66-45 and 66-47 Wetherole Street Rezoning
April 12, 2021

1. Introduction

Novel Medicine, P.C. (the "Applicant") proposes a zoning map amendment to rezone Block 3157, Lots 143-147, 149, 150, 151, and p/o 152 (the "Project Area"), in the Forest Hills neighborhood within Queens Community District 6, from an R4B zoning district to an R6A zoning district. In addition, the Applicant proposes a text amendment to Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Community District 6, Queens to establish an MIH Area coterminous with the Project Area. The Applicant proposes mapping both Option 1 and Option 2 within the proposed Project Area to provide maximum flexibility for the future development of the non-applicant-controlled sites.

The proposed actions would facilitate the development of 66-45 and 66-47 Wetherole Street (Block 3157, Lots 149 and 150) (the "Development Site") with a new eight-story, approximately 18,000 sq. ft. (3.6 Floor Area Ratio ("FAR")) residential building with approximately 21 dwelling units, including approximately five permanently affordable units (the "Proposed Development").

2. Background

Area Rezonings

The Project Area is within the 2002 Forest Hills/Rego Park Rezoning Area (C 020629 ZMQ, August 21, 2002), which downzoned approximately 61 blocks from R3-2, R4, and R7-1 to R4B, R3-1, R2, and R3A zoning districts to better reflect existing neighborhood development patterns. Residents of Forest Hills and Rego Park advocated for a rezoning in direct response to an enlargement at 99-24 67th Avenue in Rego Park, which they perceived to be out-of-context development. The Department of City Planning worked with the residents to identify discrete, low-density areas to ensure that the zoning matched the existing built context.

The Project Area is northeast of the 1996 Austin Street Rezoning (C 950137 ZMQ, June 5, 1996), which rezoned a portion of a block from a C8-1 zoning district to an R7B zoning district to permit the construction of multifamily residential buildings. R7B districts are very similar in bulk to R6A districts. However, there are no Mandatory Inclusionary Housing regulations within R7B districts, which is why the proposed rezoning is for R6A rather than R7B.

3. Description of the Surrounding Area

The Project Area is located in the Forest Hills neighborhood, within Queens Community District 6. The buildings in the Surrounding Area range from one to eight stories in height and are typical of multifamily construction spurred by the development of the IND Queens Boulevard Line. Within 600' of the Project Area (the "Surrounding Area"), multifamily housing buildings ranging from 6 to 13 stories in height predominates, although the Project Area exists in a carve-out of single- and two-family housing developed around 1945.

Public Transportation

There are robust public transportation options near the Project Area. The Project Area is within the Transit Zone, and the 67th Avenue New York City Transit ("NYCT") subway stop, served by the M and R trains. The Forest Hills transportation hub, served by the Long Island Rail Road's ("LIRR") Babylon, City Zone, Far Rockaway, Hempstead, Long Beach, Port Jefferson, Ronkonkoma, and West Hempstead lines, and NYCT's E, F, M, and R trains are located within ¾ mile to the east of the Project Area. In addition, the Q60 (running from Midtown to Jamaica), QM6 (running from Midtown to Lake Success), QM11 (running from Forest Hills to the Financial District), QM18 (running from Ozone Park to Midtown), Q23 (running from Forest Hills to La Guardia), QM12 (running from Forest Hills to Midtown), and QM42 (running from East Midtown to Forest Hills) busses run within the Surrounding Area. Finally, bike paths run on both sides of Queens Boulevard, approximately 600 feet north of the Project Area.

Other Land Uses

In addition to the multifamily buildings that predominate the area, other uses include:

There are many commercial and mixed-use buildings within the commercial overlays along Queens Boulevard and 63rd Drive.

Approximately 500 feet south of the Project Area is the Forest Hills Montessori School, a private daycare and elementary school.

Immediately north of the Project Area, the Paras Jewish Organization operates a Synagogue on 67th Avenue.

