

REVITALIZING DOWNTOWN GREAT NECK PLAZA WITH MIXED-USE REDEVELOPMENT

A STUDY OF PROPOSED ZONING AMENDMENTS
FOR THE BUSINESS "B" DISTRICT

PREPARED FOR

THE INCORPORATED VILLAGE OF
GREAT NECK PLAZA



PREPARED BY



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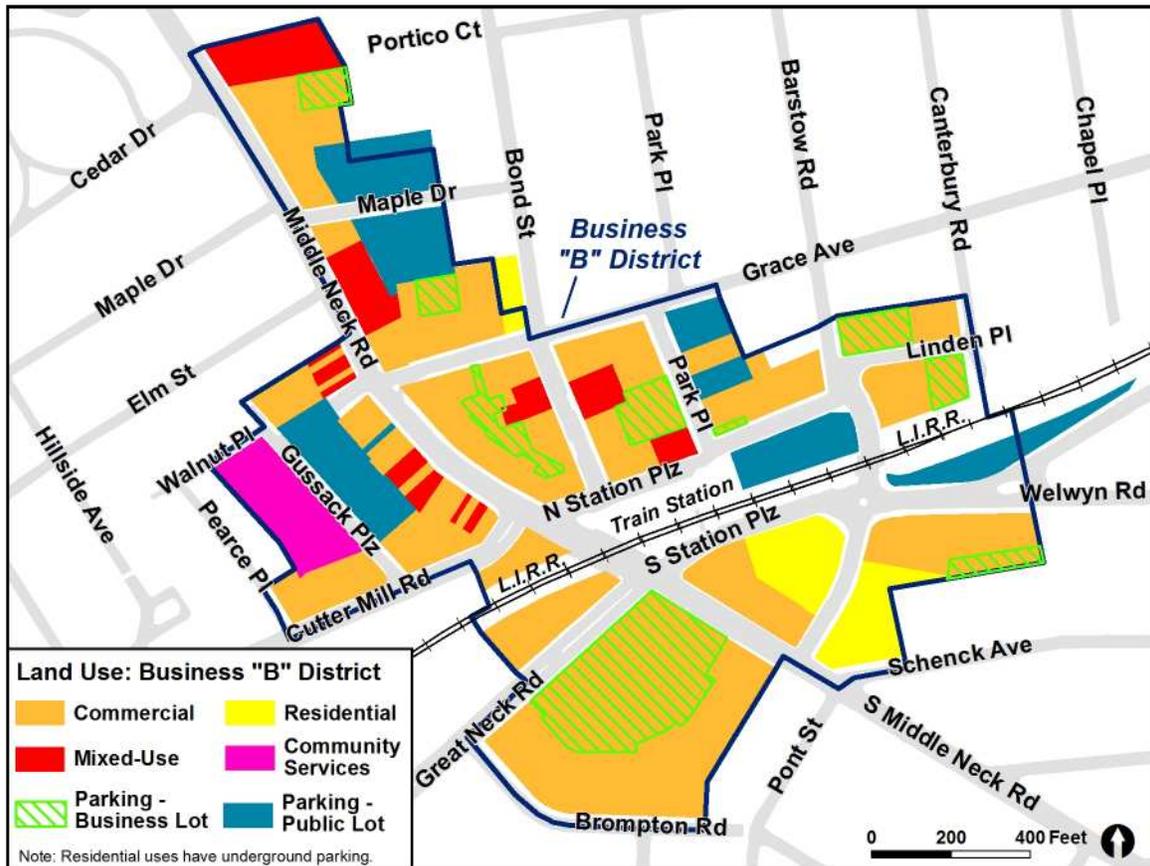
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1. Introduction

The Village of Great Neck Plaza (Village) is considering a proposed local law to amend the Business “B” district to allow mixed-use development and additional building height. Currently, the Business “B” district primarily comprises retail and office uses and community services. See Figure 1 below. Mixed uses, i.e., apartments above commercial uses, are also located within the Business “B” district as nonconforming uses, allowed either by “grandfathering” prior to the current zoning or by variance. The allowance of mixed-use buildings within the Business “B” district would potentially result in the conversion of existing 2nd-floor (or higher) office uses into apartments and the construction of new, mixed-use structures, with 1st-floor (and/or 2nd-floor) commercial uses and residential uses above. This report presents the following: 1) the planning rationale for promoting mixed-use development within the Business “B” district, 2) the local law provisions for amending the Business “B” district and 3) a review of the potential impacts upon parking, infrastructure and other services.

