 400 square feet. 50 percent of dwelling units require parking, and the requirement is reduced for affordable units outside the Transit Zone and is waived when located inside the Transit Zone.

The proposed R7X/C2-3 is appropriate for this area, as the Project Area is located along a vibrant mixed-use arterial with 100 feet in width. In addition, the Project Area is located in close proximity to the commercial core of Downtown Flushing and is located in close proximity to transit, with NYCT bus and LIRR rail service located nearby. Moreover, the proposed zoning district would permit an increased level of density consistent with the mid-rise character of the surrounding area, with numerous apartment buildings present that predate the 1961 Zoning Resolution.

Currently, the Project Area is zoned R5/C1-2 which constrains new development at a maximum of 1.25 FAR for residential use, 1.0 FAR for commercial use and 2.0 FAR for community facility

uses. As such, the underlying zoning has resulted in the underutilization of the Development Site with single-story commercial uses, in an area that is otherwise appropriate for additional density. In addition to the limited FAR permitted under this district, the C1-2 commercial overlay requires a high level of off-street commercial parking that reflects an area without access to mass transit and away from density, with the district requiring one space per 300 square feet of commercial uses, depending on the use. The C1 district also permits a limited range of commercial uses (Use Group 6) that does not reflect the existing character of Northern Boulevard. As a comparison, the C2-3 district generally requires one space per 400 square feet of floor area and also permits an expanded range of commercial uses (Use Groups 5-9 & 14), reflecting the existing commercial character of the arterial. As such, it is believed the permitted increase in density and reduced commercial parking requirement with expanded uses of the R7X/C2-3 district is appropriately located along this segment of Northern Boulevard.

The proposed zoning map amendment to reduce the depth of the existing commercial overlay is proposed, as the existing C1-2 overlay extends 50 feet beyond the pre-existing commercial area along Northern Boulevard and encroaches into a predominantly residential area with Lots 7 and 11 developed with older apartment buildings beyond 100 feet of Northern Boulevard.

The proposed zoning text amendment would make the Project Area applicable to the Mandatory Inclusionary Housing (MIH) program by amending Appendix F (*MIH areas*) of the Zoning Resolution. The MIH area would be mapped under Options 1 and 2. Further, it would amend Appendix I to make the Development Site part of the Transit Zone. The Transit Zone is a defined area where special parking provisions apply, as transit is in close proximity. The Transit Zone is identified in Appendix I of the Zoning Resolution and the proposed text amendment would modify Transit Zone Map 6 to include the Project Area, which is measured at a depth of 100 feet from Northern Boulevard.

The text amendment to make the Project Area applicable to MIH would result in the mandatory provision of affordable dwelling units, a demonstrated need in all areas of the City. As currently proposed, 128 dwelling units would be provided for incomes averaging 80% AMI, which would comply with Option 2 of the MIH program or 30% of the total proposed residential floor area. In tandem with the text amendment to make the Development Site part of the Transit Zone under Appendix I of the ZR, the parking requirement for these MIH units would be waived. This is appropriate given the location of the Proposed Development in close proximity to transit, with the pre-existing Transit Zone located immediately to the west of the Project Site at 147th Street.

8. Conclusion

Given the location of the Project Area, which is located in close proximity to Downtown Flushing, along a wide mixed-use corridor and in close proximity to transit, it is clear the underlying R5/C1-2 district constrains new development with a low permitted density and high parking requirement. Therefore, a R7X/C2-3 district under MIH and applicable to the Transit Zone is proposed that would facilitate a contextual mid-rise development befitting the character of the surrounding area. Moreover, the depth of the overlay would be reduced to limit commercial development within 100 feet of Northern Boulevard, consistent with the existing character of the subject block.

The resulting Proposed Development would provide 389 new dwelling units, including 128 affordable units, as well as approximately 35,000 square feet of neighborhood retail space and over 10,000 square feet devoted to a community facility use, such as a community center. As such, the Proposed Development would serve to promote the active use of the Development Site with much needed dwelling units and non-residential space to further active the street frontage and would provide non-residential space for new residents and the surrounding community.