The existing zoning districts in the Surrounding Area include:

R7-1

R7-1 zoning districts are non-contextual districts that are widely mapped in medium-density areas of the city across a wide range of building types. Developers can choose between two sets of bulk regulations. Standard height factor regulations, introduced in 1961, produce small multifamily buildings on small zoning lots and, on larger lots, tall buildings that are set back from the street. Optional Quality Housing regulations produce high lot coverage buildings within height limits that often reflect the scale of older, pre-1961 apartment buildings. Buildings developed pursuant to height factor regulations are often tall buildings set back from the street and surrounded by open space and on-site parking. The FAR in R7-1 districts ranges from 0.84 (for a single-story building) to 3.44 at a typical height of 14 stories. There are no height limits for height factor buildings, although they must be set within a sky exposure plane, which begins at a height of 60 feet above the street line and then slopes inward over the zoning lot. Off-street parking is required for 60% of a building's dwelling units, or can be waived if five or fewer spaces are required. The optional Quality Housing regulations produce high lot coverage buildings set at or near the street line. For buildings on or within 100 feet of a wide street, the maximum FAR is 4.0, and the maximum base height before setback is 75 feet with a maximum building height of 80 feet. On a narrow street, the maximum FAR is 3.44, and the maximum base height before setback is 65 feet with a maximum building height of 75 feet. Off-street parking is required for 50% of all dwelling units, or can be waived if five or fewer spaces are required.

R7B

R7B zoning districts are medium density contextual residential zoning districts where the Quality Housing bulk regulations are mandatory. The maximum residential FAR in an R7B zoning district is 3.0. R7B zoning districts also allow up to 3.0 FAR of community facility use. Above a maximum base height of 65 feet, a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street, before rising to a maximum height of 75 feet. Unlike most medium or higher density residential districts, R7B zoning districts do not have provisions for increased FAR or height with inclusionary hosing. Off-street parking is required for 50% of all dwelling units and 25% for income-restricted housing units (IRHU) within the Transit Zone but can be waived if five or fewer spaces are required.

R4B

R4B zoning districts are low-density contextual residential districts which allow all types of housing, with a maximum FAR of 0.9. R4B zoning districts require a minimum front yard of five feet, a minimum rear yard of 30 feet, and permit a maximum height of 24 feet. Detached houses must have a side yard that totals at least eight feet in aggregate. Semi-detached buildings need one side yard with a minimum width of four feet. One off-street parking space is required for each dwelling unit and parking is required for 50% of IRHU.

R4

R4 zoning districts allow all housing types with a minimum lot width of 40 feet for detached residences and 18 feet for all others. The maximum lot coverage is 45%, and the maximum FAR is 0.75 (plus 0.2 attic allowance). The perimeter wall maximum is 25 feet, and the building height

maximum is 35 feet. A front yard of at least ten feet is required, and if the front yard exceeds ten feet, then a front yard depth of 18 feet is required. For detached homes, two side yards are required with a minimum width of five feet each and a minimum total width of 13 feet. For semi-detached one- and two-family homes, one eight-foot side yard is required. For all other dwellings, two eight-foot side yards are required for buildings, or abutting buildings on the same zoning lot with an aggregate width of street walls not more than 80 feet, or for buildings or abutting buildings where the aggregate width of the street walls exceeds 80 feet, two side yards equal to at least 10 percent of the aggregate width of the street wall shall be provided. One parking space is required for each dwelling unit and 50% of IRHU. In addition, for sites within predominantly built-up areas within R4 zoning districts, buildings may optionally use the infill zoning provisions.

C1-2

C1-2 zoning districts are commercial overlay districts mapped within residence districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants, and beauty parlors. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When commercial overlays are mapped in R1 through R5 zoning districts, the maximum commercial FAR is 1.0; when mapped in R6 through R10 zoning districts, the maximum commercial FAR is 2.0.

4. Description of the Proposed Project Area

The Project Area is located in the Forest Hills neighborhood within Queens Community District 6. The Project Area is bounded by a line 100 feet north of and running parallel to Wetherole Street to the north; a line 175 feet west of 67th Avenue, running parallel to it, to the west; Wetherole Street to the south; and 67th Avenue to the east.

The Project Area is currently zoned as an R4B zoning district.

Development Site

66-47 Wetherole Street, Block 3157, Lot 149 is an approximately 3,000 sq. ft. lot improved with a two-story, approximately 1,400 sq. ft. (0.47 FAR) residential building, originally built in 1945, containing two dwelling units. This lot has approximately 30 feet of frontage on Wetherole Street and is approximately 100 feet deep. There is an easement of the eastern portion of the property to permit vehicular access for adjoining buildings. This lot has one curb cut.

