103-16 Van Wyck Expressway Rezoning
Community District 10, Queens
June 27, 2021

1. INTRODUCTION

10316 Van Wyck Exp LLC (the "Applicant"), proposes a zoning map amendment to rezone 103-16 Van Wyck Expressway and 135-12, 135-14, 135-16, 135-18, 135-20 Liberty Avenue, Block 9589, Lot 11 and p/o Lots 5, 6, 7, 8, and 9 (the "Area to be Rezoned"), in the South Richmond Hill neighborhood of Queens Community District 10, from an R3A zoning district to an R6B/C2-3 zoning district. The proposed zoning map amendment would facilitate the development of a new four-story plus cellar mixed-use building with ground floor commercial use and approximately 18 dwelling units and 13 parking units (the "Proposed Development") to be constructed at 103-16 Van Wyck Expressway, Block 9589, Lot 11 (the "Proposed Development Site").

The Applicant also proposes a zoning text amendment to amend Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Community District 10 in Queens, to establish the Area to be Rezoned as an MIH Designated Area. The Applicant proposes mapping both Option 1 and Option 2 within the Area to be Rezoned to provide maximum flexibility. Option 1 requires 25% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 60% AMI, with a minimum of 10% housing to be affordable at 40% AMI. Option 2 requires 30% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 80% AMI. The proposed zoning text amendment will facilitate the development of affordable housing units within the Proposed Development at the Proposed Development Site. The Proposed Development will either provide five affordable housing units (25%) pursuant to Option 1 of the MIH program or six affordable housing units (30%) pursuant to Option 2 of the MIH program.

2. BACKGROUND

The Area to be Rezoned is located at the northeastern edge of the South Ozone Park neighborhood. In 2013, the Area to be Rezoned was subject to the Department of City Planning initiated Ozone Park Rezoning (C 140079 ZMQ, effective December 10, 2013). The rezoning affected approximately 145 blocks in Queens Community District 9 and 345 blocks in Queens Community District 10. The rezoning rezoned properties from R3-1, R3-2, R4, R5, C4-2, C8-1, M1-1 and M1-2 zoning districts to R3A, R3X, R4A, R4-1, R4B, R5B, R5D, R6A, and R6B districts, and updated certain commercial overlay districts. The rezoning was intended to prevent out-of-character development, more closely reflect established development patterns, and to provide direct opportunities for moderate residential and commercial growth to locations along wide streets and transit resources. The Proposed Development Site was rezoned from an R3-2 zoning district to an R3A zoning as part of this rezoning.

3. DESCRIPTION OF THE SURROUNDING AREA

Zoning
The area within a 600 foot radius of the Area to be Rezoned (the "Surrounding Area") is zoned R3A, R3-2, R4A, R5, R6B/C2-3, R6A/C2-4. The Area to be Rezoned is bounded by an R6B/C2-3 zoning district along Liberty Avenue to the north and R3A and R3-2 zoning districts to the south and west. The Area to be Rezoned is located directly to the west of the Van Wyck Expressway (6-lane highway) and the Van Wyck Expressway Service Road West (3-lane road). There is an R6A/C2-4 zoning district mapped to the east of the Van Wyck Expressway along Liberty Avenue.

R3A districts are contextual districts that permit single- and two-family residences in detached and zero lot line buildings. R3A zoning districts were created as low density contextual districts that permit a maximum FAR of 0.5. The maximum height is 35 feet. There are two side yard requirements of 8 feet. The front yard must be at minimum 10 feet. One parking space per dwelling unit is required.

R3-2 zoning districts permit all housing types with a minimum lot width of 40 feet for detached

residences and 18 feet for all others. Maximum lot coverage is 35% and the maximum FAR is 0.5 (plus 0.1 attic allowance). The perimeter wall maximum is 21 feet and the building height maximum is 35 feet. A front yard of at least 15feet is required. For detached homes, two side yards are required with a minimum width of five feet each and a minimum total width of 13 feet. For semi-detached one- and two-family homes, one eight-foot side yard is required. For all other dwellings, two eight foot side yards are required for buildings, or abutting buildings on the same zoning lot with aggregate width of street walls not more than 80 feet, for buildings or abutting buildings where the aggregate width of the street walls exceeds 80 feet, a two side yards equal to at least 10% of the aggregate width of the street wall shall be provided. Community facilities are permitted an FAR of 1.0. One parking space is required for each dwelling unit or 50% of Income-Restricted Housing Units ("IRHU").

