



CITY PLANNING COMMISSION

November 3, 2021 / Calendar No. 9

C 210164 ZMQ

IN THE MATTER OF an application submitted by 10316 Van Wyck Exp LLC 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 southeasterly of Liberty Avenue, the northeasterly service road of Van Wyck Expressway, a line 195 feet northwesterly of 105th Avenue and its northeasterly prolongation, and a line midway between 135th Street and Van Wyck Expressway; and
2. establishing within a proposed R6B District a C2-3 District bounded by a line 100 feet southeasterly of Liberty Avenue, Van Wyck Expressway, a line 195 feet northwesterly of 105th Avenue, and a line midway between 135th Street and Van Wyck Expressway;

Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated July 26, 2021.

This application for a zoning map amendment was filed by 10316 Van Wyck Exp LLC on November 16, 2020. This application, in conjunction with the related application for a zoning text amendment (N 210165 ZRQ), would facilitate the development of a four-story mixed-use building with 18 dwelling units at 103-16 Van Wyck Expressway in the South Ozone Park neighborhood of Queens, Community District 10.

RELATED ACTION

In addition to the zoning map amendment (C 210164 ZMQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application:

N 210165 ZRQ Zoning text amendment to establish a Mandatory Inclusionary
Housing (MIH) area

BACKGROUND

The applicant, 10316 Van Wyck Exp LLC, seeks a zoning map amendment and zoning text amendment to facilitate the development of a new four-story mixed-use building containing 8,000 square feet of commercial use on the ground floor and 18 dwelling units on the upper floors.

The project area is located on a block (Block 9589) bounded by Liberty Avenue to the north, the Van Wyck Expressway Service Road West to the east, 105th Avenue to the south, and 135th Street to the west. The project area is comprised of the development site, (Block 9589, Lot 11), as well as portions of lots not owned by the applicant (Block 9589, Lots 5, 6, 7, 8, and 9) not owned by the applicant and not expected to result development from the proposed actions.

Block 9589, Lot 11 comprises an area of 10,000 square feet and is improved with a two-and-a-half-story, single-family residence built to a floor area ratio (FAR) of 0.3. The house was constructed in 1920 and is owned by the applicant. Lots 5, 6, 7, 8, and 9 are not owned by the applicant. Lot 5 has a total lot area of approximately 2,300 square feet and is improved with a two-story mixed-use building constructed to an FAR of 0.98. A permit was recently filed for the building to allow for a vertical extension that would allow for an additional three dwelling units, increasing the built FAR to 1.78. Lot 6 has a total lot area of approximately 2,000 square feet and is improved with a two-story mixed-use building constructed to an FAR of 1.0. A permit was recently filed for the building to allow for a vertical extension that would allow for an additional four dwelling units, increasing the built FAR to 1.79. Lot 7 has a total lot area of approximately 2,100 square feet and is improved with a two-story mixed-use building built to an FAR of 1.02. Lot 8 has a total lot area of approximate 2,150 square feet and is also improved with a two-story mixed-use building constructed to an FAR of 1.17. Lot 9 has a total lot area of approximately

2,100 square feet and is improved with a two-story commercial office building constructed to an FAR of 1.55.

The surrounding area contains a mix of uses, including commercial, residential, public institutions and open space. Liberty Avenue, to the north, is the area's main commercial thoroughfare and is primarily comprised of two-to-three story mixed-use buildings and small local retail frontages. The Van Wyck Expressway Service Road West is an active street that contains predominantly low-rise residential uses and some vacant land. The blocks to the south and east of the project area consist primarily of single- and two-family detached residential buildings, some of which were built in the 1920s and others that were constructed in the early 2000s. The Norelli-Hargreaves Playground, an approximately 60,000 square foot city-owned park, is located approximately three blocks southeast of the rezoning area and was renovated in 2019 to provide additional children's play areas, game tables, and adult fitness areas.

