45-20 83rd Street Rezoning
Community District 4, Queens
December 4, 2020

1. Introduction

Sunshine Elmhurst LLC (the "Applicant") proposes a zoning map amendment to change an existing M1-1 zoning district to an R7A zoning district in the Elmhurst neighborhood within Queens Community District 4. The proposed Project Area consists of Block 1536, Lots 79, 80, 223, p/o 85, p/o 75, and p/o Condo Lots 1101-1242 (formerly 215) (the "Project Area"). In addition, the Applicant proposes a text amendment to Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Community District 4, Queens to establish an MIH Area coterminous with the Project Area. The Applicant proposes mapping both Option 1 and Option 2 within the proposed Project Area to provide maximum flexibility.

The proposed actions would facilitate the development of 80-52 47th Avenue and 45-20 83rd Street (Block 1536, Lots 80 and 223) (the "Development Site") with a new nine-story plus cellar, 141,133 square foot (3.18 FAR) residential building with approximately 163 dwelling units. The proposed action would also permit a Use Group ("UG 3") school as-of-right.

2. Background

The proposed Project Area has remained an M1-1 zoning district since 1961. However, there have been multiple rezonings within the surrounding area.

In 1982, Block 1533 and portions of Blocks 1536, 1526 and 1527 were rezoned under the 45th Avenue, 82nd Street, LIRR, and 80th Street Rezoning (C 820187 ZMQ, effective June 11, 1982) which rezoned the existing M1-1 zoning district to an R6 zoning district permitting the construction of 35 three-family row houses.

In 1988, the northern portion of Block 1536 (Lots 201, 210, and Condo Lots 1101-1242) was rezoned under the Elmhurst Quality Housing Site (C 870887 ZMQ, effective March 24, 1988) from an M1-1 zoning district to an R6B and R6B/C2-2 zoning district to permit the development of two seven-story residential buildings, totaling approximately 141 dwelling units and an underground parking garage.

In 1989, the northern portion of Block 1536 (Lots 201, 210, and 215) was rezoned under the Elmhurst/Corona Rezoning (C 880920 ZMQ, effective September 14, 1989) to an R6B/C2-3 zoning district. The same portion of the block was rezoned in the 45th Avenue/Elmhurst Rezoning (C 020127 ZMQ, effective November 15, 2006) from the R6B/C2-3 zoning district to an R7A/C2-3 zoning district to facilitate the development of a new mixed-use building containing approximately 100 dwelling units and approximately 30,800 square feet of ground floor retail.

<u>Other Land Use Actions</u>

An application was recently granted on June 29, 2020 at the Board of Standards and Appeals ("BSA") under BSA Cal. No. 2019-184-BZ for a special permit pursuant to Zoning Resolution Section 73-19 to permit a Use Group 3 charter school on the eastern portion of the Proposed Development Site.

3. Description of the Surrounding Area

The Project Area is located in the Elmhurst neighborhood of Community District 4. Existing land uses within the surrounding area consist primarily of a mix of residential, commercial, and community facility uses. The surrounding residential districts include: an R6B zoning district to the west, an R7A zoning district with commercial overlay districts to the north and east, R5 and R6 zoning districts to the south, and an M1-1 zoning district to the south west. The built form of the residential buildings varies from single-family residences, two- through four-story attached residences, six-story multi-family elevator buildings, and a 10-story multi-family elevator building. The existing zoning districts in the surrounding area include:

M1-1

The Project Area lies within an M1-1 zoning district and has frontage on 47th Avenue and 83rd Street. The existing M1-1 zoning district extends further south and west of the Project Area. The M1-1 district comprises mostly of single-story warehouses that provide auto service and repair, storage, and local contracting establishments. The existing M1-1 zoning district was established in 1961. M1-1 zoning districts permit light industrial uses, such as woodworking shops, repair shops, wholesale service, storage facilities, limited community facility uses, and commercial uses. New residential use is not permitted within the M1-1 district. The maximum floor area ratio ("FAR") for permitted manufacturing and commercial uses within the M1-1 district is 1.0 and 2.4 for permitted community facility uses. Off-street parking is required for manufacturing and commercial uses, and for most uses is calculated based on the amount of floor area. In M1-1 districts, the off-street parking requirement may be waived if fewer than fifteen spaces are required.

R7A

An R7A zoning district is mapped directly to the north and east of the Project Area. R7A districts allow for residential developments 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.

C2 Commercial Overlays

C2-2 and C2-3 zoning districts are commercial overly districts mapped within residential neighborhoods along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants, beauty parlors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services. In mixed-use 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.The C2-2 overlay requires on accessory parking space per 300 square feet of commercial floor area for general retail and service uses and the C2-3 overlay requires an accessory parking space per 400 square feet of commercial floor area.

R6B

An R6B zoning district is mapped to the west of the Project Area. R6B districts are contextual zoning districts where the Quality Housing bulk regulations are mandatory. With a maximum permitted FAR of 2.0, or 2.2 with inclusionary housing, R6B districts typically consist of four- to five-story apartment buildings and four-story attached buildings. The base height must be between 30 and 40 feet, a 10 foot setback is required on a wide street and a 15 foot setback is required on a narrow street, and the maximum permitted height is 50 or 55 feet with a qualifying ground floor. Off-street parking is required for 50% of all dwelling units, or can be waived if five or fewer spaces are required. However, requirements are lower for IRHU and are further modified within the Transit Zone.