R4A districts are contextual zoning districts and are intended to preserve or establish the character of older neighborhoods with pitched roof homes on smaller zoning lots. This district allows single- or two- family homes. Zero lot line buildings are not permitted. The FAR in this district for all residential types is 0.75. The maximum height is 35 feet. The minimum front yard requirement is 10 feet and as deep as an adjacent lot. There are two side yards required in this district; the side yards must be a minimum of two feet and total 10 feet in width. The rear yard requirement is 30 feet. The parking requirement for this district is one off-street parking spot per dwelling unit or 50% of Income-Restricted Housing Units ("IRHU") .

R5 districts are non-contextual zoning districts are residential districts which typically produce three- and four-story attached houses and small apartment buildings. Within an R5 district, the maximum FAR is 1.25, the maximum street wall height is 30 feet 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. R5 districts require a minimum front yard of 10 feet and a minimum rear yard of 30 feet. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses require one eight-foot-wide side yard. Apartment buildings require two side yards, each at least eight feet wide. Off-street parking is required for 85% of the dwelling units and 42.5% of Income-Restricted Housing Units ("IRHU").

R6A districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. These regulations produce high lot coverage, six- or seven-story apartment buildings set at or near the street line. The maximum FAR in an R6A district is 3.0, or 3.6 with inclusionary housing. Above a maximum base height of 60 feet, a 10 foot setback is required on a wide street and a 15 foot setback is required on a narrow street, before rising to a maximum height of 70 feet. Off-street parking is required for 50% of all dwelling units and 25% of Income-Restricted Housing Units ("IRHU"), or can be waived if five or fewer spaces are required.

R6B districts are contextual zoning districts that permit residential uses with a maximum FAR of 2.0 or 2.2 with inclusionary housing. These districts require a minimum streetwall height of 30 feet, a maximum streetwall height of 40 feet, and a maximum building height of 50 feet. R6B zoning districts permit community facility uses at 2.0 FAR. A 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street. R6B zoning districts typically enable four- to five-story apartment buildings and four-story attached buildings. R6B zoning 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. The Quality Housing program is mandatory for residential developments.

C2-3 and C2-4 districts are commercial overlay districts mapped within residential districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 districts permit a slightly wider range of uses than C1 districts, including funeral homes and repair services. In mixed 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, the maximum commercial FAR is 1.0; when mapped in R6 through R10 districts, the maximum commercial FAR is 2.0. C2-3 commercial overlays require approximately 1 parking spot per 400 square feet of commercial floor area and C2-4 commercial overlays require approximately 1 parking spot per 1,000 square feet of commercial floor area.

Land Uses

The land uses within the Surrounding Area consist primarily of a mixture of residential and

commercial uses. The Area to be Rezoned is surrounded by primarily one- and two-family detached and semi-detached residences. Liberty Avenue is a commercial thoroughfare lined with two-story mixed-use buildings. The blocks to the south and east of the Area to be Rezoned, within the R3A, R3-2 and R4-1 zoning districts, generally consist of one- and two- family residential buildings. The blocks located to the east and west of the Project Area with frontage along Liberty Avenue are either mixed-residential and commercial buildings or commercial/office buildings. The Norelli-Hargreaves Playground, an approximately 59,359 sq. ft. city owned park is located to the southeast of the Area to be Rezoned. The playground was recently renovated to provide additional children's play areas, game tables, and adult sitting areas.

Public Transportation

There is limited public transportation to the Area to be Rezoned. The Q9 and Q112 both stop at the corner of Liberty Avenue and the Van Wyck Expressway. The Q9 bus connects South Ozone Park and Jamaica 165th Street Terminal, while the Q112 can take passengers from Jamaica Parsons-Hillside to Rockaway Boulevard Station in South Ozone Park via Liberty Avenue.

