**122-03 14th Avenue Rezoning**
**Queens Community District 7**
**August 30, 2024**

**Lr Item 3 Description of Proposal**

## 1. Introduction

Northern 167 Property LLC (the "Applicant") requests approval of the following actions in the College Point neighborhood of Queens Community District 7:

1. A zoning map amendment to change an existing R4A/C1-3 zoning district to an R6A/C2-4 zoning district in an area generally bounded by 14th Avenue to the south, College Point Boulevard to the west, 123rd Street to the east, and a line 100 feet north of 14th Avenue to the north, including Block 3997, Lots 1 and 7 (the "Rezoning Area"); and

2. A zoning text amendment to ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Community District 7, Queens to establish the Rezoning Area as an MIH Area.

The proposed actions would facilitate the redevelopment of 122-03 14th Avenue (Block 3997, Lots 1 and 7)(the "Development Site") with a new 6-story plus cellar mixed-use building with approximately 103 dwelling units, including 31 permanently affordable units pursuant to MIH Option 2, and 6,186 square feet of local retail space on the ground floor.

## 2. Background

The Rezoning Area was designated as an R4A/C1-3 zoning district with approval of the College Point Rezoning (C 050482 ZMQ, effective September 28, 2005), a City-sponsored rezoning of an approximately 161 block area generally bounded by the East River to the north, Powell's Cove to the north-east, 130th Street to the east, 28th Avenue to the south, and Flushing Bay to the west. The rezoning changed portions of the neighborhood from R3X, R3A, R3-2, R4 and R4-1 to R2A, R3A, R3-1, R4A, and R4-1 zoning districts. The zoning map amendments were intended to preserve the predominant character of the College Point neighborhood and prevent out-of-character development in the areas that are developed primarily with one- and two-family detached buildings. The modifications to the commercial overlay districts were intended to prevent commercial uses from encroaching into the residential side streets and reflect the existing built conditions along College Point Boulevard, the area's primary commercial corridor.

## 3. Description of the Surrounding Area

The Rezoning Area is located in the College Point neighborhood of Queens Community District 7. Land uses and built context within 600 feet of the Rezoning Area (the "Surrounding Area") are generally characterized by a mix of uses and building types. The blocks located to the north and east of the Rezoning Area are comprised mostly of one to two-family and multi-family residential buildings ranging from 1- to 3-stories in height, as well as several public facilities and historic landmarks, including the LPC-designated Queens Public Library, Poppenhusen Branch (Block 4042, Lot 113) and Herman A. and Malvina Schleicher House (Block 3997, Lot 40). Immediately west of the Rezoning Area is College Point Park, an approximately 0.66-acre park with active and passive recreation options.

College Point Boulevard south of the Rezoning Area is the primary commercial corridor within the Surrounding Area. It is considered a narrow street at approximately 60 feet. It includes a mix of local-serving uses such as grocery stores, restaurants, convenience stores, and salons. Buildings range from 1- to 4-stories in height with retail located on the ground-floor and residential apartments on the floors above.

Mass transit options are accessible within the Surrounding Area. Several bus lines operate within the Surrounding Area, including the Q65 (Jamaica – Flushing – College Point), Q20A (College Point – Jamaica) along 20th Avenue, and Q20B (College Point – Jamaica) along 14th Avenue.

Land uses and built context within the Surrounding Area are generally consistent with underlying zoning. The zoning districts mapped in the Surrounding Area are R2A, R4-1, R4A, R5B. R2A zoning is generally mapped to the west of College Point Boulevard between 9th Avenue to the north and a line 100 feet north of 14th Avenue to the south. R4-1 zoning is mapped to the along the north and south sides of 14th Avenue at varying depths. Areas to the east of College Point Boulevard and 123rd Street are generally zoned R4A. R5B zoning is mapped south of 14th Avenue between 123rd Street to the east and a line of varying depths to the west of College Point Boulevard. C1-3 commercial overlays are mapped south of 14th Avenue between 123rd Street and 121st Street. The Surrounding Area is also located within a FRESH zone where discretionary tax incentives are available if a FRESH supermarket is constructed.

R2A is a low-density contextual residential zoning district that permits exclusively single-family detached houses (Use Group 1) and community facility uses (Use Groups 3 and 4). Industrial and manufacturing uses are not permitted. R2A districts allow a maximum FAR of 0.50. The maximum permitted building height is 35 feet. In R2A districts, lots have a minimum width of 40 feet. The front yard must be at least 15 feet deep. Two side yards that total 13 feet must be provided for each residence. One off-street parking space is required for each dwelling unit and parking must be provided within the side or rear yard or in a garage.

R4-1 is a low-density contextual residential zoning district that permits only one- and two-family detached and semi-detached houses (Use Groups 1 and 2) and community facility uses (Use Groups 3 and 4). Industrial and manufacturing uses are not permitted. R4-1 districts allow a maximum FAR of 0.75 for residential uses. The perimeter wall may rise to 25 feet before sloping or being set back to a maximum building height of 35 feet. Two side yards that total eight feet must be provided for a detached residence and one four foot side yard must be provided for each semi-detached residence. One off-street parking space is required for each dwelling unit and parking must be provided within the side or rear yard or in a garage.

