245-01 JAMAICA AVENUE REZONING
DECEMBER 2019

1. INTRODUCTION

The applicant, Marino Plaza 63-12 LLC, proposes a zoning map amendment to rezone 245-01 – 245-25 Jamaica Avenue, Block 8659, Lot 1 (the "Proposed Project Area" and the "Proposed Development Site"), in the Bellerose neighborhood of Queens Community District 13, from an R4/C1-3 zoning district to an R4/C2-3 zoning district. This zoning map amendment would: (1) expand the permitted commercial uses at the Proposed Development Site and (2) would permit the applicant to file a special permit application pursuant to Zoning Resolution ("ZR") Section 73-36 at the New York City Board of Standards and Appeals (the "BSA") to legalize a Physical Culture Establishment ("PCE") within the existing commercial building located at the Proposed Development Site. The Proposed Project Area is located immediately adjacent to the Nassau County border.

2. BACKGROUND

City Planning Commission

The Bellerose/Floral Park/Glen Oaks Rezoning (C 130188 ZMQ), effective June 24, 2013, rezoned the Proposed Project Area from an R4/C2-2 zoning district to the current R4/C1-3 zoning district. The rezoning decreased the depth of the commercial overlay at the Proposed Project Area from 150 feet to 80 feet to prevent commercial uses from encroaching onto residential streets. The rezoning aimed to preserve the lower-density residential characteristics of the neighborhood. The rezoning from the C2 commercial overlay to the C1 commercial overlay was meant to promote commercial uses that generally serve the immediate neighborhood.

Board of Standards and Appeals

In 1994, the BSA granted a special permit under BSA Cal. No. 12-94-BZ, to permit a PCE (American Physique of Bellerose) in the cellar and first floor of the existing building located at the Proposed Development Site. This special permit had been granted when the Proposed Development Site was located within the R4/C2-2 zoning district and expired after 10 years. In November 2018, the BSA granted a variance under BSA Cal. No. 2016-4472-BZ to legalize the long standing PCE (now Body by Fitness) at the Proposed Development Site, as the applicant could not apply for a ZR Section 73-36 special permit, due to the site's location within a C1-3 overlay.

3. DESCRIPTION OF THE SURROUNDING AREA

Zoning

The area within a 600 foot radius of the Proposed Project Area (the "Surrounding Area") is zoned R4/C1-3, R4, R3-2, R3A and R2A.

R4 zoning districts are non-contextual residential districts intended for neighborhoods with a mixture of low-density housing types. R4 zoning districts permit single- or two-family homes along with multi-family buildings in a variety of housing types. R4 zoning districts allow for a maximum FAR of 0.75, plus an attic allowance of up to 20% for inclusion of space under the pitched roof. The attic allowance usually produces buildings with three stories. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to provide sufficient space for on-site parking. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon. Detached homes must have two side yards that total at least 13 feet, and each one must be at least 5 feet wide. Semi-detached buildings need one side yard with a minimum width of 8 feet. One off-street parking space is required for each dwelling unit in areas outside of a Transit Zone.

R3-2 zoning districts are non-contextual residential districts intended for neighborhoods with a variety of low-density housing types. R3-2 zoning districts permit single- or two-family homes along with small multi-family apartment buildings in a range of housing types (detached, semi-detached and attached buildings). The maximum permitted FAR of 0.5 may be increased by an

attic allowance of up to 20% for inclusion of space beneath the pitched roof. Lots with detached homes must be at least 40 feet wide; if occupied by semi-detached and attached buildings, lots must be at least 18 feet wide. The maximum lot coverage of any residence is 35%. Front yards must be at least 15 feet deep. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon. Parking is also allowed within the front yard when the lot is wider than 35 feet. One off-street parking space is required for each dwelling unit in areas outside of a Transit Zone.

R3A zoning districts are contextual residential districts intended to preserve or establish a character of modest, pitched roof homes on smaller zoning lots. R3A zoning districts permit single- and two-family detached residences on zoning lots as narrow as 25 feet in width. The maximum permitted FAR of 0.5 may be increased by an attic allowance of up to 20% for inclusion of space beneath the pitched roof. The perimeter wall may rise to 21 feet before sloping or being set back to a maximum building height of 35 feet. Yard requirements govern the amount of required open space on residential lots. New detached homes must have two side yards totaling at least eight feet, but there is no minimum width requirement for either one. R3A zoning districts permit zero lot line buildings which are set along a side lot line and have one side yard at least eight feet wide. The front yard of a new home must be at least 10 feet deep and it must be as deep as an adjacent front yard but need not exceed a depth of 20 feet. Cars may park in the side or rear yard, but an in-house garage is allowed if the lot is 35 feet or wider, provided the driveway is at least 18 feet deep. One off-street parking space is required for each dwelling unit.

R2A zoning districts are contextual residential districts intended to low-rise neighborhoods characterized by single-family detached homes on lots with a minimum width of 40 feet. The maximum FAR of 0.5 includes all space within a building, including basement and usable attic space, resulting in smaller homes. Lot coverage of the house and any separate garage is limited to 30% of the zoning lot. The width of the two required side yards must total a minimum of 13 feet, each at least 15 feet deep. The front yard must be at least 15 feet deep and must be at least as deep as an adjacent front yard, but need not exceed 20 feet. The maximum building height is fixed at 35 feet and the perimeter wall may rise no higher than 21 feet. One off-street parking space is required for each dwelling unit.

