YELLOWSTONE BOULEVARD REZONING
FEBRUARY 6, 2026

1. INTRODUCTION

The Applicant, 6040 F.P. FOOD LLC, proposes the following actions (the "Proposed Actions"):

1. Zoning Map Amendment to change an existing R4/C1-2 zoning district to an R7X/C2-4 zoning district and an existing R4/C1-2 zoning district to an R4 zoning district on Block 3163, Lots 30, 32, 40, 41, p/o 42, p/o 43 and p/o 15 (the "Proposed Project Area") in the Forest Hills neighborhood of Queens Community District 6 (Lots 30 and 32 will be rezoned to the proposed R7X/C2-4 zoning district and the existing C1-2 overlay will be eliminated on Lots 40, 41, p/o 42, p/o 43 and p/o 15); and

2. Zoning Text Amendment to amend ZR Appendix F – Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas for Queens Community District 6 to designate a Mandatory Inclusionary Housing ("MIH") Area with MIH Options 1 and 2 conterminous with the proposed R7X/C2-4 boundary.

The Proposed Actions will facilitate the development of a new twelve-story plus cellar mixed-use commercial and residential building (the "Proposed Development") at 71-74 and 68-72 Yellowstone Boulevard (Block 3163, Lots 30 and 32) (the "Proposed Development Site"). The Proposed Development, an approximately 119,623-square foot (6.0 FAR) building will have ground floor commercial use and total of 151 dwelling units, including approximately 38 affordable dwelling units pursuant to MIH Option 1 or 2.

2. BACKGROUND

The Proposed Project Area is located on the eastern portion of Block 3163 and is bounded by Dartmouth Street to the north, Yellowstone Boulevard and Dane Place to the east and Exeter Street to the south. The Proposed Project Area is comprised of Block 3163, Lots 30, 32, 40, 41, p/o 42, p/o 43 and p/o 15, and is located within the existing R4/C1-2 zoning district. Lots 42, 43 and 15 are located only partially within the C1-2 overlay. The Proposed Development Site consists of Block 3163, Lots 30 and 32 and has a lot area of approximately 16,743 square feet.

The Proposed Project Area was zoned R4/C1-2 at the time of the adoption of the Zoning Resolution in 1961.

3. DESCRIPTION OF SURROUNDING AREA

The area within 600 feet of the Proposed Project Area (the "Surrounding Area") is comprised by the Forest Hills neighborhood located to the southeast and the Rego Park neighborhood located to the northwest within Queens Community District 6.

<u>Zoning</u>
Zoning in the Surrounding Area is comprised primarily of residential districts with some portions of commercial overlay districts. Zoning districts within the Surrounding Area include: R4, R4B, R3-1 and C1-2.

The subject block is located entirely in the R4 zoning district. A portion of the subject block with frontages along Yellowstone Boulevard, Dane Place, Exeter Street and Dartmouth Street also have a C1-2 commercial overlay. The R4 zoning district generally extends north of the subject block, bounded by the Long Island Rail Road's (LIRR) elevated right-of-way to the north, Gratan Street to the south, Yellowstone Boulevard to the east and the linear Forest Hills Activity Center to the west. The Forest Hills Activity Center is split linearly by the R4 and R3-1 zoning districts – the R3-1 zoning districts extends west to 63rd Drive and Woodhaven Boulevard to the southwest and north to the LIRR right-of-way. The R4B district is located generally east of Yellowstone Boulevard and extends as south as Metropolitan Avenue. There is a quadrant of C1-2 commercial overlay districts comprised of the subject block, Block 3164 directly to the north, Block 3189

directly to the east and Block 3190 cater corner – all overlays have frontages along Yellowstone Boulevard.