R4A is a low-density contextual residential zoning district that is often mapped to preserve or establish the character of older neighborhoods with pitched roof homes on smaller zoning lots. R4A permits only one- and two-family detached houses (Use Groups 1 and 2) and community facility uses (Use Groups 3 and 4). Industrial and manufacturing uses are not permitted. R4A districts allow a maximum FAR of 0.75 (FAR may be increased up to 20 percent for attic allowance). The perimeter wall may rise to 21 feet before sloping or being set back to a maximum building height of 35 feet. Two side yards that total at least 10 feet are required, and there must be at least eight feet between buildings on adjacent lots. Accessory parking is required at a rate of one space for every dwelling unit and for 50 percent of income-restricted housing units.

R5B is a low-density contextual residential zoning district that generally allows residential (Use Group 1 and 2) and community facility uses (Use Group 3 and 4). Industrial and manufacturing uses are not permitted. R5B districts allow a maximum FAR of 1.35 for residential uses. The street wall may rise to 30 feet before sloping or being set back to a maximum building height of 33 feet. The minimum lot width for single- and two-family detached houses is 25 feet. Side yards are not required for lots less than 30 feet wide. The front yard must be at least five feet deep and at least as deep as one adjacent front yard but no deeper than the other, although it need not exceed a depth of 20 feet. Off-street parking is required for 66 percent of all dwelling units.

C1-3 commercial overlays are typically mapped within residential districts with high off-street parking requirements. These overlays are mapped along streets that serve local retail needs, and are found widely throughout the City's lower- and medium-density areas and occasionally in higher-density districts. C1 districts generally only permit Use Group 6 retail and service establishments. Within the R5B/C1-3 zoning district, the maximum FAR for commercial uses is 1.0.

## 4. Description of the Rezoning Area and Proposed Development Site

The Rezoning Area is contiguous with the Development Site and consists of Block 3997, Lots 1 and 7. It is a rectangular shaped, approximately 21,151 square foot corner lot with approximately 100 feet of frontage on College Point Boulevard to the west, 211 feet of frontage on 14th Avenue to the south, and 100 feet of frontage on 123rd Street to the east. Lot 1 is a 15,580 square foot lot improved with a one-story, 4,785 square foot office building and parking lot with 20 spaces. Lot 7 is a 5,571 square foot lot improved with a two-story, 3,125 square foot church building. Vehicular access to the site is provided by two curb cuts along 123rd Street, one curb cut along 14th Avenue, and one curb cut along College Point Boulevard.

## 5. Description of the Proposed Development

The proposed actions would facilitate the development of a new 6-story, mixed-use building at the Development Site with approximately 76,329 square feet of floor area (3.6 FAR). The proposed development would have approximately 70,143 square feet of residential floor area with approximately 103 dwelling units, including 31 permanently affordable units pursuant to MIH Option 2. The proposed development would have approximately 6,186 square feet of commercial floor area on the ground floor. Above varying base heights of 45 feet (4-story) and 55 feet (5-stories), the proposed development would rise to a maximum height of 65 feet (6-stories). Setbacks above the base height would be provided along the College Point Boulevard, 14th Avenue, and 123rd Street frontages. Open space for building residents would be provided in the rear yard equivalent and on building rooftops. An accessory off-street parking garage located on the cellar level with 52 required spaces would be accessible from 123rd Street.

## 6. Actions Necessary to Facilitate the Project

The actions necessary to facilitate the proposed development are: (1) a zoning map amendment to change an existing R4A/C1-3 zoning district to an R6A/C2-4 zoning district within the Rezoning Area; and (2) a zoning text amendment to ZR Appendix F to establish the Rezoning Area as an MIH Area.

<u>Zoning Map Amendment</u>
As noted above, the Rezoning Area is generally bounded by 14th Avenue to the south, College Point Boulevard to the west, 123rd Street to the east, and a line 100 feet north of 14th Avenue to the south. The Rezoning Area has approximately 211 feet of frontage on 14th Avenue, 100 feet of frontage on College Point Boulevard, and 100 feet of frontage on 123rd Street.

R6A is a medium-density contextual residential zoning district that typically produces high lot coverage, 6- to 8-story apartment buildings set at or near the street line. R6A permits multi-family apartment buildings as well as detached and semi-detached one- and two-family buildings (Use Groups 1 and 2) and community facility uses (Use Groups 3 and 4). Industrial and manufacturing uses are not permitted. R6A districts allow a maximum FAR of 3.6 for residential uses within MIH Areas.[1] Above a maximum base height of 65 feet, buildings must set back at least 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum height of 85 feet with a qualifying ground floor within MIH Areas. Off-street parking is required for 50 percent of market-rate dwelling units and 25 percent of income-restricted dwelling units.