C1-3 commercial overlay districts are mapped within residence districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. 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 zoning districts, the maximum commercial FAR is 1.0.

Land Uses

The Proposed Project Area is located within the Bellerose neighborhood, between Floral Park to the east and Queens Village to the west. The area surrounding the Proposed Project Area contains a mix of one- and two-family residential, commercial and mixed-use buildings. One- and two-family residential buildings are located north of the Proposed Project Area, generally along 90th Avenue, 91st Avenue, 245th Street, 246th Street and 247th Street. Commercial and mixed-use buildings are one to two stories in height and are located along Jamaica Avenue. The Cross Island Expressway is located just west of the Proposed Project Area and the Living Waters Pentecostal Church is located east of the Proposed Project Area along 247th Street. The Nassau County border is located adjacent to the Proposed Project Area, on the southerly side of Jamaica Avenue.

Mass Transit

The Surrounding Area is accessible by mass transit, including bus and Long Island Railroad ("LIRR") service. The Q36 and N24 (Nassau Inter-County Express Line) bus lines run east to west along Jamaica Avenue, with a stop located directly in front of the Proposed Project Area. The LIRR Bellerose station is located approximately 0.5 miles south of the Proposed Project Area. The LIRR Queens Village station is located approximately 1mile southwest of the Proposed Project Area, and the LIRR Floral Park station is located approximately 1 mile southeast of the Proposed Project Area. The Cross Island Expressway and Jamaica Avenue are both major thoroughfares.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA / PROPOSED DEVELOPMENT SITE

The Proposed Project Area / Proposed Development Site (the "Site") includes 245-01 thru 245-25 Jamaica Avenue (Block 8659, Lot 1). The Site is located on the north side of Jamaica Avenue between 245th Street and 246th Street in the Bellerose/Floral Park neighborhood of Queens. The Site is located at the border of Queens and Nassau County, and is located within Queens Community District 13.

The Site has approximately 199 feet of frontage along Jamaica Avenue, 70 feet of frontage along 245th Street, and 76 feet of frontage along 246th Street, for a total lot area of approximately 15,069 square feet. The Site is zoned R4/C1-3 and R2A. The majority of the Site is zoned R4/C1-3 at an 80-foot depth from Jamaica Avenue. Due to the irregular shape of the Site, the northerly portion of the site is located within the R2A zoning district.

The Site is owned by the Applicant and is improved with a one-story plus cellar commercial building (the "Building") with a total floor area of approximately 14,656 square feet (0.97 FAR). The Building's first floor is divided into seven commercial units including two PCEs: (1) a fitness center located mid-block, which is subject of the above-referenced BSA variance, and (2) a martial arts studio located on the easterly portion of the Site. The Building also contains a physical therapy center, a beauty salon, and eating and drinking establishments.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed rezoning will allow the Applicant to: (1) file a special permit application at the BSA to permit the legal operation of the existing martial arts studio within the building and (2) increase the available local retail uses on-site. The PCE to be legalized (subject to approval by BSA), occupies approximately 2,583 square feet on the ground floor and 2,587 square feet in the cellar. The PCE serves the local community by providing classes in Karate, kickboxing, Mixed Martial Arts, and Tae Kwon Do. No new development is currently proposed at the site.

6. ACTION NECESSARY TO FACILITATE THE PROPOSAL

The action necessary to facilitate the Proposed Development at the Proposed Development Site is a zoning map amendment to rezone the Proposed Project Area from an R4/C1-3 zoning district to an R4/C2-3 zoning district. The proposed zoning map amendment would be mapped at a depth of 80 feet from Jamaica Avenue, matching the existing commercial overlay.

Rationale for the Zoning Map Amendment from R4/C1-3 to R4/C2-3

Under the current zoning district, the applicant cannot apply for a PCE special permit at the BSA, as the special permit is not available within a C1-3 overlay. To facilitate the proposed PCE uses, the applicant seeks a zoning map amendment to change the commercial overlay designation from a C1-3 overlay to a C2-3 overlay over the Proposed Project Area. The existing C1-3 overlay is a local retail commercial district that permits only commercial Use Groups 5 and 6, in addition to residential and community facility uses in Use Groups 1 through 4. The commercial uses are restricted to local retail and personal service uses that primarily serve the local residential area. Such uses are normally accessed daily by local patrons. The proposed C2-3 overlay would allow the applicant to separately pursue a PCE special permit and would permit a wider range of local service uses and home maintenance establishments, as well as local business and entertainment uses in Use Groups 7, 8, 9 and 14. The maximum permitted commercial FAR within the C2-3 overlay district would remain at the existing 1.0 FAR.

Jamaica Avenue is an active commercial corridor for most of its length. Commercial uses are located to the east of the Proposed Project Area such as eating and drinking establishments, professional offices, and salons. To the west of the proposed project area is a large bank with accessory parking and Braddock Avenue, which is a continuation of New York State Route 25 and also serves as a secondary road to the Cross Island Parkway. The Proposed Rezoning would permit additional local retail services to serve the community.

7. CONCLUSION

As discussed above, Marino Plaza 63-12 LLC proposes a zoning map amendment to rezone the Proposed Project Area in the Bellerose neighborhood of Queens Community District 13 from an R4/C1-3 zoning district to an R4/C2-3 zoning district to expand the permitted commercial uses and to permit the applicant to take steps in legalize a PCE within the existing commercial building.