R4
R4 zoning districts are residential districts that permit all types of housing. Within an R4 zoning district, community facility uses are permitted up to 2.0 FAR. R4 zoning districts permit a maximum residential FAR of 1.0 for standard zoning lots or 1.5 for qualifying residential sites and a maximum height of 35 feet or 45 feet for qualifying residential sites. Required parking will vary depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

R4B
R4B zoning districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. Within an R4B zoning district, community facility uses are permitted up to 2.0 FAR. R4B zoning districts permit a maximum residential FAR of 1.0 for standard zoning lots or 1.5 for qualifying residential sites and a maximum building height of 25 feet or 45 feet for qualifying residential sites. Required parking will vary depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

R3-1
R3-1 districts are general residential districts that allow single- or two-family residences, detached or semi-detached. Within an R3-1 zoning district, community facility uses are permitted up to 1.0 FAR. R3-1 zoning districts permit a maximum residential FAR of 0.75 for standard zoning lots or 1.0 for qualifying residential sites and a maximum height of 35 feet. Required parking will vary depending on the dwelling type, date of issued Certificate of Occupancy, and location within or beyond the Greater Transit Zone. Parking is either reduced or not required for ancillary dwelling units, qualifying affordable housing or qualifying senior housing.

C1-2
C1-2 zoning districts are commercial overlays mapped within residential districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, drug stores, restaurants and salons. When mapped in R1 – R3 districts, the maximum commercial FAR is 1.0 with 1.6 FAR permitted when mapped in an R3-2 district. When mapped in R4 – R12 districts, the maximum commercial FAR is 2.0. Commercial buildings are subject to commercial bulk regulations. Parking requirements depend on the specific use.

Land Uses
As described below, land uses in the Surrounding Area include a range of low- and medium-rise residential, commercial, community facility and mixed-use buildings. Just north of the Surrounding Area, between Burns Street and Austin Street, is the LIRR elevated right-of-way.

Residential one-, two-family and multi-family buildings are located generally throughout the Surrounding Area. The one- and two-family buildings are typically two or three stories in height. The multi-family buildings, generally located west of Yellowstone Boulevard, are six, seven and eight stories in height. There are community facility buildings located in the Surrounding Area including the Forest Hills Care Center nursing home located one block north of the Proposed Project Area on Block 3164 and the Young Israel of Forest Hills synagogue located at the corner of Yellowstone Boulevard and Burns Street on Block 3166. There are several local commercial and retail establishments along Yellowstone Boulevard, within one block of the Proposed Project Area, including eating and drinking establishments, salons, convenience stores, a laundromat, a dry cleaner, a liquor store, a Dunkin' Donuts and a physical therapy office. The Forest Hills Activity Center, including the Forest Hills Youth Athletic Association Little Leage Fields, is located to the west of the Proposed Project Area.

Just north of the Surrounding Area, between Burns Street and Austin Street, is the LIRR elevated right-of-way. The Forest Hills Stadium and West Side Tennis Club on Block 3219, over a 500,000 square-foot lot, are located just one block east and outside of the Surrounding Area.

Mass Transit
The Proposed Project Area is located within the Outer Transit Zone and well served by public transportation. There are four MTA bus stops within the Surrounding Area, running along Yellowstone Boulevard. The QM12 bus line provides access between Forest Hills / Yellowstone Boulevard and Manhattan Midtown, the QM42 bus lines provides access between Forest Hills / Yellowstone Boulevard and Manhattan East Midtown, and the Q23 bus line provides access between Forest Hills / Union Turnpike and Ditmars Boulevard / East Elmhurst (LaGuardia Airport).

Just east of the Surrounding Area, approximately 0.5 mile from the Proposed Project Area, is the LIRR Forest Hills train station and the MTA Forest Hills-71 Av subway station (E, F, M and R lines).

4. DESCRIPTION OF THE PROPOSED PROJECT AREA

The Proposed Project Area consists of Block 3163, Lots 30, 32, 40, 41, p/o 42, p/o 43 and p/o 15. The Proposed Project Area is bounded by Dartmouth to the north, Yellowstone Boulevard and Dane Place to the east, Exeter Street to the south and Thornton Place to the west. The Proposed Project Area fronts on Dartmouth and Exeter streets (both 60-foot-wide streets), Yellowstone Boulevard (a, 80-foot-wide street) and Dane Place (a 60-foot-wide street, however the street intersects with Yellowstone Boulevard at this frontage, essentially creating an effectively wider street).

