77-39 Vleigh Place Rezoning

Queens

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1. Introduction

This application is made on behalf of VP Capital Holdings LLC ("the Applicant"), for a zoning map amendment and zoning text amendment in the Kew Gardens Hills area in Queens Community Board #8. The proposed zoning map amendment would remove a C1-2 overlay from an R3-2 district within the lot 15 portion of the rezoning area, rezone a portion of the R3-2 district to R6A, and replace the current C1-2 overlay with a C2-3 overlay within the development site. In addition, a zoning map amendment would be required to Appendix F of the Zoning Resolution ("ZR") that would make Option 2 of the Mandatory Inclusionary Housing (MIH) program applicable to the affected area. The Proposed Actions would affect Block 6630, Lot 1 (the "Development Site"), as well as a triangular portion of the adjacent lot (Block 6630, p/o Lot 15) (collectively, the "Rezoning Area").

The Proposed Actions would facilitate a proposal by the Applicant to develop a new eight-story mixed use building at Block 6630, Lot 1 (the "Development Site") to contain 119 dwelling units. The building would rise to 85 feet with a base height of 58 feet and contain 124,380 square feet of space (3.6 FAR). 10,557 gross square feet (gsf) of medical office and 24,922 square feet of retail would be provided between the first floor and cellar. 36 of the proposed 119 dwelling units, or 30 percent, would be made permanently affordable through MIH Option 2 ("the Proposed Development"). The Proposed Development would provide 126 accessory parking spaces.

2. Background

The Development Site was rezoned to R3-2/C1-2 in 1961 and this district has remained since that time period on the Development Site. In 1992, the area two blocks to the north of the Development Site was rezoned from R3-2 to R4 and the C1-2 commercial overlay was extended to areas along Main Street as part of the Kew Gardens Hills Rezoning (C 920065 ZMQ). The intention of this rezoning was to more accurately reflect existing residential bulk and commercial uses along Main Street, a mixed use thoroughfare located one block to the east of the Rezoning Area.

The Development Site was previously developed with a one-story commercial building, that was destroyed in a fire in late 2016. Since that time, the site has been cleared and excavated as part of a Department of Environmental Conservation (DEC)-monitored cleanup program. Most recently in 2018, plans were filed with the Department of Buildings (DOB) for an as-of-right 40,079 square-foot two-story building (1.16 FAR) to contain commercial and community facility use but the development was never constructed.

To the north and south of the Rezoning Area, Queens Community Board 8 sponsored a zoning map amendment from R2 to R2X to facilitate the development and enlargement of single-family homes in the area (190299 ZMQ). In addition, a zoning text amendment to ZR 21-12 was implemented to permit the R2X zoning district in this area (N 190301 ZRQ). The area affected by the rezoning consists of two non-contiguous portions ("Area A" and "Area B") that contain approximately 42 acres of lot area almost exclusively comprised of single-family detached homes. Area A is generally bounded by 72nd Avenue, Main Street, 77th Avenue and Park Drive East and encompasses the entirety or portions of 283 tax lots on ten tax blocks. Area B is generally bounded by Union Turnpike, Park Drive East, 78th Avenue and Vleigh Place and encompasses the entirety or portions of 94 tax lots on six tax blocks. The City Planning Commission (CPC) approved the rezoning under the consideration that the rezoning would allow homes in the area to be more easily adapted to modern living standards and to accommodate growth in the area. City Council approved the application on September 25, 2019.

In addition, a single rezoning was approved by the City Planning Commission in recent years. An area immediately south of the Rezoning Area, to the south of Union Turnpike, was rezoned in 2008 as part of the Briarwood Rezoning (C 080101 ZMQ). The Briarwood Rezoning modified R3A, R4, R4-1 and R6A districts to R3X, R4, R4-1, R4B and R5D districts. In particular, the rezoning modified an area along Union Turnpike between 135th Street and 138th Street from R6A to R5D. The Briarwood Rezoning was intended to preserve the established character of Briarwood and to ensure that future development will reinforce the existing development patterns.

There are no other recently approved land use actions in proximity to the proposed Rezoning Area.