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. Above a height of 30 feet, a setback of 15 feet is required from the street wall of the building. 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. Off-street parking is required for 85% of the dwelling units in the building, but requirements are lower for IRHU and are further modified within the Transit Zone.

R6

R6 districts are residential districts which are widely mapped in built-up, medium-density areas in Brooklyn, Queens and the Bronx. Developers can choose between two sets of bulk regulations. Standard height factor regulations, introduced in 1961, produce small multi-family buildings on small zoning lots and, on larger lots, tall buildings that are set back from the street. Optional Quality Housing regulations produce high lot coverage buildings within height limits that often reflect the scale of older, pre-1961 apartment buildings in the neighborhood. Buildings developed pursuant to height factor regulations are often tall buildings set back from the street and surrounded by open space and on-site parking. The FAR in R6 districts ranges from 0.78 (for a single-story building) to 2.43 at a typical height of 13 stories. There are no height limits for height factor buildings, although they must be set within a sky exposure plane which begins at a height of 60 feet above the street line and then slopes inward over the zoning lot. Off-street parking is required for 70% of a building's dwelling units, or can be waived if five or fewer spaces are required. However, requirements are lower for IRHU and are further modified within the Transit Zone. The optional Quality Housing regulations produce high lot coverage buildings set at or near the street line. For buildings on or within 100 feet of a wide street, the maximum FAR is 3.0, the maximum base height before setback is 60 feet with a maximum building height of 70 feet. On a narrow street, the maximum FAR is 2.2, the maximum base height before setback is 45 feet with a maximum building height of 55 feet. Off-street parking is required for 50% of all dwelling units, or can be waived if five or fewer spaces are required. However, requirements are lower for IRHU and are further modified within the Transit Zone.

The Project Area is located one block to the west of Broadway. Broadway is an 80'-0" wide, main commercial corridor zoned R7A with a C1-3 commercial overlay. Broadway is developed with single-story retail establishments serving local needs, such as beauty salons, pharmacies, food markets, restaurants, cafes, and discount stores. There are also six-story residential buildings along Broadway with ground floor commercial uses. Directly to the east of the Project Area is a shopping center which consists of supermarkets, restaurants, and other local retail stores. A new eight-story plus cellar mixed residential and commercial building was recently constructed directly to the north of the Project Area. According to DOB filed documents, the building consists of approximately 138 dwelling units and ground floor retail.

Community facility uses in the Surrounding Area include in: the Queens Adult Care Center, an assisted living facility located 80-08 45th Avenue, P.S. 7, an elementary school located at 80-55 Cornish Avenue, and the Iglesia La Vina church located at 80-25 Cornish Avenue. The 1.98 acre Moore Homestead Playground is located one block north of the Project Area and is bounded by Broadway to the east, 45th Avenue to the south, and 82nd Street to the west. The playground has basketball courts, fitness equipment, and handball courts.

Public Transportation

The Project Area is located within a Transit Zone and is well served by mass transit. The Elmhurst Avenue E, M and R subway lines are located one both north east of the Project Area. Buses in the area include the Q53 (Woodside to Far Rockaway) and Q58 (Ridgewood and Flushing) lines which run along Broadway.

4. Description of the Proposed Project Area

The Project Area is located within the Elmhurst neighborhood of Queens Community District 4. The Project Area is bound by 47th Avenue to the west and 83rd Street to the east (both are narrow streets). The Project Area consists of Block 1536, Lots 79, 80, 223, p/o 85, p/o 75 and p/o Condo

Lots 1101-1242 (formerly 215).

The Development Sites

Block 1536, Lot 223 is an approximately 39,400 square foot irregularly shaped lot improved with a one-story plus mezzanine warehouse building. The warehouse building is currently vacant.

Block 1536, Lot 80 is an approximately 5,250 square foot irregularly shaped lot used for accessory parking. There is one existing curb cut along 47th Avenue measuring 27 feet with a 1 ½ splays on each side.

Non-Applicant Controlled Sites

Block 1536, Lot 79 is an approximately 1,475 square foot irregularly shaped lot owned by the City of New York. The lot is unimproved and used for vehicle parking.

Block 1536, Lot 75 is an approximately 9,852 square foot lot improved with three, 3-story multi-family residential walk up buildings.

Block 1536, Lot 85 is an approximately 234,574 square foot railroad bed owned by the Long Island Railroad that runs from the east to west at the southern portion of the Project Area.

Block 1536, Lot 215 is an approximately 37,024 square foot lot improved with an approximately 406,080 square foot 8-story condominium building with 138 dwelling units.