4. DESCRIPTION OF THE AREA TO BE REZONED

The Area to be Rezoned includes 135-12, 135-14, 135-16, 135-18, and 135-20 Liberty Avenue and 103-16 Van Wyck Expressway, Block 9589, p/o Lot 5, p/o Lot 6, p/o Lot 7, p/o Lot 8, p/o Lot 9, and Lot 11, in the South Ozone Park neighborhood within Queens Community District 10. Lot 11 has approximately 100 feet of frontage along the Van Wyck Expressway Service Road West (45'-0" wide) and has one existing curb cut. The Area to be Rezoned is currently zoned R3A, a low density residential district which permits single- and two-family detached residences, with a maximum FAR of 0.5.

Non-Applicant Controlled Sites

Block 9589, Lot 5 (135-120 Liberty Avenue) has a width of approximately 20.96 feet, a depth of approximately 106.87 feet, for a total lot area of approximately 2,239 square feet. The existing R6B/C2-3 zoning district is mapped to a depth of 100'. The lot and is improved with an approximately 0.98 FAR, two-story mixed use commercial and residential building. A permit was recently issued for a vertical extension to permit the construction of three additional dwelling units, for a total floor area of 3,968.64 square feet (1.78 FAR). There are no curb cuts along the Liberty Avenue frontage.

Block 9589, Lot 6 (135-14 Liberty Avenue) has a width of 20.79 feet, a depth of 104.86 feet for a total lot area of is an approximately 2,206 sq. ft. The existing R6B/C2-3 zoning district is mapped to a depth of 100'. The lot is improved with an approximately 1.0 FAR, two-story mixed-use commercial and residential building. A permit was recently issued for a vertical extension to permit the construction of four additional dwelling units for a total floor area of 3931.20 square feet (1.79 FAR). There are no curb cuts along the Liberty Avenue frontage.

Block 9589, Lot 7 (135-16 Liberty Avenue) has a width of 20.75 feet, a depth of 104.67 feet, for a total lot area of approximately 2,165 square feet. The existing R6B/C2-3 zoning district is mapped to a depth of 100' over the lot. The lot is improved with an approximately 1.02 FAR, two-story mixed use commercial and residential building. There are no curb cuts along the Liberty Avenue frontage.

Block 9589, Lot 8 (135-18 Liberty Avenue) has a width of 21.21 feet, a depth of 101.6 feet for a total lot area of approximately 2,159 square feet. The existing R6B/C2-3 zoning district is mapped to a depth of 100'. The lot is improved with an approximately 1.17 FAR, two-story mixed use commercial and residential building. There are no curb cuts along the Liberty Avenue frontage.

Block 9589, Lot 9 (135-20 Liberty Avenue) has a width of 20.73 feet, a depth of 100.08 feet, for a total lot area of approximately 2,084 square feet. The existing R6B/C2-3 zoning district is mapped to a depth of 100' over the lot. The lot is improved with an approximately 1.55 FAR, two –story commercial office building. There are no curb cuts along the Liberty Avenue frontage, but

there one curb cut along Van Wyck Expressway Service Road West that services two parking spaces. no curb cuts.

5. DESCRIPTION OF PROPOSED DEVELOPMENT SITE

The Proposed Development Site is located at 103-16 Van Wyck Expressway, Block 9589, Lot 11. The Proposed Development Site is applicant owned and located approximately 100 feet from the intersection of Liberty Avenue and the Van Wyck Expressway Service Road West. The Proposed Development Site has a lot width of approximately 100 feet, a depth of approximately 100 feet, and a total lot area of approximately 10,000 square feet. The Proposed Development Site is currently improved with a two-story plus attic single-family building.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed rezoning will facilitate the development of a new four-story plus cellar mixed-use commercial and residential building with approximately 22,000 square feet of floor area (2.20 FAR) at the Proposed Development Site. The Proposed Development will consist of cellar level parking for 13 residential parking spaces, approximately 7,269 square feet of ground floor commercial space and approximately 14,731 square feet of residential space with a total of 18 dwelling units, of which 5 or 6 units would be affordable units. One new curb cut is proposed. The cellar parking will be accessed by a ramp leading from the new curb cut.

