

45-40 Vernon Boulevard

Application to Amend Variance approved by
Board of Standards and Appeals (BSA) on
March 13, 2023

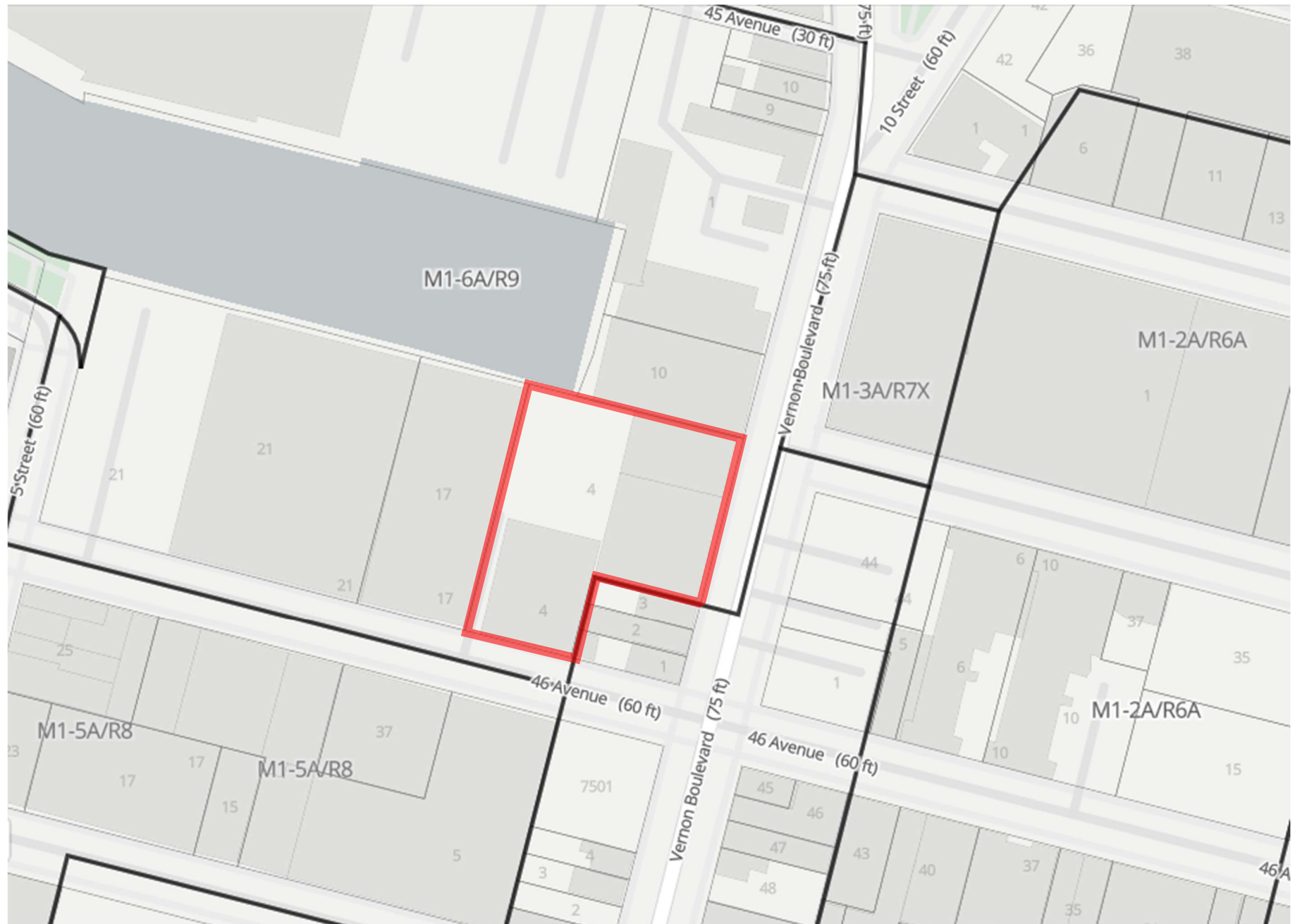
Queens Community Board 2
Land Use and Housing Committee
September 3, 2026

Current BSA Application:

Amendment of Variance to allow transfer of floor area permitted by current zoning (One LIC Neighborhood Plan)

Site Location

45-40 Vernon Boulevard



2023 BSA Variance to M1-4 zoning district:

- Residential use in manufacturing district
- Setback distance from shore public walkway
- Maximum residential tower size
- Maximum building height

Approved Project:

- 22-story, mixed use (residential and retail) building
- 192,432 square feet (4.99 FAR)
- Approximately 13,800 s.f. publicly accessible open space, including a shore public walkway.



One LIC Neighborhood Plan (adopted November 12, 2025)

Current Zoning: M1-6A/R9 (MIH)

- FAR:
 - o 8.42 – residential use (9.02 with recreation space bonus)
 - o 8.0 – commercial and community facility use

Only one non-compliance approved by the BSA remains (setback from shore public walkway).

Use, tower size and height now comply.

Current BSA Application:

Request to transfer floor area that has become available under current zoning.

- 155,510 s.f. of floor area
- 25% of the floor area (38,877 s.f.) = affordable housing pursuant to MIH.

BSA Review - Bella Vista Doctrine:

Transfer of floor area is not in conflict with the variance.

BSA has approved approximately 14 applications to transfer floor area under the Bella Vista doctrine.

Application is distinguishable from Bella Vista

1. Property was in separate ownership from lots that could receive the transferred floor area.
2. Additional development rights were not included in financial analysis because they did not exist at the time of the variance.
3. Variance process was not manipulated to result in a windfall.