Queens Borough President Recommendation

APPLICATION: ULURP #160049 ZRY **COMMUNITY BOARD: CW**

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 200 of the NYC Charter, for a citywide zoning text amendment to promote affordable housing, including mandatory inclusionary housing, contextual height and set back changes, modifications to senior and supportive housing regulations and parking requirements.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, November 12, 2015, at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were two (2) speakers in favor and three (3) against.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public meeting, the following issues and impacts have been identified:

- The Department of City Planning has filed this application known as Zoning for Quality and Affordable Housing (ZQA) to encourage better and more efficient buildings and to allow full utilization of zoning incentives to provide affordable housing;
- Adds or replaces definitions for types of senior housing and care facilities;
- Allows height increase to accommodate elevators in lower density districts not to exceed 4 or 6 stories for senior housing;
- Elimination of parking requirements for affordable or senior housing in transit zones;
- Increase ground floor heights to allow better residential or commercial spaces in medium and high density districts;
- Allows flexibility in design of buildings in relation to the sidewalk, garden areas, courtyards, windows, setbacks and lot coverage;
- The Department of City Planning has made presentations of the proposals at numerous meetings with all of the Queens Community Boards and the Queens Borough Board;
- Concerns have been raised at these meetings regarding several aspects of the ZQA proposal;
- Increased numbers of residents in denser taller buildings will place additional burdens on an already taxed infrastructure system. There are concerns that the schools, streets and transportation systems, sanitation and other services will not be able to handle them adequately
- Reduction or elimination of parking for affordable and senior housing within the newly defined "transit zone" (areas within one half of a mile from a subway station) on the basis that utilization rates are low for senior housing and that residents do not want to pay for the offstreet parking. The concerns raised are: Queens is not well served by mass transportation. The "transit zones" as identified already are the destination points for many who drive to those areas and park on the streets before getting on mass transit because there is nothing closer to their homes. Another concern is that the actual car ownership rates and patterns differ from the research based on registration data.;
- The application also includes proposals in medium and higher density districts that would affect how buildings relate to each other in regards to courtyards, setbacks from the sidewalk and location of garden areas. There are concerns that these design changes could impact the overall visual continuity of an area.;
- Community Board 1 approved this application with conditions by a vote of 29-4-0 at a public meeting held on November 10, 2015. The conditions were as follows: parking must be provided for any affordable housing built, exclusion of some affordable housing floor area from countable floor area and that incentives should be given to produce bigger units to promote a better quality of life, revise Quality Housing Program rules that restricts provision of parking;
- Community Board 2 disapproved this application with conditions by a vote of 28-2-3 at a public meeting held on November 5, 2015. The conditions were as follows: parking should be provided for affordable housing, except for ground floors increased building heights should not be allowed, irregularly shaped lots should not be developed, and there should not be a Board of Standards and Appeals hardship process;

- Community Board 3 approved this application by a vote of 16-11-0 at a public meeting held on November 12, 2015;
- Community Board 4 disapproved this application by a vote of 22-3-3 at a public meeting held on November 10, 2015;
- Community Board 5 disapproved this application by a vote of 37-1-1 at a public meeting held on November 4, 2105;
- Community Board 6 disapproved this application by a vote of 22-2-3 at a public meeting held on November 12, 2015;
- Community Board 7 disapproved this application by a vote of 35-1-1 at a public meeting held on November 9, 2015;
- Community Board 8 disapproved this application by a vote of 32-0-0 at a public meeting held on November 12, 2015;
- Community Board 9 disapproved this application by a vote of 33-0-1 at a public meeting held on November 10, 2015;
- Community Board 10 waived their hearing on this application;
- Community Board 11 disapproved this application by a vote of 24-1-2 at a public meeting held on October 5, 2015;
- Community Board 12 disapproved this application by a vote of 29-0-0 at a public meeting held on October 21, 2015;
- Community Board 13 disapproved this application by a vote of 32-7-0 at a public meeting held on October 26, 2015;
- Community Board 14 disapproved this application by a vote of 32-0-0 at a public meeting held on November 10, 2015
- The Queens Borough Board approved a motion to disapprove this application by a vote of 12-2-6 at a public meeting held on November 16, 2015. The 6 abstentions cast were for cause.

RECOMMENDATION

Based on the above consideration, I hereby recommend disapproval of this application in its present form for the following reasons:

- Over forty neighborhoods in Queens were contextually rezoned over the last decade or so. Many of these neighborhoods were rezoned during my tenure as the Chair of the NYC Council Land Use Committee. Each of these rezonings were done with extensive neighborhood participation that was solicited by the Department of City Planning to assure that each proposal addressed the most pressing issues and were sensitive to the density and heights of those neighborhoods. Some of the ZQA proposals would undo the carefully sculpted rezonings that were the result of a collaborative effort to protect our neighborhoods from overdevelopment;
- Many of the neighborhoods were rezoned with new contextual tools that helped to encourage the best of how the buildings in each area related to each other in terms of the distances from the sidewalks, depth of yards and other attributes that give a neighborhood a built character. Some of the proposed text may alter some of the features that contribute to an areas appeal;
- There should be an option where incentives are provided to get more affordable housing built within the existing neighborhood context, particularly in the lower and medium density districts, without altering the built character of those areas;
- Parking should be provided in any new affordable or senior affordable housing. Queens residents rely on their cars for many aspects of their lives. Subways are only available in one third of the borough. Without reliable mass transit, cars are necessary to get to their jobs, doctor's appointments, shopping or bringing their children to school.;
- There is also concern that affordable independent senior housing not built as a Mandatory Inclusionary Housing development with termed financing would not be permanently affordable. This oversight would be contrary to the overall goal of generating permanent affordable housing particularly for seniors as a group who are severely affected;
- There should not be a new special permit that would allow the Board of Standards and Appeals to modify or reduce bulk requirements for a development with at least 50% of floor area for affordable housing or long term care on an irregular lot. There is already a Board of Standards and Appeals variance procedure to address this type of hardship for development.

PRESIDENT, BOROUGH OF QUEENS	11/30/15 DATE

Queens Borough Board Recommendation

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PUBLIC HEARING

A Public Meeting was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Monday, November 16, 2015, at 5:30 P.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation at the October 19, 2015 meeting of the Borough Board. The applicant was present at the November 16, 2015 Borough Board to respond to questions.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public meeting, the following issues and impacts have been identified:

- The Department of City Planning has filed this application known as Zoning for Quality and Affordable Housing (ZQA) to encourage better and more efficient buildings and to allow full utilization of zoning incentives to provide affordable housing;
- Adds or replaces definitions for types of senior housing and care facilities;
- Allows height increase to accommodate elevators in lower density districts not to exceed 4 or 6 stories for senior housing;
- Elimination of parking requirements for affordable or senior housing in transit zones;
- Increase ground floor heights to allow better residential or commercial spaces in medium and high density districts;
- Allows flexibility in design of buildings in relation to the sidewalk, garden areas, courtyards, windows, setbacks and lot coverage;
- The Department of City Planning has made presentations of the proposals at numerous meetings with all of the Queens Community Boards and the Queens Borough Board;
- Concerns have been raised at these meetings regarding several aspects of the ZQA proposal;
- Increased numbers of residents in denser taller buildings will place additional burdens on an already taxed infrastructure system. There are concerns that the schools, streets and transportation systems, sanitation and other services will not be able to handle them adequately
- Reduction or elimination of parking for affordable and senior housing within the newly defined "transit zone" (areas within one half of a mile from a subway station) on the basis that utilization rates are low for senior housing and that residents do not want to pay for the offstreet parking. The concerns raised are: Queens is not well served by mass transportation. The "transit zones" as identified already are the destination points for many who drive to those areas and park on the streets before getting on mass transit because there is nothing closer to their homes. Another concern is that the actual car ownership rates and patterns differ from the research based on registration data.;
- The application also includes proposals in medium and higher density districts that would affect how buildings relate to each other in regards to courtyards, setbacks from the sidewalk and location of garden areas. There are concerns that these design changes could impact the overall visual continuity of an area.;
- Community Board 1 approved this application with conditions by a vote of 29-4-0 at a public meeting held on November 10, 2015. The conditions were as follows: parking must be provided for any affordable housing built, exclusion of some affordable housing floor area from countable floor area and that incentives should be given to produce bigger units to promote a better quality of life, revise Quality Housing Program rules that restricts provision of parking;

- Community Board 2 disapproved this application with conditions by a vote of 28-2-3 at a public meeting held on November 5, 2015. The conditions were as follows: parking should be provided for affordable housing, except for ground floors increased building heights should not be allowed, irregularly shaped lots should not be developed, and there should not be a Board of Standards and Appeals hardship process;
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- The Queens Borough Board approved a motion to disapprove this application by a vote of 12-2-6 at a public meeting held on November 16, 2015. The 6 abstentions cast were for cause.

RECOMMENDATION

Based on the above consideration, the Queens Borough Board recommends disapproval of this application in its present form for the following reasons:

- Parking should be provided in any new affordable or senior affordable housing because Queens residents own cars and rely on the cars for all aspects of their lives. Without reliable mass transit, cars are necessary to get to their jobs, doctor's appointments, shopping or bringing their children to school.;
- Over forty neighborhoods in Queens were rezoned over the last decade or so. Each of these rezonings were done with extensive neighborhood participation that was solicited by the Department of City Planning to assure that each proposal addressed the most pressing issues and were sensitive to the density and heights of those neighborhoods. Some of the ZQA proposals would undo the carefully sculpted rezonings that were the result of a collaborative effort to protect our neighborhoods from overdevelopment;
- Many of the neighborhoods were rezoned with new contextual tools that helped to encourage the best of how the buildings in each area related to each other in terms of the distances from the sidewalks, depth of yards and other attributes that give a neighborhood a built character. Some of the proposed text may alter some of the features that contribute to an areas appeal.;
- There should not be a new special permit that would allow the Board of Standards and Appeals to modify or reduce bulk requirements for a development with at least 50 % of floor area for affordable housing or long term care on an irregular lot. There is already a Board of Standards and Appeals variance procedure to address this type of hardship for development.

PRESIDENT, BOROUGH OF QUEENS — **DATE** 11/16/15