3. Description of the Surrounding Area

The Proposed Actions affect a small area in the Kew Gardens Hills neighborhood of Queens Community District #8, which is generally defined as the area east of the southern segment of Flushing Meadows – Corona Park, south of the Long Island Expressway, west of Parsons Boulevard and to the north of Union Turnpike/the Grand Central Parkway. The area surrounding the Proposed Rezoning Area, or within 600 feet of the Proposed Action, is generally bound by 76th Road to the north, 138th Street to the west, Union Turnpike to the south and 147th Street to

the east. The area is accessible from several major roadways. These include the Grand Central Parkway, the Van Wyck Expressway, as well as Union Turnpike, all within close proximity to the Rezoning Area.

The surrounding area is predominantly residential in character with a mix of three-story walk-up apartment buildings and single-family homes radiating east and west from Main Street, which is the area's principal north-south arterial thoroughfare. According to the most recent Census American Community Survey (ACS) data, the median household income of the area is $66,178.

The surrounding area contains several community facility uses. Directly to the west of the Development Site is the Steppingstone Day School (77-40 Vleigh Place) and North Queens Community High School is present on the block to the north at 141-25 Vleigh Place. Commercial retail uses are found along Main Street and include neighborhood retail uses such as banks, grocery stores, eating and drinking establishments, a small movie theater, pharmacies and a branch of the U.S. Postal Service.

In terms of parkland and open space, Department of Parks and Recreation (DPR) playgrounds are present in the immediate area. Judge Moses Weinstein Playground is located between Union Turnpike, Vleigh Place and 141st Street. Queens Playground is located further north along 137th Street near 76th Avenue. In addition, Freedom Square Playground is located between Main Street, Vleigh Place and 76th Avenue.

In terms of built form, the surrounding area is predominantly low-rise in character with residential uses generally not exceeding two- or three-stories. These residences are predominantly detached and semi-detached to the west of Main Street and to the east of Main Street mostly consist of attached buildings. As noted above, some smaller apartment buildings are present in the immediate vicinity. These buildings are generally developed on larger blocks with areas of open space separating buildings. A notable example includes approximately 80 buildings centralized around 78th Street. As noted above, commercial uses are present along Main Street and consist of single-story structures. The community facility uses noted above generally do not exceed two-stories.

The surrounding area contains R2X and R3-2 districts west of Main Street. The R2X districts are mapped in areas of single-family homes, while the R3-2 districts encompass the small apartment buildings radiating from 78th Avenue. In addition, C1-2 commercial overlays are present on the Rezoning Area, as well as the parcel immediately to the west. As noted above, Main Street to the east is lined with C1-2 commercial overlays with R4 districts present to the north and east.

The R2X district permits homes with a maximum permitted FAR of 0.85 FAR. An attic allowance of 20% is permitted for a total effective maximum FAR of 1.02 with the inclusion of

an attic. The R2X district also requires side yards of 10' (total) and 2' (minimum). Although all residential districts require 30-foot rear yards, houses in R2X districts can encroach onto the required rear yard by 10 feet. The R2X district requires contextual height limits, with a 21-foot perimeter wall height before a maximum total height of 35 feet.

The R3-2 district permits Use Groups 1-4. The R3-2 zoning district is a low-density general residence district that permits a variety of single- and two-family houses, as well as smaller multi-family buildings. The maximum FAR for R3-2 districts is 0.5 and can be increased by 20% with an attic allowance; the maximum building height is 35 feet. One off-street parking space is required per each dwelling unit.

The C1-2 district, when mapped in this area, permits limited neighborhood commercial uses (Use Groups 5 & 6) at a maximum of 1.0 FAR. Commercial parking requirements vary by use, with one space per 300 square feet of general retail use required and the requirement waived under 15 spaces.

The surrounding area is not located in a Food Retail Expansion to Support Health (FRESH) area and does not qualify for incentives to develop a FRESH use. The surrounding area is also not within a Transit Zone.

