141-05 109th Avenue Rezoning
Queens Community District 12
August 15, 2022

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 will facilitate the development of Development Site with a new four-story mixed-use building with approximately 60 dwelling units, including approximately 15 permanently income-restricted housing units provided in accordance with MIH Option 1. The proposed development will contain 63,708 square feet (**"**sf**"**) of floor area, including approximately 48,005 sf of residential floor area, 9,752 sf of commercial floor area, and 5,950 sf of community facility floor area. The proposed development includes 28 accessory parking spaces in a below-grade parking garage.

2. BACKGROUND

The Rezoning Area was zoned R3-2 in 1961. The Rezoning Area was included in the 2011 South Jamaica Rezoning of approximately 538 blocks in the surrounding South Jamaica neighborhood, which was initiated by the Department of City Planning ("DCP") (C 110145 ZMQ, effective May 11, 2011). 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 R3-2 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 within 600 feet 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. 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. 109th Avenue feeds into the Van Wyck Expressway approximately 600 feet west of the Rezoning Area. The Van Wyck Expressway is an arterial 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 one- and two-family houses with a maximum building height of 35 feet. 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.

An R3-2 zoning district is mapped within the western edge of the Surrounding Area, in which residential uses with a maximum permitted floor area ratio ("FAR") of .50 and community facility uses up to 1 FAR are allowed. Low-rise attached houses, small multifamily apartment houses, and detached and semi-detached one- and two-family buildings with a maximum height of 35 feet 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.

The R3A zoning district is a low-density contextual district, in which residential uses with a maximum of .50 FAR and community facility uses with a maximum of 1 FAR are allowed. R3A districts permit one- and two-family detached and semi-detached houses on regular lots of approximately 25 feet. The 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 R4-1 contextual zoning district is mapped one block northeast of the Rezoning Area where residential and community facility uses are allowed. R4-1 zoning districts limit development to one- and two-family detached and semi-detached houses, but allow a density that is slightly higher than permitted in R3-2 and R3A districts. In R4-1 districts, the maximum 0.75 residential 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. Community facilities in R4-1 districts are allowed up to 2 FAR. 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 the Development Area (Block 10068 Lots 200, 205, 210, 213, 214, 215) and two tax lots that are contiguous with the Development area (Block 10068 Lots 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 38,088 sf 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.

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 sf interior lot. It is unimproved and used for a non-conforming building materials yard. Lot 218 is a 4,000 sf corner lot. It is improved with a 2,194 gross sf, 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 30,087.5 sf and has 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 (Lot 200 and a portion of Lot 205), comprising 12,931.53 sf, is regulated as a corner lot and the remaining 17,155.97 sf 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 sf of floor area. Lot 210 is improved with a one story warehouse built in 1960 comprising 3,800 gross sf of floor area. Lots 200, 213, 214 and 215 are unimproved. Three existing curb cuts are located on the Development Site along 109th Avenue; a curb cut on the western side of the Development Site measures 31 feet wide, a curb cut at the center of the Development Site measures 92 feet wide, and a curb cut at the eastern edge of the Development Site measures 30 feet wide.

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 from the surrounding residential community.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development is a four-story (45 feet tall), mixed residential, commercial, and community facility building. All existing buildings will be demolished to allow for the construction of the proposed building. The proposed development contains approximately 9,752 sf of commercial uses, 5,950 sf of community facility uses, and 48,005 sf of residential use with 60 dwelling units. The proposed development contains total of approximately 63,708 sf of floor area (2.12 FAR).

The first floor of the proposed development will include 4,587 sf of floor area for a Use Group 6 office for the Applicant's business use, 5,165 sf of floor area for a Use Group 6 local retail store, and 5,950 sf of floor area for a Use Group 3 pre-kindergarten facility. The pre-kindergarten facility will include approximately 3,660 sf 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. In accordance with MIH Option 1, approximately 15 of the dwelling units will be permanently income-restricted.

The proposed development includes 28 accessory parking spaces in a below-grade non-attended parking garage. 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 three existing curb cuts located along 109th Avenue that are currently used for trucks and vehicles associated with the material storage use will be replaced by a curb cut measuring 12 feet wide that will serve the accessory parking garage.