South Ozone Park is served by the Q9, Q112, and X64 bus lines. The Q9 bus connects South Ozone Park to the Jamaica 165th Street Terminal, while the Q112 links Jamaica from the Parsons Boulevard E/F-Train station to the Rockaway Boulevard station, providing service to the A train line in Ozone Park via Liberty Avenue. Both bus lines share a stop less than one-half block north of the project area at the corner of Liberty Avenue and the Van Wyck Expressway Service Road West. The X64 provides cross-borough connection from Midtown Manhattan to Cambria Heights, Queens and has a stop located approximately two blocks northeast of the project area at the corner of Liberty Avenue and the Van Wyck Expressway. The A train is the closest subway line to the project area, terminating at the Ozone Park-Lefferts Blvd station, located 0.8 miles west of the project area at the corner of Liberty Avenue and Lefferts Boulevard. The Van Wyck Expressway is the area's major arterial highway, providing vehicular access south to John F. Kennedy Airport as well as to northern Queens and the Bronx.

The project area was originally zoned R3-2 with the adoption of the Zoning Resolution in 1961. In 2013, through the adoption of the Ozone Park Rezoning (C 140079 ZMQ), the project area was rezoned to an R3A zoning district. The rezoning affected 530 total blocks within Queens Community Districts 9 and 10 and was intended to reinforce neighborhood character, encourage

appropriate development along wide streets and close to transit resources, and prevent the encroachment of commercial uses into residential areas by reducing the depth of commercial overlays in certain locations. R3A zoning districts are low-density residential districts that permits a maximum FAR of 0.6, including a 20 percent attic allowance for floor area beneath a pitched roof. The maximum height within R3A districts is limited to 35 feet, with a maximum base height of 21 feet. One parking space is required per dwelling unit.

The proposed actions would facilitate the development of a new four-story mixed-use building containing a total of 18 units, five to six of which would be made permanently affordable pursuant to Mandatory Inclusionary Housing (MIH) provisions. The building would also contain approximately 8,000 square feet of retail space on the ground floor, intended to serve a local retail or office need. Although eight parking spaces are required by zoning, 13 would be provided for the residences in the cellar, accessed from a new 12-foot-wide curb cut along the Van Wyck Expressway Service Road West frontage.

To facilitate the proposed development, the applicant seeks a zoning map amendment to change an R3A zoning district to an R6B zoning district with a C2-3 commercial overlay. R6B districts are medium-density residential zoning districts that permit a maximum residential FAR of 2.2 when developed with Inclusionary Housing. Maximum building height is limited to five stories or 55 feet when developed with a Qualifying Ground Floor. Parking is required for 50 percent of market-rate dwelling units and 25 percent of Income Restricted Housing Units. C2-3 commercial overlays are often mapped within residential zoning districts and along corridors that serve local retail needs, permitting a maximum commercial FAR of 2.0 and requiring one parking space for every 400 square feet of commercial space for general retail uses.

The applicant also seeks a zoning text amendment to designate the project area as an MIH area, and any new residential development or enlargement would be required to comply with MIH Option 1 or Option 2. MIH Option 1 requires that 25 percent of residential floor area be provided as permanently affordable housing for residents with incomes averaging 60 percent of AMI, with a minimum of 10 percent of residential floor area affordable at 40 percent of AMI. Option 2

requires that 30 percent of residential floor area be provided as affordable for residents with incomes averaging 80 percent of AMI.

ENVIRONMENTAL REVIEW

This application (C 210164 ZMQ), in conjunction with the related application for a zoning text amendment (N 210165 ZRQ), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 20DCP161Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on July 26, 2021, which includes an (E) designation (E-600) related to hazardous materials and noise to avoid the potential for significant adverse impacts. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 210164 ZMQ) was certified as complete by the Department of City Planning on July 26, 2021, and duly referred to Queens Community Board 10 and the Queens Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 210165 ZRQ), which was referred for information and review in accordance with the procedures for non-ULURP-matters.

Community Board Public Hearing

Community Board 10 held a public hearing on this application (C 210164 ZMQ) and the related application for a zoning text amendment (N 210165 ZRQ) on September 2, 2021 and on that date, by a vote of 29 in favor, one opposed and none abstaining, recommended approval of the application.

