

Queens Borough President Recommendation

APPLICATION: ULURP #210394 ZMQ

COMMUNITY BOARD: Q11

DOCKET DESCRIPTION

ULURP #210394 ZMQ – IN THE MATTER OF an application submitted by Akerman LLP on behalf of Kenfa Madison LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11a, establishing within an existing R1-2 District a C2-2 District bounded by Northern Boulevard, 234th Street, a northwesterly boundary line of a Park (Alley Park) and its northeasterly prolongation, a northeasterly boundary line of a Park (Alley Park), a northwesterly boundary line of a Park (Alley Park), and the northwesterly prolongation of a former Park boundary line, Borough of Queens, Community District 11, as shown on a diagram (for illustrative purposes only) dated March 14, 2022.

PUBLIC HEARING

A Public Hearing was held by the Borough President via Zoom webinar and livestreamed on www.queensbp.org on Thursday, May 19, 2022 at 9:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were four (4) speakers. The hearing was closed.

CONSIDERATION

Subsequent to a review of the applications and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The application proposes a Zoning Map Amendment to establish a C2-2 commercial overlay within an existing R1-2 District (Block 8164 Lots 15, 22, 30, 43, 122, 130 and 230; Block 8165 Lots 23 and 25; Block 8166 Lots 20 and 25, the "Rezoning Area"). The proposed actions would facilitate the enlargement of an existing food establishment;
- The Proposed Development is to enlarge the Mizumi Restaurant by 15,834 SF across two stories (.33 FAR addition). Due to its location within the flood zone, the first floor would be raised to reach a Design Flood Elevation (DFE) of 14 feet. When completed, Mizumi Restaurant would be a 22,910-SF, 30-foot tall (1.0 FAR) building. There would be approximately 183 parking spaces provided. Due to its adjacency to Alley Pond Park, the Applicant obtained a Wetland Permit from NYS Department of Conservation. The site would contain storm management controls such as bio-retention planters surrounding the zoning lot, overflow structures, filtered downspout, and a 141,581 gallon underground water detention chamber;
- The Rezoning Area has been mapped as an R1-2 District since 1961. This area consists of the Mizumi Restaurant, a 1-story car wash, several auto repair shops, and two vacant lots which were formerly a house of worship and former storage yard. All existing commercial uses within the Rezoning Area were approved pursuant to BSA variances. The variances for Block 8165, Lot 25 (former house of worship, now vacant) and Block 8164, Lot 30 (Mizumi Restaurant) expired in 2008 and 2010 respectively, while other uses have variances extended through 2031 and 2048;
- The current Development Site (Block 8164, Lots 15, 22, 30, 43, 122, 130 and 230) is located at the western end of the Rezoning Area and will be merged into an approximately 68,807-SF single zoning lot with 281 feet of frontage on Northern Boulevard and maximum depth of 294 feet. Lots 15, 30, 130 and 230 are improved with the Mizumi Restaurant and its parking lot, a one-story, 20-foot tall, 7,076 SF establishment that has operated since 2010 with 30 employees at present. Lots 22 and 122 (totaling 18,773 SF) are unimproved and vacant – a former Getty gas station was built on these lots pursuant to a 1929 BSA variance and was subsequently demolished in 2015;
- The Proposed Development and Rezoning Area are located in the Douglaston neighborhood. The surrounding area primarily consists of Alley Pond Park, a wetlands area, and properties within an R1-2 District. It also is located within Flood Zone A (1% annual chance floodplain) and the Coastal Zone. One- and two-story commercial uses line the southern portion of Northern Boulevard. Single-family detached homes lie south of Northern Boulevard and east of the Rezoning Area. Northeast of the Rezoning Area is the recently approved Douglaston Parkway Rezoning. Additionally, there is a C1-2 commercial overlay mapped at the northeast corner of Northern Boulevard and Douglaston Parkway;
- Community Board 11 (CB 11) held a monthly meeting on May 2, 2022. The application was disapproved by a vote of zero (0) in favor, forty (40) against, and three (3) abstaining. Representatives from the Douglaston Civic Association and Udalls Cove Preservation Committee spoke in opposition while the Queens Chamber of Commerce spoke in favor. Several points raised by CB 11 included the idea that a BSA variance would be more appropriate, future precedence for higher density zoning, and concerns that climate change would make the site unusable in a few decades therefore it should be acquired and converted into parkland by the city;

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- At the Borough President’s Land Use Public Hearing, the Applicant Representative gave a presentation. During the presentation, the Applicant Representative featured a slide that addressed CB11’s concerns about reinstating a new BSA variance (which the Applicant believes will not be re-issued based on most-recent BSA hearings); making the Rezoning Area parkland (which the Applicant Representative reiterated that NYC Parks has no plans to acquire); loss of control over the development and spot zoning (the Development Site and Rezoning Area would be subject to the R1-2/C2-2 permitted uses and bulk regardless of property ownership); and concern of higher-density zoning (to which the Applicant Representative stated any higher-density zoning would need to go through a separate and complete ULURP process including CB 11 review). It was also stated that despite the proposed C2-2 overlay, the current R1-2 District would still control all future residential development – no hotels or shelters would be allowed as-of-right. Lastly, the Applicant Representative mentioned CB11’s 1999 Douglaston/Little Neck 197-a Plan that asked, in part, to “establish C1-2 overlay districts along sections of Northern Boulevard.” The City Planning Commission (CPC) ultimately disapproved the 197-a Plan. The Borough President asked the Applicant Team to consider limiting the boundaries of the Rezoning Area to the Development Site as a compromise for the community’s concerns. The Applicant Team was also asked to explore more sustainability measures outside the requirements of Appendix G such as rain gardens and permeable pavement. Additionally, commitments to 30% for local hiring and use of M/WBE businesses were requested. During public testimony, there were four speakers in total: a representative for the two owners managing the four non-Applicant controlled lots in favor and three opposed;
- The Borough President’s Office received letters from the Alley Pond Environmental Center in support of the Mizumi Restaurant owners as good neighbors and three petition letters from local small business owners with a total of twenty-five (25) signatures in support of the Proposed Development. Letters were also submitted by CB 11’s Parks Committee Chair, Zoning Committee Chair, and 3rd Vice Chair in opposition of the application.

RECOMMENDATION

The local community is concerned about contaminated runoff from the Development Site and Rezoning Area potentially entering Alley Pond Park, but the Applicant stated that complete environmental remediation of gasoline-contaminated soil cannot occur on the former gas station site unless there are approved development plans. Similarly, the Applicant has confirmed that NYC Parks does not have immediate or future plans to acquire these parcels for Alley Pond Park. Overall, the Proposed Development would facilitate local economic development and job placement, as well as add sustainable drainage and storm water retention systems.

Based on the above consideration, I hereby recommend approval of this application with the following conditions:

- The Applicant should make the Rezoning Area boundaries coterminous with the Development Site to mitigate community concerns about future development on Block 8165 (Lots 23 and 25) and Block 8166 (Lots 20 and 25). Property owners of these lots can file subsequent ULURP applications to rezone their parcels if they so choose;
- There should be a goal of 30% for local hiring and use of M/WBE businesses in the construction and development of this project. There should also be quarterly reporting on the numbers of people hired and if the 30% hiring goal has been reached; and
- The Applicant should use and implement sustainable measures wherever possible, such as solar panels, green or white roofs, rain gardens, or permeable pavement.



PRESIDENT, BOROUGH OF QUEENS

05/27/2022

DATE