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. By rezoning to a R6B/C2-3 zoning district, maximum residential floor area will 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, maximum community facility floor area will increase from 1.0 FAR to 2.0 FAR, and commercial floor area will be allowed up to 2.0 FAR. 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. 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 increase in density allowed within the proposed R6B/C2-3 district is appropriate where 109th Avenue abuts the intersection of 141st Street and Lakewood Avenue, which provides sufficient light and air to accommodate the increased floor area and height allowed in the proposed R6B district. In addition, the Rezoning Area is 600 feet west from the Van Wyck Expressway, which offers nearby highway access that connects with other major roadways. Moreover, the proposed district will be consistent with another R6B/C2-3 district mapped approximately four blocks northwest of the Rezoning Area. Although the rezoning is not within a Transit Zone, the Rezoning Area is served by the Jamaica Station transit hub located approximately one mile from the Rezoning Area, and is accessible by the Q40 bus line just east of the Development Site at Lakewood Avenue and the Q9 bus line to the west of the Development Site.

The proposed R6B/C2-3 zoning district will allow for the development of suitable mixed uses in the place of a non-conforming industrial use. The R6B district will allow residential uses that are consistent with the predominately residential surrounding area. Currently, retail and service establishment uses are generally dispersed along 109th Avenue/Lakewood Avenue. The proposed C2-3 commercial overlay will promote retail vitality on 109th Avenue within walking distance for many area residents. The commercial overlay will provide opportunities for a wide range of essential local services, such as facilities offering after-school academic enrichment, arts and music programs, pharmacies, and hardware stores. In addition, the proposed commercial district will allow the Applicant's office to remain where the business has been operating and employing South Jamaica neighborhood residents for approximately 30 years.

The proposed increase in community facility floor area will facilitate the creation of a pre-kindergarten facility, which is a community facility use that will meet specific local community needs. Community District 12's Fiscal Year 2023 Statement of Needs references a necessity for programs that meet an increasing preschool class enrollment as the area's population rises. The co-location of schools, with multiple schools in a single building, is listed as a top concern in the Statement of Needs. A universal pre-kindergarten at this location will help address the condition of having multiple schools located in a single building. Pre-kindergarten 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-kindergarten 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.

As noted in the Community District 12's Fiscal Year 2023 Statement of Needs, quality educational programs, including recreational programs, homework programs and other after school programs, are important to the district. The proposed overlay will create opportunities for after-school academic enrichment, arts and music programs and a pre-kindergarten facility, which are sought by the community. Such uses contribute to the reduction of economic inequality in the neighborhood by helping to build a solid educational foundation for continued academic success at an early age and by enabling parents to advance their careers.

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. The proposed MIH Area facilitates the creation of new income-restricted housing in Queens Community District 12, where according to American Community Survey (ACS) data from 2014-2018, 44.9 percent of households are rent burdened. The proposed rezoning will facilitate the production of permanently affordable housing in South Jamaica, where 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. 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 of floor area at 40 percent of 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 Applicant seeks approval of a zoning map amendment to change an area comprising 38,088 square feet along the north side of 109th Ave between 139th Street and 142nd Street in South Jamaica, Queens, Community District 12 from an R3A zoning district to an R6B/C2-3 zoning district, and zoning text amendment to establish an MIH Area for Options 1 and 2.

These actions will facilitate the development of a new four-story mixed-use building within a portion of the Rezoning Area. The new building will contain 63,708 sf of floor area comprising 48,005 sf of residential floor area, 9,752 sf of commercial floor area, 5,950 sf of community facility floor area and 28 accessory parking spaces. The residential portion will consist of approximately 60 dwelling units, including approximately 15 permanently income-restricted housing units provided in accordance with MIH Option 1.

The proposed actions allow a moderately higher density that is supported by the light and air afforded by a wide street intersection. The proposed actions will create opportunities for essential local services within walking distance for area residents that will replace existing non-conforming industrial uses. Additionally, the proposed overlay will facilitate the creation of educational programs that will meet area needs and allow the Applicant's office to remain as-of-right where it has been operating for approximately 30 years. Lastly, the proposed rezoning will advance the production of affordable housing units and will establish a requirement for permanently affordable housing in South Jamaica.