66-45 Wetherole Street, Block 3157, Lot 150 is an approximately 2,000 sq. ft. lot improved with a two-story, approximately 1,400 sq. ft. (0.7 FAR) residential building, originally built in 1945, containing two dwelling units. This lot has approximately 20 feet of frontage on Wetherole Street and is approximately 100 feet deep.

Non-Development Sites

98-27 67th Avenue, Block 3157, Lot 147 is an approximately 2,025 sq. ft. lot improved with a two-story, approximately 1,542 sq. ft. (0.76 FAR) two-family residential building built around 1945 containing two dwelling units. This lot has approximately 100 feet of frontage on Wetherole Street and approximately 20.25 feet of frontage on 67th Avenue. This lot has one curb cut.

98-29 67th Avenue, Block 3157, Lot 146 is an approximately 2,000 sq. ft. lot improved with a two-story, approximately 1,502 (0.75 FAR) single-family residential building built around 1945. This lot has approximately 20 feet of frontage on 67th Avenue and is approximately 100 feet deep.

98-31 67th Avenue, Block 3157, Lot 145 is an approximately 1,900 sq. ft. lot improved with a two-story, approximately 1,429 sq. ft. (0.75 FAR) two-family residential building built around 1945. This lot has approximately 19 feet of frontage on 67th Avenue and is approximately 100 feet deep.

98-33 67th Avenue, Block 3157, Lot 144 is an approximately 1,900 sq. ft. lot improved with a two-story, approximately 1,429 sq. ft. (0.75 FAR) single-family residential building built around 1945. This lot has approximately 19 feet of frontage on 67th Avenue and is approximately 100 feet deep.

98-35 67th Avenue, Block 3157, Lot 143 is an approximately 2,000 sq. ft. lot improved with a two-story, approximately 2,100 sq. ft. (1.05 FAR) single-family residential building built around 1945. This lot has approximately 20 feet of frontage on 67th Avenue and is approximately 100 feet deep.

66-43 Wetherole Street, Block 3157, Lot 151 is an approximately 2,000 sq. ft. lot improved with a two-story, approximately 1,400 sq. ft. (0.7 FAR) single-family residential building built around 1945. This lot has approximately 20 feet of frontage on Wetherole Street and is approximately 100 feet deep.

66-41 Wetherole Street, Block 3157, Lot 152 is an approximately 2,000 sq. ft. lot improved with a two-story, approximately 1,400 sq. ft. (0.7 FAR) two-family residential building built around 1945. This lot has approximately 20 feet of frontage on Wetherole Street and is approximately 100 feet deep.

5. Description of Proposed Development Site

The Development Site is located at 66-47 and 66-45 Wetherole Street and consists of two tax lots (Block 3157, Lots 149 and 150) of approximately 5,000 aggregate sq. ft. The Development Site is Applicant-owned. The Development Site has approximately 50 ft. of frontage along Wetherole Street and is approximately 100 ft. deep. Wetherole Street is a 60-foot-wide street. The Development Site is currently underdeveloped with two-family dwellings. The eastern portion of lot 149 is affected by a 10-foot wide driveway easement. This easement allows for passenger vehicle access to the rear of the lots of lots 159, 158, 157, 156, 155, 154, 153, 152, 151, 150, and 149. There is a similar 10-foot wide easement on the western side of lot 159. This easement shall be maintained, maintaining vehicular access for the affected properties.

6. Description of the Proposed Development

The Proposed Development is a new eight-story multifamily residential building with approximately 18,00 sq. ft. (3.6 FAR) of residential floor area. The Proposed Development has a height of 75'-0" with a base height of 65' feet and a 15-foot setback. The Proposed Development would contain approximately 21 dwelling units. The Applicant currently contemplates developing the Quality Housing building with five permanently affordable housing units under MIH Options 1 or 2, but will seek additional input from Queens Community Board 6 and City Council Member Karen Koslowitz regarding the level of affordability for the Proposed Development. The Proposed Development will provide approximately 11 bicycle and eight vehicular parking spaces.

7. Actions Necessary to Facilitate the Project

The two actions necessary to facilitate the proposed project are a zoning map amendment changing an R4B zoning district to an R6A zoning district within the Project Area; and a text amendment to establish an MIH Area with MIH Option 1 and Option 2 within the Project Area.