Borough President Recommendation

The Queens Borough President held a public hearing on the application (C 210164 ZMQ) and the related application for a zoning text amendment (N 210165 ZRQ) on September 24, 2021, and on October 27, 2021, issued a recommendation to approve the application with the following conditions:

- “The developer should use union labor for construction of the project and for the permanent maintenance and operations jobs when the building is completed;
- Local businesses should be recruited and considered as tenants for the proposed new commercial space;
- The proposed construction should be built using the highest sustainability and energy standards available for the new building;
- A minimum of 30% goal to include MWBE 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.”

City Planning Commission Public Hearing

On October 6, 2021 (Calendar No. 3), the Commission scheduled October 20, 2021, for a public hearing on this application (C 210164 ZMQ) and the related application for a zoning text amendment (N 210165 ZRQ). The hearing was duly held on October 20, 2021 (Calendar No. 30). One speaker testified in favor of the application and none in opposition.

A representative for the applicant described the density, bulk, parking, and ground floor programming of the proposed mixed-use development. She also noted that five to six units would be made permanently affordable because of the MIH text amendment, and she explained how the proposed development would fit into the low-density neighborhood context.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 210164 ZMQ) is appropriate.

The proposed R6B zoning district and C2-3 commercial overlay will facilitate a development that reflects the medium density, mixed-use context of the surrounding neighborhood. Liberty Avenue, directly north of the project area, is mapped with an R6B zoning district and C2-3 commercial overlay. The commercial thoroughfare is populated by two- to three-story mixed-use buildings that contain a mix of local retail and office space – including law offices, small restaurants, and pharmacies – on the ground floor and residences above. The project area is also located along the Van Wyck Expressway Service Road West, a wide street that can accommodate a modest increase in density. The zoning map change will increase the permitted density and height in the project area and will facilitate housing, including permanently affordable housing, activate the street frontage and create commercial use on an underutilized property.

The Commission finds that the proposed zoning text amendment (N 210165 ZRQ) to Appendix F to establish a new MIH area is appropriate. The amendment to Appendix F will create a new MIH area coterminous with the project area, ensuring the creation of permanently affordable housing on the site. The MIH text amendment is also aligned with citywide objectives outlined in *Housing New York* by providing additional affordable housing.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on July 26, 2021 with respect to this application (CEQR No. 20DCP161Q), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration

described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 18c:

1. changing from an R3A District to an R6B District property bounded by a line 100 feet southeasterly of Liberty Avenue, the northeasterly service road of Van Wyck Expressway, a line 195 feet northwesterly of 105th Avenue and its northeasterly prolongation, and a line midway between 135th Street and Van Wyck Expressway; and
2. establishing within a proposed R6B District a C2-3 District bounded by a line 100 feet southeasterly of Liberty Avenue, Van Wyck Expressway, a line 195 feet northwesterly of 105th Avenue, and a line midway between 135th Street and Van Wyck Expressway;

Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated July 26, 2021.

The above resolution (C 210164 ZMQ), duly adopted by the City Planning Commission on November 3, 2021 (Calendar No. 9) is filed with the Office of the Speaker, City Council, and the Borough President in accordance with requirements of Section 197-d of the New York City Charter.

ANITA LAREMONT, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice-Chairman*

