141-05 109th Avenue Rezoning
Queens Community District 12
December 7, 2021

1. INTRODUCTION

Mal Pal Realty Corp. (the "Applicant"), owner of 141-05 109th Avenue, Block 10068, Lots 200, 205, 210, 213, 214, and 215 (the "Development Site"), seeks approval of the following land use actions in the South Jamaica neighborhood of Queens Community District 12:

1. A zoning map amendment to change the existing R3A zoning district mapped on Block 10068, Lots 200, 205, 210, 213, 214, 215, 216 and 218 (the "Rezoning Area") to an R6B/C2-3 zoning district; and

2. A zoning text amendment modifying Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 12, Queens, to establish the Rezoning Area as a Mandatory Inclusionary Housing ("MIH") Area for Options 1 and 2.

The proposed actions would facilitate the development of Development Site with a new four-story mixed-use building with approximately 60 dwelling units, including 15 permanently income-restricted housing units. The proposed development would contain approximately 63,708 square feet of floor area, including approximately 48,005 square feet of residential floor area, 9,752 square feet of commercial floor area, and 5,950 square feet of community facility floor area. The proposed development includes 28 accessory parking spaces in a below-grade parking garage that will be accessible via a new 30-feet wide curb cut on 109th Avenue.

2. BACKGROUND

The Rezoning Area was zoned R3-1 in 1961. The Rezoning Area was included in the 2011 South Jamaica Rezoning (C 110145 ZMQ, effective May 11, 2011) of approximately 538 blocks in the surrounding South Jamaica neighborhood, which was initiated by the Department of City Planning ("DCP"). The rezoning sought to protect the lower-density character of these neighborhoods while allowing for a moderate increase in residential and commercial density along main corridors. The South Jamaica Rezoning changed the R3-1 zoning district mapped in the Rezoning Area to a contextual R3A district.

3. DESCRIPTION OF THE SURROUNDING AREA

The Rezoning Area is located in the South Jamaica neighborhood of Queens within Community District 12. The area approximately 600 feet beyond the edge of the Rezoning Area (the "Surrounding Area") is predominately residential. Residential uses in the Surrounding Area are primarily two-story and two-story plus attic one- and two-family residential buildings. A few multi-family walk-up buildings are interspersed throughout the Surrounding Area, including a two-story three-family residential building located directly north of the Development Site at 139-18 107th Road (Block 10068, Lot 276). However, there are also non-conforming industrial and commercial uses in residential districts within the Surrounding Area: Lots 200, 205, 210, 213, 214, 215, 216 and 218 are used for Use Group 17 building materials yard uses; a one-story building across the street at 139-20 109th Avenue (Block 10069, Lot 125) contains a Use Group 17 building materials establishment and a Use Group 6 restaurant and office; and a two-story mixed use building located to the east of the Development Site on Lakewood Avenue and Remington Street at 143-02 Lakewood Avenue (Block 11931, Lot 1) contains a Use Group 6 deli and grocery on the ground floor. There are several vacant parcels within the Surrounding Area. Nearby houses worship and schools are located just outside the Surrounding Area.

109th Avenue, which runs east/west through the area, has a width of 80 feet and is a wide street as defined in the Zoning Resolution.[1] 109th Avenue feeds into the Van Wyck Expressway approximately 600 feet west of the Rezoning Area. The Van Wyck Expressway is an arterial

[1] Pursuant to the definition in ZR § 12-10, a "wide street" is any street that is 75 feet or more in width. A "narrow street" is any street that is less than 75 feet wide.

highway that runs north/south through the area to connect John F. Kennedy Airport to the Bronx. Bounding the Rezoning Area, 139th Street and 142nd Street are narrow streets. 141st Street ends at 109th Avenue directly south of the Development Site and Lakewood Avenue intersects with 109th Avenue to the southeast of the Development Site, creating open space opposite the Development Site.