The Proposed Development will be located within an MIH Designated Area, upon approval of the proposed zoning text map 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 Proposed Development will provide either five affordable housing units (25%) pursuant to Option 1 of the MIH program or six affordable housing units (30%) pursuant to Option 2 of the MIH program.

7. ACTIONS NECESSARY TO FACILITATE THE PROJECT

The actions necessary to facilitate the Proposed Development and the Proposed Development Site are: (1) a zoning map amendment to rezone the Area to be Rezoned from an R3A zoning district to an R6B/C2-3 zoning district; and (2) a zoning text map amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Queens Community District 10, to establish the Area to be Rezoned as an MIH Designated Area.

a. Rationale for the Zoning Map Amendment from R3A zoning district to an R6B/C2-3 zoning district at the Proposed Area to be Rezoned

This application seeks to rezone the Area to be Rezoned from an R3A zoning district to an R6B/C2-3 zoning district. R6B zoning districts are contextual residential zoning district which mandate compliance with Quality Housing regulations and produce apartment buildings with a maximum height of 55 feet (five-stories) and a maximum permitted FAR of 2.20 with inclusionary housing. C2-3 commercial overlay districts are mapped within residential zoning districts. When mapped in R6 through R10 districts, the maximum commercial FAR is 2.0.

The proposed zoning map amendment would extend the existing R6B/C2-3 zoning district currently mapped along Liberty Avenue along to the Proposed Development Site. The extension of this zoning district would permit the redevelopment of the Proposed Development Site with a new mixed-use building. The R6B zoning district would allow for residential development in an underdeveloped lot at a density consistent with the Surrounding Area, as R6B/C2-3 zoning districts permit moderate residential and commercial growth along wide streets. The Van Wyck Expressway fronting the Area to be Rezoned consists of 9-lanes (3-lane service road and 6-lane expressway) and can support the proposed development. R6B district's height limits and street wall lineup provisions ensure that new buildings are consistent with the scale and character of the existing built context. The proposed R6B district is consistent with the low-scale character of the neighborhood and the immediate context of the Area to be Rezoned.

Additionally, the C2-3 commercial overlay will permit a wide range of retail and service uses to

serve the community, and is also consistent with the Surrounding Area, as there are C2-3 commercial overlays already mapped along Liberty Avenue. The C2-3 commercial overlay will support existing retail and service uses and provide future business location opportunities.

The proposed rezoning would provide new opportunities for affordable and market-rate housing development in an area experiencing population growth. According to the 2013-2017 American Community Service Profile, the total population of the South Ozone Park neighborhood grew by approximately 13.5% from 2010, while the total housing units only grew by 1%. A growing population has resulted in a strong demand for housing in this area. The proposed development would add 18 new housing units to help meet the demand While maintaining physical consistency in the neighborhood.

b. Rationale for the ZR Appendix F Text Amendment to map an MIH Designated Area at the Proposed Area to be Rezoned

The South Ozone Park neighborhood of Queens has experienced consistent growth over the past decade. Within the last 10 years, demand for housing in both this community and throughout the City have steadily increased. 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 Area to be Rezoned to provide maximum flexibility for non-Applicant controlled sites. The proposed affordable housing set aside would ensure that development within the Area to be Rezoned would address the critical need for new affordable housing in Queens Community District 10. The proposed MIH Area would address the City's Housing New York: A Five-Borough, Ten-Year Plan goals by providing affordable housing units 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 R6B/C2-3 zoning district in the Area to be Rezoned currently zoned as R3A and a zoning text amendment to establish the Area to be Rezoned as an MIH Area within Queens Community District 10. The proposed zoning map amendment would facilitate the development of a four-story plus cellar building with ground floor commercial use and three floors of residential dwelling units. The applicant also seeks a zoning map amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas from Queens Community District 10, to establish the Proposed Area to be Rezoned as an MIH Designated Area. The proposed zoning text map amendment of Appendix F will facilitate the development of affordable housing units within the Proposed Development pursuant to City's MIH program, thereby ensuring that it addresses the needs for housing to serve a broad range of the City's diverse needs and incomes.