Rationale for the Zoning Map Amendment from an R4B zoning district to an R6A zoning district

In the 1950s the City of New York commissioned two reports to study how zoning might be revised for the second half of the 20th century, which resulted in the 1961 revision. These reports predicted the City's population would plateau around 8,340,000 people, which is near the City's current population of approximately 8.4 million people. However, the reports estimated that the proposed rezoning would permit approximately two million more people to live in the City. Of this, these reports predicted that Queens could house approximately 2.9 million people in 930,000 dwelling units with an estimated household size of 3.1. In 2020, Queens contained approximately 864,000 dwelling units, but, according to the 2014-2018 American Community Survey ("ACS") statistics, has an average household size of 2.22 in Public Use Microdata Area ("PUMA") 4108, which approximates Queens Community District 6 and 2.91 in Queens. It becomes clear that if zoning had not changed since 1961 Queens would be near its zoned housing capacity, especially considering that more housing units are needed for this population given the decrease in household size. However, zoning has not been static since 1961. Indeed, in 2002 as part of the Forest Hills/Rego Park Rezoning, which generally looked to protect context and did not concern itself with housing production, the Project Area was downzoned from an R7-1 zoning district to an R4B zoning district, which significantly limited the capacity for residential units. Modern rezoning

recognizes the need for more housing units in the City, and targeted increases in allowable density with decreases. Notably, this rezoning was not in line with these practices since it only reduced density by downzoning instead of targeting increases in density.

The population of both Queens and the local community district continues to increase. According to the American Community Survey, the population of the Public Use Microdata Area (PUMA) for this area increased by 3.3 percent from 112,360 to 116,052 from the 2006-2010 American Community Survey to the 2014-2018 American Community Survey while additions to the housing supply lagged modestly behind at 3.0 percent (from 54,530 to 56,140). In comparison, the population of Queens County increased by 4.1 percent during this period, from 2,087,928 to 2,172,713. The consequence of the growing population and limited housing supply shows up in rising median monthly rents, which increased by 11.1 percent during this period from $1,382 to $1,542 and has contributed to the housing affordability crisis in Queens, which is highly correlated to the supply of dwelling units. According to the 2006-2018 ACS statistics, while housing has increased by approximately 4.9 percent in Census Tract 713.06, which approximates the Surrounding Area, the population has increased by approximately 16.7 percent, which has reduced the of space per person in each dwelling unit leading to insalubrious overcrowding. Dwelling unit overcrowding has been found to be positively correlated to the COVID-19 fatality rate. This increase in per-unit density and notably minor housing unit growth is correlated with the approximately 30% rise in price from 2010 to 2018, as reported by the Furman Center, for this community district.

Since 2005, the City has sought to foster the development of affordable housing through the expansion and use of its Inclusionary Housing Program, originally a Manhattan-centric program only applicable in R10 districts and its commercial equivalents. In 2005, the program was expanded within Inclusionary Housing Designated Areas (IHDAs) through a voluntary program that provided zoning floor area incentives for projects providing a minimum of 20 percent of the floor area as affordable housing. In 2016, the City adopted the Mandatory Inclusionary Housing Program (MIH), which mandates the provision of affordable housing in conjunction with rezonings to middle and high-density zoning districts.

Large parts of Queens Community District 6 have been part of two area-wide rezonings. The first, the 2002 Forest Hills/ Rego Park rezoning (C 020629 ZMQ) rezoned 61 blocks that included the Project Area but, with the exception of a small rezoning from R3-2 to R4B, non of the rezoned area permitted an increase in density while permitted densities were lowered over a wide area including the Project Area. Since this rezoning predated the adoption of the IHDA program, no inclusionary housing program was mapped.

