

Queens Borough President Recommendation

APPLICATION: 141-05 109th Avenue Rezoning
COMMUNITY BOARD: Q12

DOCKET DESCRIPTIONS

ULURP #220267 ZMQ – IN THE MATTER OF an application submitted by Akerman LLP on behalf of Mal Pal Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18c:

1. changing from an R3A District to an R6B District property bounded by a line 100 feet northwesterly of 109th Avenue, 142nd Street, 109th Avenue, and 139th Street; and
2. establishing within the proposed R6B District a C2-3 District bounded by a line 100 feet northwesterly of 109th Avenue, 142nd Street, 109th Avenue and, 139th Street;

Borough of the Queens, Community District 12, as shown on a diagram (for illustrative purposes only) dated November 28, 2022, and subject to the conditions of CEQR Declaration E-693.

ULURP #N220268 ZRQ – IN THE MATTER OF an application submitted by Mal Pal Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for a zoning text amendment to designate the Project Area as a Mandatory Inclusionary Housing (“MIH”) area, Borough of Queens, Community District 12, as shown on a diagram (for illustrative purposes only) dated November 28, 2022, and subject to the conditions of CEQR Declaration E-693. (Related ULURP #220267 ZMQ).

PUBLIC HEARING

A Public Hearing was held by the Queens Borough President via Zoom webinar and livestreamed on www.queensbp.org on Thursday, February 2, 2023 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 no other speakers. The hearing was closed.

CONSIDERATION

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

- The applicant is proposing to rezone an existing R3A district to an R6B/C2-3 district. The area to be rezoned (Block 10068, Lots 200, 205, 210, 213, 214, 215; Block 10068, Lots 216 and 218, or the “Rezoning Area”) is generally bounded by a line 100 feet northwesterly of 109th Avenue, 142nd Street, 109th Avenue, and 139th Street. The proposed rezoning would facilitate construction of a new mixed-use development with residential, commercial, and community facility space;
- The applicant has also concurrently filed another application (ULURP #N220268 ZRQ) to amend Appendix F of the Zoning Resolution to map and establish the proposed rezoning area as a Mandatory Inclusionary Housing (MIH) Area;
- The Proposed Development (Block 10068, Lots 200, 205, 210, 213, 214 and 215) will include a 4-story, 60,770 SF (2.02 Floor Area Ratio (FAR)) building with 56 dwelling units (including 14 MIH Option 1 units), 9,752 SF of ground-floor commercial space, 5,950 SF of community facility space, and 39-space, below-grade attended parking garage. The Proposed Development would have a total height of 42 feet with 10-foot and 12-foot setbacks at the 4th story on 109th Ave and 142nd St respectively. The applicant also proposes mapping a C2-3 district overlay within the Rezoning Area to facilitate the development of ground-floor commercial space;
- The original development proposal included an approximately 63,708-SF (2.12 FAR), 45-foot tall, mixed-use building on Lots 200, 205, 210, 213, 214 and 215 with 60 dwelling units (15 MIH Option 1 units) and 28 off-street parking spaces. The applicant revised their original proposal in response to negative feedback from Community Board 12 and surrounding civic associations about the proposal. The commercial and community facility square footage stayed the same in both proposal iterations;
- The Development Site (approx. 30,087 SF) is currently improved with a one-story warehouse and a one-story office building (Lot 205) constructed in 1940 with a combined 2,651 SF of floor area; and a one-story warehouse (Lot 210) built in 1960 comprising 3,800 SF of floor area. Lot 213 has a building class of “Miscellaneous Garage or Gas Station (G9),” and Lots 214 and 215 are vacant. The Applicant has owned and operated the Use Group 17 building materials storage yard and office at the Development Site for approximately 30 years;

- In 1961, the Rezoning Area was zoned R3-2. This area was also included in the 2011 538-block South Jamaica rezoning, which was intended to protect the lower-density character of the area while allowing for a modest density increase along major corridors. This rezoning changed the R3-2 zoning to a more contextual R3A district;
- Within a 600-foot radius, the Rezoning and Development Areas are zoned R3A, R4, and R4-1. The surrounding uses are mainly detached, semi-detached, and attached single-family homes along with a restaurant and radio station/recording studio on 109th Ave, across the street from the site. The Van Wyck Expressway is about 600 feet from the Development Site, and the Site is accessible via the Q9 and Q40 buses. The Site is about one mile from the Jamaica LIRR station;
- Community Board 12 (CB12) made a motion to oppose the application by a vote of twenty-four (24) in favor, zero (0) against, and zero (0) abstaining at a public hearing held on January 18, 2023. Community Board members and public speakers testified against the application, citing concerns about the building's height; shadows from the Proposed Development over adjacent homeowners; the overwhelming of sewer infrastructure due to population increase; and the precedent of rezoning an R3A District to R6B/C2-3 District, initiating a big increase in density. The development team went before the board once before, and revised their plans with CB12's concerns in mind;
- At the Borough President's Land Use Public Hearing, the Applicant team addressed concerns about height, appearance, parking, and infrastructure in the Rezoning Area. The applicant representative presented a reduced building height from 45 feet to 42 feet, along with 4th story setbacks in response to community feedback. They increased the number of parking spaces and added decorative features to the façade of the building to provide a more contextual style relative to the rest of the neighborhood. There were no public speakers who gave testimony on this application;
- The Borough President's Office received copies of ten (10) written testimony letters in support of the Proposed Development, originally addressed to CB12 Chair Rev. Carlene O. Thorbs. Many of these letters were written by residential and commercial neighbors of the Development Site, supporting the project and advocating for the Applicant.

RECOMMENDATION

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

- There should be a minimum 30% goal to include M/WBE firms, hiring of local residents and working with locally-based organizations and community groups for outreach and job fairs when hiring and contracting for this project. There should be quarterly reporting of these hiring initiatives to the Borough President and Council Member until the hiring goal has been reached;
- In terms of sustainability and resiliency goals, the Applicant should add passive natural landscaping along the Development Site for better drainage as well as exploring LEED Platinum or Gold building certification; and
- The Applicant should explore contacting local CB12 nonprofits and community-based organizations for the proposed community facility and commercial space.



PRESIDENT, BOROUGH OF QUEENS

02/13/2023

DATE