The immediate area is well served by New York City Transit (NYCT) bus lines. The Q20A and Q20B make stops along Main Street between College Point and Jamaica. In addition, the Q46 makes stops along Union Turnpike to the south, providing service between Kew Gardens and Glen Oaks/Lake Success in Nassau County. In terms of rail service, the Rezoning Area is located approximately a mile and a half to the east from the closest NYCT Subway Station at Kew Gardens Station – Union Turnpike with E Train service.

4. Description of the Proposed Rezoning Area

The Proposed Rezoning Area encompasses the Development Site (discussed in greater detail below) and a portion of the adjacent property (Block 6630, p/o Lot 15). Lot 15 (141-33 78th Avenue) is improved with a three-story multi-family building constructed in 1949. It is zoned R3-2 with a small triangular portion of the western end of the lot zoned C1-2. Only the commercial overlay portion of the lot would be affected by the Proposed Actions.

5. Description of Proposed Development Site

The Proposed Development Site (77-39 Vleigh Place; Block 6630, Lot 1) consists of a 34,553 square foot corner lot with approximately 90 feet of frontage along 77th Road (60 feet in width), 250 feet of frontage along Vleigh Place (79 feet in width) and 170 feet of frontage along 78th

Avenue (60 feet in width). The lot is irregular in shape with the southern lot line running along the midpoint of 78th Avenue.

The boundary of the zoning lot begins in the center of 78th Avenue, 400 feet west of its intersection with Main Street. From that point, it extends 206.75 feet west to the eastern side of Vleigh Place, then 253.30 feet north to the intersection between Vleigh Place and 77th Road. It then extends 100.46 feet east along 77th Road, and, from there, another 230 feet south, thus completing the lot. As indicated by the tax map, a right-of-way easement covers approximately 5,000 square feet of the lot along Vleigh Place and portions of 78th Avenue. Since a portion of the zoning lot is located in the bed of 78th Avenue, it has been included in the zoning calculations, despite the fact that the instant application does not propose to develop on this portion.

As noted above, the Development Site is currently vacant and was previously improved with a mixed use building that was destroyed in a fire in late 2016.

6. Description of Proposed Development

The Proposed Actions would facilitate a new eight-story mixed use building on the Development Site with 119 dwelling units, approximately 30 percent of which would be affordable as MIH units under Option 2 (the "Proposed Development"). The Proposed Development would include 124,380 zoning square feet of space (3.6 FAR). This would include 10,557 gross square feet (gsf) of medical office space and 24,922 gsf of retail space that would be split between the first floor and cellar. Since a large portion of this area would be provided in the cellar level, this area would not count towards zoning floor area. As such, the gross floor area of the community facility is approximately 2,035 square feet and the commercial space is 16,283 square feet.

The building would rise to a base height of 58 feet and set back 15 feet before rising to a maximum height of 85 feet (eight stories). Approximately 30 percent of these units would be set aside as affordable housing pursuant to MIH Option 2, creating an estimated 36 income-restricted units under the program. To serve the open space needs of residents, a paved terrace will be provided on the second floor and a grassy terrace will be finished on the rooftop.

The Proposed Development would provide 126 attended parking spaces made accessible via a 22' curb cut along 77th Road. These spaces would be provided in a sub-cellar.

7. Actions Necessary to Facilitate the Project

The Proposed Actions would affect the Development Site, as well a triangular portion of the adjacent lot (Block 6630, p/o Lot 15). The Applicant seeks a zoning map amendment that would remove an existing C1-2 commercial overlay from the lot 15 portion of the Rezoning Area,

rezone a portion of an R3-2 district to R6A, and replace the current C1-2 commercial overlay with a C2-3 commercial overlay within the Development Site. In addition, a zoning map amendment would be required to Appendix F of the ZR, which would make Option 2 of the Mandatory Inclusionary Housing (MIH) program applicable to the affected area (the "Proposed Actions"). The proposed rezoning would increase the permissible residential FAR from 0.5 to 3.6. The new commercial overlay would allow Use Groups 7, 8, 9, and 14, in addition to current commercial uses, and would reduce minimum parking requirements from one space per 300 SF to one space per 400 SF. The proposed zoning text amendment to MIH (Option 2) would require 30 percent of the proposed residential floor area to be allocated to incomes averaging 80 percent AMI, which is $59,760 for an individual or $76,880 for a family of three. Under the Proposed Actions, at least 36 of the proposed 119 dwelling units would be applicable to MIH Option 2.