Figure 1 - Land Use in Business "B" District, Village of Great Neck Plaza



2. Planning Rationale for Mixed-Use Development

There are a number of sound economic, social and environmental reasons for promoting mixed uses within the Business “B” district of the Village. These are summarized as follows:

Support Local Businesses. The current economic downturn has negatively affected a number of economic sectors. The contraction of the retail and service sectors – which dominate the Village’s downtown – has likely negatively affected local merchants, service providers and property owners. The allowance of mixed-use development would offer property owners and owner-operators greater flexibility in responding to evolving market conditions.

Increase Activity within the Downtown. Mixed uses tend to increase activity within business districts. Many downtowns bustle with activity during regular, 9-to-5 business hours, but can rapidly quiet down in the evenings. By encouraging residential uses within the downtown, and thus a greater resident population, stores, restaurants and other businesses can remain open longer thereby promoting business activity and greater social interaction.

Provide Greater Housing Options. Statistics reveal that many of our young professionals are leaving Long Island because of limited housing options. At the same time, the “baby-boomers” – the largest population block in the United States – are becoming “empty-nesters” and/or retiring. Many of this generation are seeking to downsize from their current single-family homes to apartments or condominiums. Thus, the allowance of mixed-use development within the Business “B” district would be aptly timed to accommodate these two demographic and social trends.

Take Advantage of Available State Funding. The New York Main Street program (program) provides funds to support the revitalization of mixed-use business districts. One of the goals of the Program is to “expand affordable housing opportunities in mixed-use districts, including accessible upper floor units.” In particular, the Downtown Anchor fund within the program strongly encourages residential units on upper floors, and such “projects will receive priority consideration.” This fund may provide gap financing up to “\$250,000 per building, but not exceeding 40% of Total Project Cost.” Any residential unit that has been rehabilitated or renovated with these funds must be made available for rent to households with incomes of less than 90% of the median family income. Although this funding cannot be applied to market-rate

units, the renovation of market-rate units in spaces with affordable rental units may be considered as a local match for program funds.

Promote Transit-Oriented Land Use. The Village is an original transit-friendly community. A significant number of those who reside in the apartment and condominium complexes at the edge of the Business “B” district utilize the Long Island Rail Road and Long Island Bus facilities which are located in the heart of the Village. Moreover, the bus and commuter rail stops are conveniently accessed via walking, an energy-efficient and congestion-mitigating transportation mode.

Reduction of Growth in Vehicle Trips. Mixed-use development within the Business “B” district can also help mitigate current and future traffic congestion. Many current residents of Great Neck Plaza are within walking distance of the Business “B” district. And, potential future residents of the Business “B” district would live in close proximity to many of their day-to-day shopping and service needs. Such trips can be easily made by walking, thus obviating the need to drive.

Promote Smart Growth. Nassau County and the State of New York support the enhancement of existing centers in order to promote economic development. In fact, Governor Paterson recently signed into law the Smart Growth Public Infrastructure Priority Act. This new law requires New York State agencies and public corporations to screen their infrastructure programs and investments to eliminate those that fund inefficient, redundant, and costly development. The intent of this law is to prevent sprawl development by channeling infrastructure investments to existing centers, such as the downtown business district of Great Neck Plaza.

Relieve Development Pressures on Land. Planners have sought alternatives to sprawl, a development pattern on Long Island and many other suburban areas that consumes land in an inefficient manner. One solution is to increase the number of residences within existing centers. Mixed-use districts are one technique for reducing sprawl.

3. Zoning Provisions and Proposed Amendments

The Village may wish to consider two approaches for amending the Business “B” district. The outcomes of these two approaches would differ in terms of the total number of residential units that could potentially be accommodated. Under the first approach, the zoning would simply be amended to allow the conversion of existing 2nd-floor (or higher) commercial uses to apartments. This provision would be codified as a “conditional” use, i.e., as authorized by the Board rather than an “as-of-right” permitted use. Under the second approach, the zoning for Business “B” district can be amended to allow apartments on the second and third floors (above 1st-floor commercial uses) while raising the building height limit to 35 feet (i.e., three stories). A discussion of the current zoning and potential local law amendments are provided below.