The proposed C2-4 commercial overlay district allows local retail and service uses with a maximum commercial FAR of 2.0 when mapped with an R6A zoning district. However, in mixed-use buildings containing residential or community facility uses like the proposed development, commercial uses are limited to the ground floor level. The proposed C2-4 overlay requires one accessory off-street parking space per 1,000 square feet of floor area for general retail or service uses. A waiver is available for up to 25 required accessory off-street parking spaces.

[1] If the City of Yes for Housing Opportunity text amendment, which was referred into public review on April 29, 2024, is adopted as currently proposed by the Department of City Planning, the R6A district would allow up to 3.9 FAR and a maximum height of 95 feet. Parking would no longer be required.

Zoning Text Amendment

The proposed zoning text amendment would establish an MIH Area contiguous with the Rezoning Area. Within MIH Areas, 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 described below.

- Option 1: 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.
- Option 2: 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.

In addition to one or both of the options above, the City Council and the City Planning Commission could decide to apply one or both of the following options:

- Deep Affordability Option: 20 percent of the total residential floor area must be for housing units for residents with incomes averaging 40 percent of AMI and no direct subsidies could be used for these units except where needed to support more affordable housing.
- Workforce Option: 30 percent of the total residential floor area must be for housing units for residents with incomes averaging 115 percent of AMI; no units could go to residents with incomes above 135 percent AMI; no direct subsidies could be used for these affordable housing units; and this could not apply to Manhattan Community Districts 1-8.

The Applicant proposes to map the Rezoning Area with MIH Option 2. As such, 30 percent of residential floor area (approximately 31 units) would be provided at an average of 80 percent of AMI with no unit at a level exceeding 130 percent of AMI. The MIH requirement ensures that these 31 dwelling units, and a percentage of floor area in any future development within the MIH Area, are permanently affordable.

Land Use Rationale

The proposed zoning map amendment would allow for the production of new multi-family housing in Queens Community District 7 on an underutilized site currently occupied by an office building, church, and surface parking. The existing R4A zoning designation within the Rezoning Area does not permit the development of multi-family housing at the Development Site. The proposed rezoning would facilitate new residential development, with the provision of permanently income-restricted housing, and ground floor local retail along College Point Boulevard.

The proposed actions are appropriate because the Rezoning Area has frontage on three streets, College Point Boulevard, 14th Avenue, and 123rd Street, and is located across the street from College Point Park. The Rezoning Area is well served by mass transit. It is within walking distance of several bus lines, including the Q65 (Jamaica – Flushing – College Point), Q20A (College Point – Jamaica) along 20th Avenue, and Q20B (College Point – Jamaica) along 14th Avenue.

The proposed R6A/C2-4 zoning district is consistent with the R5B/C1-3 zoning along College Point Boulevard immediately south of the Rezoning Area that was established as part of the College Point Rezoning (C 050482 ZMQ, effective September 28, 2005), which was intended to reflect the existing built conditions along the area's commercial corridors.

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. There are only limited provisions near the Rezoning Area to promote the development of income-restricted housing. The proposed residential development would provide much-needed income-restricted residential units in an area in with a growing population and corresponding increase in demand for housing. According to the Department of City Planning's 2013 report New York City Population Projections by Age/Sex & Borough, the population of Queens is anticipated to increase by an estimated 7.2 percent in the 30-year projection period. The

population will increase from 2.25 million in 2010 to 2.4 million in 2040.[2] As population in Queens is expected to experience substantial and steady growth, additional housing is necessary to ensure adequate supply.

Moreover, Community District 7 has the third highest rent-burdened population in New York City. According to the U.S. Census Bureau, 56.7 percent of households in Queens Community District 7 are rent burdened, spending 35 percent or more of their income on rent (higher than Queens overall at 46.2 percent and NYC overall at 44.2 percent).[3] The proposed actions would facilitate the creation of approximately 103 dwelling units, including 31 permanently affordable units pursuant to MIH Option 2, on an underutilized property in an area of Queens with high demand.

## 7. 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* and *Housing New York 2.0*.[4] The existing R4A/C1-3 zoning designation within the Rezoning Area precludes the development of any substantive amount of new multi-family housing. The proposed rezoning reflects sound planning principles by replacing an R4A/C1-3 district with an R6A/C2-4 district to permit residential use at increased density in an appropriate, underutilized area located across the street from a park with access to mass transit. The proposed actions would facilitate the development of a new six-story mixed-use building with approximately 103 dwelling units, including 31 permanently affordable units pursuant to MIH Option 2, as well as new local retail uses.

[2] New York City Population Projections by Age/Sex & Borough, 2010–2040, NYC Department of City Planning, December 2013.
[3] Based on American Community Survey 2014-18 Five Year Estimates for Public Use Microdata Area (PUMA) 4103, which approximates Queens Community District 7, available at: https://communityprofiles.planning.nyc.gov/queens/7.
[4] The housing plans set a goal for the preservation and/or creation of 300,000 income-restricted housing units by 2026.