The R6A district is a contextual district where quality housing regulations are mandatory. The district permits 3.6 FAR under MIH and generally results in 6- to 8-story buildings. Above a base height of 40 feet, the district must be set back 15 feet along narrow streets before rising to a maximum height of 80 feet (8-stories) or 85 feet with a qualifying ground floor. Parking is required for 50 percent of dwelling units.

The Proposed Actions would facilitate the redevelopment of the Development Site with a medium-density mixed use building. The redevelopment of the Development Site would serve to activate the intersection of 78th Avenue, Vleigh Place and 141st Street, which is currently vacant. This intersection is appropriate for higher-density development than what is currently permitted, as it is located adjacent to Main Street (one block to the east), parkland (Judge Moses Weinstein Playground) and heavily trafficked roadways, with the Grand Central Turnpike and Union Turnpike located two blocks to the south. As the anchor for this large intersection, the property is surrounded by ample open space. As such, we feel that the Proposed Development would not overburden the neighborhood.

This intersection previously contained a commercial development prior to a fire in 2016 and it is believed a higher density building to replace this development is appropriate for this area with newly created housing capacity, neighborhood services and income-restricted dwelling units. This area currently contains a higher concentration of dwelling units with clusters of smaller apartment buildings present, compared to the area to the north, which is predominantly developed with single-family homes. While the proposed R6A/C2-3 district permits a density higher than the surrounding area, it is believed this increase is appropriate, as it results in medium-density mixed use development for neighborhoods and is located in close proximity to a cluster of smaller multi-family apartment buildings in a growing community. As noted above, the surrounding area was recently rezoned in 2019 as part of the Kew Gardens Hills Rezoning, which provided homeowners in the surrounding area greater flexibility to enlarge their homes to

accommodate the growing community. As such, new housing capacity and neighborhood services are needed in appropriate areas to accommodate such growth.

The proposed amended commercial overlay from C1-2 to C2-3 would permit an expanded range of neighborhood retail uses with a modestly lower parking requirement (one space per 400 square feet of space, compared to 300 square feet) that would serve the surrounding residential community, with Use Groups 5-9 and 14 permitted. These Use Groups include grocery stores, offices, dry cleaners, drug stores, eating and drinking establishments and local service establishments. Lowering the parking requirement under the C2-3 overlay would still result in 126 required parking spaces, and a reduction in the requirement is needed to accommodate higher-density development in this area. The proposed C2-3 commercial overlay would increase the maximum permitted commercial FAR on the property from 1.0 FAR to 2.0 FAR.

The Proposed Development would be of special benefit to the community, as it would introduce the first MIH area in Queens. It would also provide commercial and community facility uses that would benefit the surrounding tenants. The open and green spaces provided through the building's terraces would ensure that its burden on the adjoining properties is reduced. The Proposed Development would serve to reactivate an intersection, which has remained vacant for several years. Based on the above, as well as the demonstrated growth of the surrounding community, the Proposed Actions are appropriate for this area.

8. Conclusion

The Proposed Actions seek to amend an intersection of the Kew Gardens Hills area to accommodate new medium-density mixed use development. The area most recently was developed with a commercial building that was destroyed by fire several years ago, and new redevelopment has not occurred under the underlying R3-2/C1-2 zoning district. The Proposed Actions would serve to redevelop this intersection with the highest and best use, with a new 8-story mixed use development to contain increased housing capacity. This development would contain 119 new dwelling units, as well as expanded retail and community uses to serve the surrounding growing community. The development would provide 126 parking spaces for residents and visitors of the Proposed Development.

The Proposed Actions would result in appropriately located increased density, in proximity to pre-existing apartment buildings, open space and highways. The proposed is also located one block adjacent to the mixed use thoroughfare of Main Street. Lastly, the Proposed Actions would result in at least 36 new income-restricted dwelling units, a demonstrated need for the local community and all areas of New York City.