3.1. Current Zoning for Business “B” District

Permitted and Conditional Uses. The Business “B” District permits a variety of retail and service uses as-of-right and allows other business uses conditionally via authorization from the Village Board. Table 1 below summarizes the *permitted* and *conditional uses* in the Business “B” District. Residential uses – which comprise apartments and condominiums – are neither allowed as-of-right per § 225-62 *Permitted Uses* or § 225-63 *Conditional Uses* nor are they specifically prohibited under § 225-65 *Prohibited Uses*. Thus, residential uses within the Business “B” District are currently non-conforming uses.

Table 1. Permitted and Conditional Uses in Business “B” District

<i>Permitted Uses</i>	<i>Conditional Uses</i>
<ul style="list-style-type: none"> ○ Alarm Systems store ○ Amusement devices store ○ Antique store ○ Appliance retail and repair stores ○ Art gallery and art supply shops ○ Awards, trophies and medal stores ○ Barbershop and Beauty parlor ○ Bicycle store ○ Bookstore ○ Brokerage office ○ Camera store ○ Catalog store ○ Charity thrift or consignment shop 	<p>1) Food and drink sales and services businesses including, but not limited, to</p> <ul style="list-style-type: none"> ○ Bakery ○ Bar ○ Butcher shop ○ Candy store ○ Delicatessen ○ Fish market ○ Food store ○ Fruit and vegetable store ○ Grocery store ○ Health food store ○ Ice cream parlor

<ul style="list-style-type: none"> ○ Clothing Store ○ Collectible/memorabilia store ○ Computer sales, supplies & repair stores ○ Craft shop ○ Decorators shop ○ Department store ○ Drugs, cosmetics and toiletries stores ○ Dry goods store ○ Floor covering and carpet store ○ Florist and paint shops ○ Frame shop ○ Furniture store ○ Fur store ○ Gift shop ○ Hardware store ○ Hobby shop ○ Hospital supply and equipment shops ○ Household bedding and specialty shops ○ Jewelry store (including repair) ○ Knitting store ○ Locksmith store ○ Museum store ○ Music studio or store ○ Nail salon ○ Optician ○ Packaging and mailing store ○ Party shops ○ Photographic studio & photo store ○ Real estate office ○ Retail theme store ○ Shoe and/or leather and luggage store ○ Sporting goods store ○ Stamp and coin shop ○ Stationery and office supply stores ○ Tailoring, dressmaking & millinery shops ○ Toy stores ○ Travel agency ○ Variety store ○ Video rental store 	<ul style="list-style-type: none"> ○ Liquor package store ○ Poultry store ○ Restaurant ○ Supermarket <ol style="list-style-type: none"> 2) Club 3) Recreational facility 4) Community center 5) Nightclub 6) College or professional or private school 7) Theater 8) Newspaper office, printing and/or reproduction shop 9) Television, radio, and electronic repair shop 10) Dry clearer, hand laundry, coin-op laundry 11) Philanthropic or eleemosynary use or institution 12) On-site parking or motor vehicles 13) Bank or financial institution, including drive-in banking facilities 14) Any shop or store (not specifically listed as a Permitted Use) which provides retail services to consumers, which sells merchandise to consumers at retail or which repairs merchandise for consumers at retail 15) Medical use, provided that they satisfy the standards set forth in § 225-134 of Article XVIII of this Code and additional criteria set forth (See criteria per this paragraph, i.e., §225-63-15) (a) through (d).
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Height Limitation, Lot Coverage and Setbacks. According to § 225-66 Height limitation, “No building shall exceed two stories, with a maximum height of 25 feet.” However, like non-conforming uses, there are a number of buildings that do not conform to the current height limitation for Business “B” District. These non-conforming structures, i.e., three stories or greater in height, comprise 19 of 86 primary structures, or approximately 22 of percent of the total. Figure 2 below depicts the variation in number of stories within the Business “B” District via a simplified 3-D rendering.

Figure 2 - Number of Stories by Structure in Business “B” District (rendering by Cameron Engineering).



3.2. Proposed Zoning for Business “B” District

This section presents two possible approaches for amending the Business “B” District to permit mixed-use.

3.2.1. First Approach - Residential Conversion as a Conditional Use

This first approach, which is cognizant of potential concerns over the disruption of the current urban fabric, allows only the conversion of existing structures. In this instance, the upper floors,

i.e., any and all floors above the ground floor, of an existing commercial building within the Business “B” District may be converted to provide one or more dwelling units on a conditional use basis as authorized by the Village Board. To implement this approach, the following would be added as Paragraph C to § 225-63 *Conditional Uses*, as follows:

C. The 2nd and/or higher floors of an existing commercial building, other than a shopping center, may be converted to provide one or more dwelling units as authorized by the Village Board and subject to the following regulations;

(1) the minimum floor area of each dwelling unit after conversion shall be:

(a) 500 square feet for a studio apartment

(b) 750 square feet for a one-bedroom apartment, and

(c) 1,000 square feet for a two-bedroom apartment

(2) there shall not be any commercial uses on or above a floor which has been converted partially or fully to dwelling units.