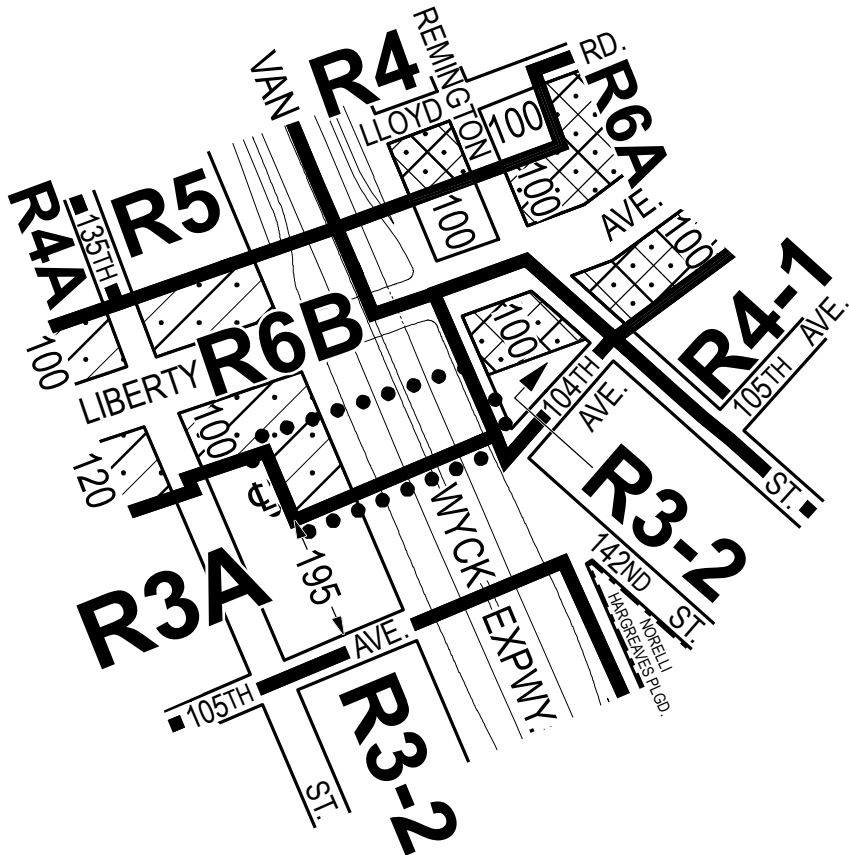
DAVID J. BURNEY, FAIA; ALLEN P. CAPPELLI, Esq.,

ALFRED C. CERULLO, III, JOSEPH I. DOUEK,

RICHARD W. EADDY, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ *Commissioners*

RAJ RAMPERSHAD *Commissioner, Recused*

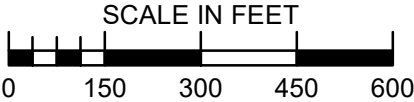


CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
18c
BOROUGH OF
QUEENS



New York, Certification Date:
July 26, 2021

S. Lenard, Director
Technical Review Division



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by changing an existing R3A District to an R6B District and by establishing a C2-3 District within the proposed R6B District.
- Indicates a C2-3 District
- Indicates a C2-4 District



COMMUNITY/BOROUGH BOARD RECOMMENDATION

| | | | |
|--|------------------------|---------------------------------------|---------------|
| Project Name: 103-16 Van Wyck Expressway Rezoning | | | |
| Applicant: | 10316 Van Wyck Exp LLC | Applicant's Primary Contact: | Fayanne Betan |
| Application # | 210164ZMQ | Borough: | |
| CEQR Number: | 20DCP161Q | Validated Community Districts: | Q10 |

Docket Description:

IN THE MATTER OF an application submitted by 10316 Van Wyck Exp LLC 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 southeasterly of Liberty Avenue, the northeasterly service road of Van Wyck Expressway, a line 195 feet northwesterly of 105th Avenue and its northeasterly prolongation, and a line midway between 135th Street and Van Wyck Expressway; and
2. establishing within a proposed R6B District a C2-3 District bounded by a line 100 feet southeasterly of Liberty Avenue, Van Wyck Expressway, a line 195 feet northwesterly of 105th Avenue, and a line midway between 135th Street and Van Wyck Expressway;

Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated July 26, 2021.