The Development Site is located outside of the Transit Zone, which are generally areas of the city beyond the Manhattan Core within one-half mile of a subway station. Nevertheless, the Q40 (South Ozone Park/Jamaica) bus line provides service between Lakewood Avenue and the Jamaica Station transit hub, Sutphin Blvd - Archer Ave - JFK Airport Station and Sutphin Blvd Station for connections with E, J, Z and F subway lines, Long Island Rail Road, AirTrain and multiple bus lines. Additionally, the Q9 (South Ozone Park and Jamaica via Sutphin Blvd/Jamaica Ave) bus line, which provides access to the Jamaica Station and Jamaica Center transit hubs, is available west of the Rezoning Area at the Van Wyck Expressway and 135th Street, just north of 109th Avenue.

Zoning districts within the Surrounding Area consist of R3-2, R3A, and R4-1 residential districts that allow for variations in building typology. The Rezoning Area is within a large R3A district that is generally mapped between the Van Wyck Expressway to the west and 143rd Street/Remington Street to the east. The R3A zoning district is a low-density contextual district that permits only one- and two-family detached and semi-detached houses on regular lots of approximately 25 feet. The maximum permitted floor area ratio ("FAR") is 0.50 and the maximum permitted height is 35 feet. One off-street parking space is required for each dwelling unit. The area within the R3A zoning district surrounding the Development Site is predominately built with one- to three-story buildings consisting of one- and two-family detached and semi-detached residences.

An R3-2 zoning district is mapped within the western edge of the Surrounding Area. Low-rise attached houses, small multifamily apartment houses, and detached and semi-detached one- and two-family buildings with a maximum floor area of 0.50 and a maximum height of 35 feet residences are allowed in R3-2 districts. One off-street parking space is required for each dwelling unit. Within the Surrounding Area, the R3-2 district is predominately built with single family detached and semi-detached homes. Multi-family walk up buildings exist within the R3-2 zoning district along the Van Wyck Expressway.

An R4-1 contextual zoning district is mapped one block northeast of the Rezoning Area. R4-1 zoning districts limit development to one- and two-family detached and semi-detached houses. The maximum 0.75 FAR may be increased by an attic allowance for a total permitted 0.90 FAR. The perimeter wall may rise to 25 feet, before sloping or being set back to a maximum building height of 35 feet. One off-street parking space is required for each dwelling unit. Like the R3-2 and R3A zoned areas, the R4-1 district of the Surrounding Area is predominately built with single family detached and semi-detached homes.

4. DESCRIPTION OF THE PROPOSED REZONING AREA

The Rezoning Area consists of Block 10068, Lots 200, 205, 210, 213, 214, 215, 216 and 218. The Rezoning Area is bounded by 109th Avenue to the south, 142nd Street to the east, 139th Street to the west and a line 100 feet from and parallel to 109th Avenue to the north. The Rezoning Area consists of approximately 38,088 square feet and has approximately 404 feet of frontage on 109th Avenue, approximately 109 feet of frontage on 142nd Street, and approximately 100 feet of frontage on 139th Street. The Rezoning Area is entirely within the R3A district. Food Retail Expansion to Support Health ("FRESH") zoning incentives are available within the Rezoning Area.

The Development Site, consisting of Block 10068, Lots 200, 205, 210, 213, 214, and 215, comprises the majority of the Rezoning Area. Lots 216 and 218 within the Rezoning Area are non-Applicant controlled lots in common ownership. Lot 216 is a 4,000 square foot interior lot. It is unimproved and used for a non-conforming building materials yard. Lot 218 is a 4,000 square foot corner lot. It is improved with a 2,194 gross square foot, two-story, two-family detached residential building with detached garage and one curb cut measuring approximately 20 feet wide.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Development Site is located at 141-05 109th Avenue and consists of the following six contiguous tax lots in Block 10068: Lots 200, 205, 210, 213, 214 and 215. The Development Site is approximately 30,087.5 square feet and has approximately 324 feet, 9 inches of frontage on 109th Avenue and 109 feet, 3 inches of frontage on 142nd Street. The portion of the Development Site located within 100 feet of the intersection of 109th Avenue and 142nd Street, comprising 12,931.53 square feet, is regulated as a corner lot and the remaining 17,155.97 square feet is an interior lot.