5. Description of Proposed Development Site

The proposed Development Site is located at 80-52 47th Avenue and consists of two tax lots (Block 1536, Lots 80 and 223). The Development Site has approximately 79 feet of frontage on 47th Avenue and 116 feet of frontage along 83rd Street, for a total lot area of approximately 44,437 square feet. The Development Site is improved with an approximately 41,320 square foot one-story plus mezzanine warehouse building and accessory open parking lot. The existing warehouse is currently vacant. There is one existing curb cut along 47th Avenue measuring 27 feet with a 1 ½ splay on each side.

6. Description of the Proposed Development

The proposed development is a new nine-story plus cellar residential building with approximately 141,133 square feet of floor area (3.18 FAR). The proposed building will contain approximately 163 dwelling units with approximately 41 – 49 affordable units to be developed pursuant to Quality Housing regulations. The cellar would provide approximately 72 parking spaces and 82 bicycle parking spaces. The proposed building will rise to a total height of 90’-0”. The existing curb cut along 47th Avenue will be reduced to a width of 22 feet.

The Proposed Development will be located within an MIH Designated Area, upon approval of the proposed zoning text amendment of ZR Appendix F, and the applicant intends to provide affordable housing units pursuant to Option 1 or Option 2 of the City’s MIH program. The applicant will seek additional input from Community Board 4 and Council Member Dromm regarding the level of affordability for the Proposed Development.

The proposed zoning map amendment would also permit a proposed UG 3 charter school as-of-right. As mentioned above, an application was recently granted at the BSA to permit a 63,264 square foot, four-story plus mezzanine UG 3 building with a total FAR of 1.42. The Applicant proposes to convert and enlarge a portion of the existing warehouse building into the school. The Renaissance Charter School 2 would occupy the building in the 2022-2023 school year and serve Kindergarten through 6th grades.

7. Actions Necessary to Facilitate the Project

The two actions necessary to facilitate the proposed project are: (1) a zoning map amendment changing an M1-1 zoning district to an R7A zoning district within the Project Area and (2) a text amendment to establish an MIH Area with MIH Options 1 and 2 within the Project Area.

Proposed Zoning Map Amendment

The Project Area currently consists of a vacant lot surrounded by medium-density residential zoning districts. The Project Area is ideally suited to support growth for the Elmhurst neighborhood. The proposed zoning map amendment will extend the adjacent existing R7A zoning district over the proposed Project Area. These zoning districts are appropriate in terms of density and permitted bulk. The Project Area is surrounded by medium-density residential zoning districts. R7A zoning districts are mapped directly to the north and east of the Project Area, noncontextual R5 and R6 zoning districts are mapped to the south and an R6B zoning district is mapped to the west. The Project Area is located in an area which is predominantly developed with apartment buildings ranging from four to eight-stories to one and two-family homes. The Project Area is located a block west from Broadway, a commercial thoroughfare. There are numerous public transportation options for bus and subway service near the Project Area including the E, M, and R subway lines, as well as, two bus lines.

The existing M1-1 zoning district is underutilized and presents an opportunity for new mixed-use growth. The proposed R7A district is a medium-density contextual district that would permit residential development at a maximum FAR of 4.6 for developments with permanently affordable units set aside pursuant to the MIH program. Mapping the proposed R7A district would further the City's goals by promoting development on underutilized property proximate to an existing residential community and public transit. R7A zoning districts promote new contextual development along transit corridors. The Proposed Project Area is underutilized and would benefit from the proposed development of residential buildings..

The proposed rezoning would provide a new opportunity for an affordable and market-rate housing development. The top pressing issues identified by Queens Community Board 4 in their Statement of Community District Needs are the lack of affordable housing and schools. The proposed project rezoning would promote the development of medium-density housing with permanently affordable units.

Mandatory Inclusionary Housing Area Text Amendment

The proposed text amendment of ZR Appendix F is necessary to establish an MIH Area, which would require new developments to set aside 25-30 percent of the residential floor area for affordable housing. MIH Option 1 requires an affordable housing set aside of 25 percent of the residential floor area at an average of 60 percent of AMI with 10 percent at 40 percent AMI. MIH Option 2 requires an affordable housing set aside of 30 percent of the residential floor area at an average of 80 percent AMI. The Applicant proposes mapping both MIH Option 1 and Option 2 within the Project Area to provide maximum flexibility. The proposed affordable housing set asides would ensure that development within the Project Area would address the critical need for new affordable housing in Queens Community District 4. The proposed MIH Area would address the City's Housing New York: A Five-Borough, Ten-Year Plan goals by increasing affordable housing to help ensure the community remains economically diverse in the face of increasing pressure for market-rate development.

8. Conclusion

The Applicant proposes a zoning map amendment to map an R7A zoning district in the Project Area currently zoned as M1-1 and a zoning text amendment to establish the Project Area as an MIH Area. The proposed actions would facilitate residential development in the Elmhurst neighborhood within Queens Community District 4. The proposed development would create approximately 163 dwelling units and permit a UG 3 charter school as-of-right. The proposed rezoning would provide increased opportunities for housing development on underutilized sites, including mandatory inclusionary housing. The MIH program ensures that new development within the Project Area would address the need for housing that serves low-income levels. These actions would be consistent with the City's goals of strengthening neighborhoods, expanding housing, including affordable housing, and employment in transit accessible areas while respecting the character of surrounding residential communities.