Figure 3. - 11 Middle Neck Road – Example of a potential low-impact residential conversion.



The amendment to the local law provided above conditionally permits residential conversions only for existing structures. Furthermore, the proposed amendments do not change any of the height or bulk standards currently required by the Village Code for the Business “B” District. Thus, this proposed amendment poses minimal potential for disruption of the existing urban forms while providing greater use flexibility for owners and operators. In addition, the proposed conditional allowance for residential conversion would reduce parking demand. Minimum off-street parking standards for residential uses would comply with the standards specified in § 225-86 of the Village Code. Potential parking and other impacts are discussed in a later section.

An excellent example of a potential commercial-to-residential conversion is shown in Figure 3 above. Although non-conforming because it exceeds the maximum number of stories and building height, 11 Middleneck Road is a landmark building which houses only commercial uses. The conversion of the upper floors to apartments would be barely noticeable from the street level. Demand for parking would also be reduced following residential conversion.

Figure 4. The Andrew Hotel – Example of a potential low-impact residential conversion.



Another example of a potential residential conversion is the Andrews Hotel, shown in Figure 4. This structure could be converted into apartments or condominiums units with little, if any, impact on the surrounding area; off-street parking is already accommodated beneath the structure.

3.2.2. Second Approach – Mixed Use As-of-Right with Increased Building Height

The second approach would enable a more ambitious policy toward promoting mixed uses within the Business “B” District. The residential conversion of existing commercial uses on 2nd and higher floors is codified as a permitted (as-of-right) use rather than a conditional use. Dwelling units are permitted as-of-right on second and third floors of new construction. In addition, the maximum number of stories is increased from two to three, with a maximum height of 35 feet; this applies to both existing two-story structures and new structures. Given such amendments to the Village Code, the Business “B” District could potentially sustain a significant increase in downtown residents.

To implement this second approach as described above, the following text would be added to § 225-62 *Permitted Uses* as Paragraph D as follows:

D. Dwelling units, permitted in the second floor and third floors of new construction and the second and higher floors of existing buildings, such that

(1) the minimum floor area of each dwelling unit shall be:

(a) 500 square feet for a studio apartment

(b) 750 square feet for a one-bedroom apartment, and

(c) 1,000 square feet for a two-bedroom apartment, and

(2) there shall not be any commercial uses on or above a floor that contains dwelling units, and

(3) commercial uses are not permitted on the third floor for new construction.

The height limitation in Paragraphs A. and B. of § 225-66 would be replaced as follows:

A. No building shall exceed three stories, with a maximum height of 35 feet.

B. On lots which exceed 200,000 square feet in area, encroachments above the thirty-five-foot height limit may be permitted by the Board of Trustees up to an absolute maximum height of 65 feet measured from the ground to the highest point of the encroaching structure, for the purpose of constructing a decorative framework of open metal, and up to a maximum height of 45 feet, for the purpose of constructing a decorative open pavilion, as otherwise permitted by § 225-68B. No encroachment may be approved under this section if used for other than decorative purposes. Any decorative encroachment approved under this section shall not be included for the purpose of computing permissible floor area ratios or lot coverage under other provisions of this chapter. The Board of Trustees may permit such encroachments by resolution upon such terms as it deems suitable after consideration of the size of the lot, the location of the lot, the size of the building, the nature of the building, the design of the structure, the character of the surrounding neighborhood and the character and design of surrounding property and buildings.

Other dimensional requirements for the Business “B” District, such as lot coverage, front yard, side yard and rear yard, may be kept as-is as they are compatible with the proposed amendments above. Minimum off-street parking standards for residential uses would comply with the standards specified in § 225-86 of the Village Code. Potential parking and other impacts are discussed in a later section. It is also important to mention that any new housing units, such as upper-floor apartments in the Business “B” District, must meet the requirements of Chapter 124, Housing Maintenance Standards in Part II, General Legislation of the Village Code. This chapter of the code is intended to prevent any derelict housing conditions through stringently enforced standards and requirements.