Lot 205 is improved with a one story warehouse and a one story office building constructed in 1940 with a combined 2,651 gross square feet of floor area. Lot 210 is improved with a one story warehouse built in 1960 comprising 3,800 gross square feet of floor area. Lots 200, 213, 214 and 215 are unimproved. Four curb cuts serve the Development Site.

The Applicant has owned and operated the Use Group 17 building materials storage yard and office at the Development Site for approximately 30 years and has employed numerous residents of the surrounding residential community.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development is a four story, mixed residential, commercial, and community facility building. The proposed development contains approximately 9,752 square feet of commercial uses, 5,950 square feet of community facility uses, and 48,005 square feet of residential use with 60 dwelling units. The proposed development contains total of approximately 63,708 square feet of floor area (2.12 FAR).

The first floor of the proposed development will include 4,587 square feet of floor area for a Use Group 6 office for the Applicant's business use, 4,951 square feet of floor area for a Use Group 6 local retail store, and 5,624 square feet of floor area for a Use Group 3 pre-kindergarten facility. The pre-kindergarten facility will include approximately 3,660 square feet of landscaped open space located at grade level. The upper floors will contain approximately 60 dwelling units. The preliminary unit distribution is three studio units, 27 one-bedroom units, 27 two-bedroom units, and three three-bedroom units. Approximately 15 of the dwelling units will be income-restricted under MIH.

The proposed development includes approximately 28 accessory parking spaces in a below-grade non-attended parking garage that will be accessible via a new 30-feet wide curb cut on 109th Avenue. In addition, the proposed development includes a curbside drop-off area measuring 53 feet and 4 inches wide that will serve the pre-kindergarten facility and reduce traffic congestion. The existing four curb cuts located along 109th Avenue used for large trucks and standard vehicles associated with the material storage and office use will be removed.

7. ACTIONS NECESSARY TO FACILITATE THE PROJECT

The following actions are necessary to facilitate the proposed mixed-use development at the Development Site:

1. A zoning map amendment to change the existing R3A zoning district mapped within the Rezoning Area to an R6B/C2-3 zoning district; and

2. A zoning text to establish the Rezoning Area as an MIH Area mapped for Options 1 and 2.

The proposed R6B district allows all types of residential and community facility uses. In R6B districts, buildings must comply with bulk regulations for Quality Housing buildings and any building containing residences must also comply with requirements of the Quality Housing Program. The Quality Housing program requires amenities relating to interior space, recreation areas and landscaping.

The proposed R6B/C2-3 district would allow a modest increase in floor area consistent with the R6B/C2-3 district mapped approximately four blocks northwest of the Rezoning Area. The

proposed R6B/C2-3 zoning district will allow residential floor area to be increased from 0.50 FAR (or 0.60 with attic allowance) to 2.2 FAR when providing affordable housing pursuant to the Inclusionary Housing program, community facility floor area will increase from 1.0 FAR to 2.0 FAR, and commercial floor area will be allowed up to FAR of 2.0. The building form requires a street wall between 30 and 45 feet in height and a maximum building height of 55 feet and 5 stories for buildings that have qualifying ground floors. Off-street parking is required for 50 percent of dwelling units, except that outside of the Transit Zone, accessory off-street parking must be provided for 25 percent of the income-restricted housing units.

The proposed district designation serves the planning goal of directing new residential and mixed-use development to locations near mass transit resources. The proposed increase in density is appropriate where 109th Avenue abuts the intersection of 141st Street and Lakewood Avenue. The wide street intersection provides light and air to accommodate the increased floor area and height allowed in the proposed R6B district. Although the rezoning is not within a Transit Zone, the Rezoning Area easily accessible by public transit and car. New residents and visitors of development within the Rezoning Area would be served by the Jamaica Station transit hub approximately one mile from the Rezoning Area accessible by the Q40 bus line just east of the Development Site at Lakewood Avenue, and the Q9 bus line available to the west at the Van Wyck Expressway.