Please use the above application number on all correspondence concerning this application

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|--|---------------------|--|---|
| RECOMMENDATION: Favorable | | | |
| # In Favor: 29 | # Against: 1 | # Abstaining: 0 | Total members appointed to the board: 50 |
| Date of Vote: 9/2/2021 12:00 AM | | Vote Location: Old Mill Yacht Club: 163-15 Cross Bay Blvd., Howard Beach NY 11414 | |

Please attach any further explanation of the recommendation on additional sheets as necessary

| | |
|---------------------------------|--|
| Date of Public Hearing: | |
| Was a quorum present? No | <i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i> |
| Public Hearing Location: | |

CONSIDERATION: No Comment

| | | |
|-----------------------------|---------|-------------------------|
| Recommendation submitted by | QN CB10 | Date: 9/13/2021 3:31 PM |
|-----------------------------|---------|-------------------------|

Queens Borough President Recommendation

APPLICATION: ULURP #210164 ZMQ

COMMUNITY BOARD: Q10

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Sheldon Lobel, P.C. on behalf of 10316 Van Wyck Exp LLC 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 southeasterly of Liberty Avenue, the northeasterly service road of Van Wyck Expressway, a line 195 feet northwesterly of 105th Avenue and its northeasterly prolongation, and a line midway between 135th Street and Van Wyck Expressway; and
2. establishing within a proposed R6B District a C2-3 District bounded by a line 100 feet southeasterly of Liberty Avenue, Van Wyck Expressway, a line 195 feet northwesterly of 105th Avenue, and a line midway between 135th Street and Van Wyck Expressway;

Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated July 26, 2021. (Related ULURP #210165 ZRQ).

PUBLIC HEARING

A Public Hearing was held by the Queens Borough President via Zoom webinar and livestreamed on www.queensbp.org on Thursday, September 23, 2021 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:

- o This application is proposing to rezone an existing R3A District to a R6/C2-3 District. The area to be rezoned (Block 9589 Lot 11 and p/o Lots 5, 6, 7, 8 & 9) is bounded by the Van Wyck Expressway Service Road on the east, the southern and western lot lines of Lot 11, and portions of the lots (p/o Lots 5, 6, 7, 8 & 9) with frontage on Liberty Avenue to the north. The proposed rezoning would facilitate construction of a new mixed-use development with affordable housing;
- o The applicant has also concurrently filed another application (ULURP #210165 ZRQ) to amend Appendix F of the Zoning Resolution to map and establish the proposed rezoning area as a Mandatory Inclusionary Housing (MIH) Area;
- o The applicant is proposing to develop an approximately 22,000 SF (2.2 Floor Area Ratio (FAR)), 4-story mixed-use building on Lot 11 which is approximately 10,000 SF. The proposed building would provide approximately 18 dwelling units, of which 5 or 6 units would be affordable for low- to moderate-income households under MIH Option 1 (25% of units affordable at 60% AMI) or Option 2 (30% of units affordable at 80% AMI). The proposed building would include 13 vehicle parking spaces at the cellar level. The application also proposes extension of an existing C2-3 overlay mapped to the north along Liberty Avenue to the rezoning area that would allow development of ground floor commercial space on the site. The portions of Lots 5, 6, 7, 8, & 9 to be rezoned are approximately 5 feet in depth. This proposed rezoning would eliminate the existing split zoned lots;
- o Within a 600-foot radius of the rezoning and development area, the zoning is primarily zoned R3A, R3-2, R4A, R5, R6B/C2-3, and R6A/C2-4. The surrounding uses range from single- and two-family homes to six- and seven-story residential buildings, as well as grocery stores, restaurants and beauty parlors along Liberty Ave. The development site is within a mile of two schools (P.S. 121 and 050) and Norelli-Hargreaves Playground, and is served by the Q9 and Q112 bus lines on Liberty Ave and its eastern boundary, the Van Wyck Expressway;
- o Community Board 10 (CB10) approved the application by a vote of twenty-nine (29) in favor, one (1) against, and none (0) abstaining at a public hearing held on September 2, 2021. There were no speakers for or against the application;

QUEENS BOROUGH PRESIDENT RECOMMENDATION

ULURP #210164 ZMQ

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RECOMMENDATION

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

- The developer should use union labor for construction of the project and for the permanent maintenance and operations jobs when the building is completed;
- Local businesses should be recruited and considered as tenants for the proposed new commercial space;
- The proposed construction should be built using the highest sustainability and energy efficiency standards available for the new building;
- A minimum 30% goal to include MWBE 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.



PRESIDENT, BOROUGH OF QUEENS

10/27/2021

DATE