The combination of the existing requirements with the proposed amendments, would allow existing non-conforming structures – which comprise a significant share of the downtown district – to achieve compliance. In fact, certain structures which are currently non-compliant serve as excellent examples of successful mixed-use development. Figures 5 and 6 below are photographs of two sites on Bond Street which exemplify the desired outcome of the local law amendments proposed here.

Figure 5 depicts 7 Bond Street, an exceptional example of a mixed-use (though currently non-conforming) structure in the Business “B” District and a model for the type of mixed-use development that the proposed local law amendments would support. Commercial uses (i.e., services) occupy the first and second floors with apartments on the third floor. By contrast, Figure 6 depicts 27-37 Middle Neck Road which is a one-story structure with retail uses. Under the proposed zoning amendments defined above, the current structure at 27-37 Middle Neck Road can accommodate the following configurations:

- Configuration A: second floor with apartments
- Configuration B: second and third floors with apartments
- Configuration C: second floor commercial uses and third floor apartments.

Although changes to the local law – comprising mixed-use provisions and increased building height – would accommodate a three-story mixed use structure, the most likely expansion in this economic environment would be second-floor apartments.

Figure 5. Seven Bond Street – An example of an existing mixed-use structure.



Figure 6. 27-37 Middle Neck Road – A structure that can add two floors for mixed uses under the proposed local law changes.



4. Analysis of Residential Conversions and Build-out per Proposed Law Changes

This section presents the potential increase in the number of apartments and commercial space per the two approaches for amending the local law as discussed in Section 3. Table 2 below summarizes the existing conditions survey and the findings of a build-out analysis. The build-out analysis considers five scenarios, two scenarios for the first approach (i.e., “Residential Conversion as a Conditional Use”) and three for the second approach (i.e., “Mixed-Use As-of-Right with Increased Building Height”). The existing conditions and build-out scenarios are defined as follows:

Existing Conditions. Through the use of GIS tax parcel databases, aerial photography, and field reconnaissance, the square footage of commercial uses and apartments were estimated. The number of apartments listed for the existing conditions and other scenarios includes only apartments above commercial uses; condominium complexes are not included in this tally.

Scenario 1: Conversion Only - Maximum Potential. This build-out analysis estimates the maximum number of new apartments (i.e., residential conversions) and the resultant change in the amount of commercial and residential space under the first approach for amending the local law. This is a purely mathematical analysis that does not consider potential physical constraints (i.e., site, structural, etc.).

Scenario 2: Conversion Only - Constrained. This build-out analysis considers a number of constraints to residential conversion (i.e., relating to the current use and difficulty with converting the existing structure) based upon discussions with the superintendent of the Building Department. Such constraints may complicate the conversion, thus reducing the number of potential new apartments as compared with Scenario 1.

Scenario 3: Buildout with Apartments on All Upper Floors. This scenario estimates the build-out from the proposed law changes under the second approach – which increases maximum building height to three stories while allowing residential conversions. Under this scenario, all of the existing upper floors (i.e., second floor and higher) are converted to or maintained as residential uses. Additional stories are added as necessary to achieve the maximum height while the building footprint is increased to the maximum permissible lot coverage. Upper floors on structures that exceed even the new third-story height limitation are allowed to be converted to apartments. There are, for example, five (5) four-story commercial buildings within the district. Since these four-story structures are currently non-conforming – even under the increased height limitation – their building footprints are not increased to the maximum permissible lot coverage. Finally, upper floor commercial uses in landmark buildings are also converted to residences, however, the footprint and height of the several landmark buildings in the district remain unchanged.

Scenario 4: Buildout with Second Floor Office and Apartments on the Floor(s) Above. This scenario is the same as Scenario 3 except that the newly constructed second floors are entirely commercial while the new or existing floor(s) above the second floor are either constructed as or converted to apartments. Existing apartments on the second floor, however, are not converted to commercial uses.

Scenario 5: Buildout with Apartments on All Upper Floors and Density Bonus. This scenario is the same as Scenario 3 except that a 10 percent density bonus is provided to support a potential workforce housing program. Under this provision, the maximum lot coverage is permitted to increase by 10 percent (i.e., from 0.8 to 0.88 for existing structures and from 0.6 to 0.66 for new structures). In exchange for this density bonus, the developer/owner must reserve 20 percent of the apartment units for workforce housing where the structure contains five or more units.