The proposed C2-3 commercial overlay allows uses that serve local retail needs in the surrounding residential community such as neighborhood grocery stores, restaurants and beauty parlors. To the extent that the rezoning area is redeveloped, local retail and service establishment uses that are compatible with existing ground floor retail uses in mixed-use buildings along 109th Avenue/Lakewood Avenue would replace longstanding non-conforming industrial uses. Commercial uses in mixed-use buildings located in R6B/C2-3 districts are restricted to the first floor and maximum commercial floor area is 2.0 FAR. One off-street parking space is required for every 400 sf of general retail or service use, but a requirement for up to 25 spaces may be waived.

The proposed increase in community facility floor area will facilitate the creation of a pre-kindergarten facility, a community facility use that will meet specific local community needs. The provision of a universal pre-kindergarten at this location will help address the condition of having multiple schools located in a single building, which is listed as a top concern in Community District 12's Fiscal Year 2022 Statement of Needs. Pre-k programs within a mile of the Rezoning Area are located in schools that also offer both daycare and upper-level grade instruction, such as Bright Kids Day Care at 108-42 Sutphin Boulevard, PS 160 Walter Francis Bishop at 109-59 Inwood Street, and PS 50 Talford Lawn Elementary School at 143-26 101st Avenue. The nearest Pre-K Centers, the Ezra Jack Keats Pre-K Center at 132-10 Jamaica Avenue, the Ezra Jack Keats Pre-K Center at 153-36 89th Avenue, and the District 29 Pre-K Center at 168-42 Jamaica Avenue, are over a mile away from the Rezoning Area. According to American Community Survey (ACS) data from 2015-2019, 6.2% of Community District 12's population is under 5 years of age and 5.7% of Community District 12's population is enrolled in pre-school, reflecting a significant local need for pre-kindergarten programs.

The proposed R6B/C2-3 zoning district promotes the City’s affordable housing goals by increasing the potential number of affordable residential units pursuant to the MIH program. According to ACS data from 2015-2019, 44.8 percent of households in Queens Community District 12 spend 35 percent or more of their income on rent, which is higher compared to New York City at 43.2 percent. In addition, the vacancy rate for rental units in Queens Community District 12 is only 2.7 percent, compared to 3.4 percent for New York City, and reflects a relatively higher local demand for apartment rentals. The proposed rezoning will facilitate the production of permanently affordable housing in an area where as of right residential development does not include affordable units.

The proposed zoning text amendment will establish an MIH Area with the same boundaries as the Rezoning Area. The proposed zoning text amendment to designate the Rezoning Area as an MIH Area is consistent with the policy goals of the City’s Housing New York: A Five-Borough, Ten-Year Plan. Within the proposed MIH Area, all housing developments, enlargements, and conversions that meet the criteria set forth in the MIH program must comply with the requirements of MIH Option 1 or Option 2. Option 1 requires 25 percent of the residential floor area to be provided as income-restricted housing to households at an average of 60 percent of the

Area Median Income ("AMI") with 10 percent at 40 percent AMI, and no unit targeted at a level exceeding 130 percent of AMI. Option 2 requires 30 percent of the residential floor area to be provided as income-restricted housing to households at an average of 80 percent AMI, with no unit targeted at a level exceeding 130 percent of AMI. Under MIH Option 1, approximately 15 permanently affordable units would be provided in the proposed development.

8. CONCLUSION

The proposed zoning map amendment and zoning text amendment are consistent with existing land uses and built context within the area surrounding the Rezoning Area, and further the objectives of the City's Housing New York: A Five-Borough, Ten-Year Plan. The existing R3A zoning district within the Rezoning Area does not promote new residential development and precludes the redevelopment of the Development Site, which is occupied by a non-conforming manufacturing use. The proposed rezoning reflects sound planning principles by replacing the low-density R3A zoning district with an R6B district to permit residential use at increased density on a wide street with access to public transit.

The proposed actions would facilitate the development of a four-story mixed-use building with approximately 60 dwelling units, of which 15 units would be permanently affordable pursuant to the MIH program. The proposed increase in community facility floor area will facilitate the creation of a pre-kindergarten facility that will meet specific local community needs. The retention of the Applicant's commercial business at this location, where it has operated for approximately 30 years, will allow the Applicant to continue to employ residents who live within the South Jamaica neighborhood.