In 2009, four years after the adoption of the IHDA program, the City adopted the Special Forest Hills District (C090104ZMQ) that rezoned 10 blocks along and near Austin Street. This rezoning did increase permitted residential densities and rezoned a formerly C8-2 district to permit residential use. Nevertheless, and in spite of the availability of the IHDA program, no IHDA was included in the rezoning. Perhaps, inadvertently or not, this exclusion is part of what the Department of City Planning refers to on its website where it writes: "We recognize that planning policies and zoning codes have acted for decades as bulwarks against fairness, inclusion and integration and that they have played a large role in perpetuating racism and even violence against Black and Brown Americans." In the more than 15 years since IHDAs and later MIH have been applied outside of the high-density districts, only a single block of Queens Community Board 6 - on the site for the former Parkway Hospital - has been zoned to promote affordable housing (C180447ZMQ). The proposed rezoning would respect the contextual goals of the 2002 rezoning by retaining most of the existing R4B district while inserting a limited R6A remapping at a location where apartment houses – typically at higher R7 density – are prevalent. The proposed rezoning to an R6A zoning district could help alleviate the housing shortage in a transit-oriented area with existing multifamily built context and, importantly, add affordable housing in Queens Community District 6. R6A zoning districts are contextual residential districts where the Quality Housing bulk regulations are mandatory, permit a residential FAR of 3.6, and require the provision of inclusionary housing. These regulations produce high lot coverage, six- or seven-story apartment buildings set at or near the street line reflecting the built form of the 20th-century multifamily residential buildings that surround the Project Area on Wetherole Street and along 6th Avenue so that any new development fostered by the proposed rezoning would be compatible with nearby existing buildings. Above a maximum base height of 60 feet, a 10-foot setback is required on a wide street, and a 15-foot setback is required on a narrow street before rising to a maximum

height of 70 feet (75 feet with a qualifying ground floor). Pursuant to ZR Section 23-693 (Special provisions applying adjacent to R1 through R6B Districts), adjoining low-rise row-houses would be protected by the lower maximum height permitted adjacent to R1-R5 districts. Off-street parking is required for 50% of all dwelling units and 25% is required for IRHU. Parking can be waived if five or fewer spaces are required.

The proposed actions would further the City's *Housing New York* goals by providing permanently affordable housing and by creating appropriate density in an area within the Transit Zone that is adjacent to existing moderate-density districts. The Project Area is served by four NYCT lines, eight LIRR lines, and seven bus lines, which would be able to support the increase in allowable density. The Surrounding Area is undergoing a substantial rise in housing rents of over 11 percent over just 8 years, strongly correlated with an inadequate supply of housing that has been unable to match demand. The Project Area is largely underbuilt even by the existing R4B zoning requirements and would benefit from the development of residential buildings to help meet the demand for additional housing.

Rationale for the Mandatory Inclusionary Housing Area Text Amendment

The proposed text amendment of ZR Appendix F is necessary to establish an MIH Area, which would require new developments to set aside 25-30 percent of the residential floor area for affordable housing. MIH Option 1 requires an affordable housing set aside of 25 percent of the residential floor area at an average of 60 percent of AMI with 10 percent at 40 percent AMI. MIH Option 2 requires an affordable housing set aside of 30 percent of the residential floor area at an average of 80 percent AMI. The Applicant proposes mapping both MIH Option 1 and Option 2 within the Project Area to provide maximum flexibility for non-Applicant controlled sites. The Applicant will seek additional input from Queens Community Board 6 and Council Member Karen Koslowitz regarding the level of affordability for the Proposed Development. The proposed affordable housing set-asides would ensure that development within the Project Area would address the critical need for new affordable housing in Queens Community District 6. The proposed MIH Area would address the City's Housing New York: A Five-Borough, Ten-Year Plan goals by increasing affordable housing to help ensure the community remains economically diverse in the face of increasing pressure for market-rate development. New affordable housing is a particularly critical need in Queens Community District 6, where nearly half of the households are rent-burdened. According to the U.S. Census Bureau, American Community Survey 2012-16 Five Year Estimates for PUMA 4108, which approximates Queens Community District 6, 42.4 percent of households spend 35 percent or more of their income on rent.

8. Conclusion

The Applicant proposes a zoning map amendment to map an R6A zoning district over the Project Area and a zoning text amendment to establish the Project Area as an MIH Area. The proposed development would create approximately 21 new dwelling units, with approximately five permanently affordable units. The proposed rezoning would provide increased opportunities for housing development, including mandatory affordable housing. The MIH program ensures that new development within the Project Area would address the need for affordable housing in the area . These actions would be consistent with the City's goals of strengthening neighborhoods and expanding housing, including affordable housing in transit-accessible areas while respecting the character of surrounding communities.