4.1. Table 2. Summary of Existing Conditions and Build-Out Scenarios

Scenario	Commercial Space (Sq. Ft.)	Residential Space (Sq. Ft.)	Total Space (Sq. Ft.)	Total Number of Apartments
Existing Conditions	892,204	43,271	935,475	34
1. Residential Conversion (Maximum)	570,456	365,019	935,475	311
2. Residential Conversion (Constrained)	651,359	284,116	935,475	244
3. Build-Out to New Max. Height of 3 stories plus Conversions. Apartments on all upper floors. (Maximum, Unconstrained)	668,381	962,027	1,630,408	804
4. Build-Out to New Max. Height of 3 stories plus Conversions. Commercial 2 nd floor, Apartments above. (Maximum, Unconstrained)	1,097,776	532,632	1,630,408	469
5. Build-Out to New Max. Height plus Conversions. Apartments on all upper floors with a 10% density bonus for workforce housing (Maximum, Unconstrained)	697,675	1,047,938	1,745,613	881

Table 2 above allows a comparison of the potential changes to the Business “B” District according to the different scenarios. Currently, there are approximately 34 apartments above commercial uses in the district; all of these apartments are effectively non-conforming uses under current local law. Changes to the local law, whether under the first or second approaches described above, could result in a significant increase in the number of apartments above commercial uses.

Under the first approach to amending local law (i.e., “Residential Conversion as a Conditional Use”) the total number of apartments above existing commercial uses could range from 244 units (Scenario 2) to 311 units (Scenario 1). However, it is important to recognize that any conversions to apartments would be implemented over time and on a case-by-case basis. Thus, the potential number of new apartment units that could be established over commercial uses represents an extreme and unlikely projection.

Given the second approach (i.e., “Residential Use As-of-Right and Increased Building Height) and the three build-out scenarios, the downtown could potentially support from 469 (Scenario 4) to 804 (Scenario 3) to 881 (Scenario 5) apartments above existing commercial uses. Here again, it is to be noted that the build-out scenarios for new residential units over 1st-floor commercial uses are highly optimistic and thus highly unlikely. Moreover, the Village is undertaking this zoning change proposal under its own initiative without encouragement or petitioning from any downtown property owners. There are no property owners that have requested this action and the Village is not certain that any would express future interest in upper-floor commercial-to-residential conversions. It is possible that some property owners would implement a conversion if a monetary incentive were provided, i.e., such as that offered by the New York State Main Street’s grant program.

These are significant increases over the base, i.e. the number of apartments currently over first-floor and/or second-floor commercial uses. However, it is noted that this base does not include the numerous condominium units (not counted in our survey) in residential towers at the periphery – or in the towers just inside – the Business “B” District. Within the Village itself, there are an estimated 3,500 apartment and condominium units. Thus, at the extreme, i.e., Scenario 5 with a total of 881 apartments (i.e., 847 new apartment units) in the downtown, the number of apartments within the Village overall could increase by approximately 24 percent.

Could the Village population increase by a comparable percentage? Realistically, no; the unconstrained build-out represents an extreme case and is therefore unlikely. There are, for example, a number of constraints (e.g., site, structural, market, etc.) to a full build-out of residential uses above first-floor commercial. It is also important to mention that the average size of apartments in the downtown is relatively small, ranging from 700 to 1,100 square feet and comprising mostly studios and one-bedroom apartments. Therefore, the size of the average

downtown apartment above a commercial use is significantly less than that of the average apartment in the remainder of the Village. As a result, average household size in the downtown will tend to be smaller (i.e., probably less than 2 persons per household) than that of the Village overall, and would, in turn, generate proportionally less new residents per new residential unit.

It is also important to compare the amount of commercial space available in the Business “B” District following residential conversions via a change in local law. There are currently, based on our survey, approximately 892,200 square feet of commercial space in the District. Under Scenario 1, where all of the upper floors would be converted to apartments, the amount of commercial space would fall to about 570,500 square feet, that is, a 36 percent reduction of commercial space. This, of course, is also an extreme case and therefore unlikely. A more realistic expectation is given by Scenario 2 where residential conversion is constrained by any number of factors (mentioned above) such that commercial space would only be reduced by 27 percent, or about 241,000 square feet. Somewhat less of loss commercial space, i.e., 25 and 22 percent, is projected under Scenarios 3 and 5, respectively. Under the similar Scenarios 3 and 5, build-out to maximum lot coverage and building height partially offsets the loss of upper floor commercial space by expanding first floor commercial space.