The Proposed Project Area is improved as follows:

68-72 Yellowstone Boulevard (Block 3163, Lot 30), the Proposed Development Site, is a 4,870-square foot lot with frontages on Yellowstone Boulevard and Dartmouth Street. The lot is currently improved with a one-story, approximately 3,315-square foot (0.68 FAR) commercial building constructed in 1955. The building is currently tenanted by a pharmacy, laundromat and a martial arts studio.

71-74 Yellowstone Boulevard (Block 3163, Lot 32), the Proposed Development Site, is a 15,109-square foot lot with frontages on Yellowstone Boulevard, Dane Place and Exeter Street. The lot is currently improved with a one-story, approximately 11,418-square foot (0.76 FAR) commercial building constructed in 1935. The building is currently tenanted by a supermarket and salon.

67-25 Exeter Street (Block 3163, Lot 40) is a 2,000-square lot with frontage on Exeter Street. The lot is currently improved with a three-story, approximately 2,700-square foot (1.35 FAR) multi-family walk-up building constructed in 2000.

67-27 Exeter Street (Block 3163, Lot 41) is a 2,000-square lot with frontage on Exeter Street. The lot is currently improved with a three-story, approximately 2,700-square foot (1.35 FAR) multi-family walk-up building constructed in 2000.

67-29 Exeter Street (Block 3163, Lot 42) is a 2,000-square lot with frontage on Exeter Street. The lot is currently improved with a three-story, approximately 2,700-square foot (1.35 FAR) multi-family walk-up building constructed in 2000.

67-23 Exeter Street (Block 3163, Lot 43) is a 2,042-square lot with frontage on Exeter Street. The lot is currently improved with a one-story, approximately 1,800-square foot (0.88 FAR) single-family building constructed in 1940.

67-30 Dartmouth Street (Block 3163, Lot 15) is a 28,000-square lot with frontage on Dartmouth Street. The lot is currently improved with a six-story, approximately 92,400- square foot (3.3 FAR) multi-family cooperative building constructed in 1955.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Proposed Development Site consists of 68-72 and 71-74 Yellowstone Boulevard (Block 3163, Lots 30 and 32).

Lot 30 is a 4,870-square foot corner lot with frontages on Yellowstone Boulevard and Dartmouth Street. The lot is currently improved with a one-story, approximately 3,315-square foot (0.68 FAR) commercial building constructed in 1955. The building is currently tenanted by a pharmacy, laundromat and a martial arts studio.

Lot 32 is a 15,109-square lot with frontages on Yellowstone Boulevard, Dane Place and Exeter Street. The lot is currently improved with a one-story, approximately 11,418-square foot (0.76 FAR) commercial building constructed in 1935. The building is currently tenanted by a supermarket and salon.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development at the Proposed Development Site is a new twelve-story, mixed-use commercial and residential building with a total floor area of approximately 119,623 square feet (6.0 FAR), including approximately 16,989 square feet of ground floor commercial use and a total of 151 dwelling units on floors two through twelve. The Proposed Development will have a base height of 89 feet/7 stories, with setbacks of 5 feet above the ground floor, 12 feet along Yellowstone Boulevard and 15 feet along Dartmouth above the 7th floor and will rise to a total height of 144 feet/12 stories. The proposed 151 dwelling units will include approximately 38 affordable dwelling units under MIH Option 1.

7. ACTIONS NECESSARY TO FACILITATE THE PROJECT

The actions necessary to facilitate the project are:

1. Zoning Map Amendment to change an existing R4/C1-2 zoning district to an R7X/C2-4 zoning district and an existing R4/C1-2 zoning district to an R4 zoning district on Block 3163, Lots 30, 32, 40, 41, p/o 42, p/o 43 and p/o 15 (the "Project Area") in the Forest Hills neighborhood of Queens Community District 6. Lots 30 and 32 would be rezoned to the proposed R7X/C2-4 zoning district and the existing C1-2 overlay would be eliminated on Lots 40, 41, p/o 42, p/o 43 and p/o15; and

2. Zoning Text Amendment to amend ZR Appendix F – Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas for Queens Community District 6 to designate a Mandatory Inclusionary Housing ("MIH") Area with MIH Options 1 and 2 conterminous with the proposed R7X/C2-4 boundary.

<u>Zoning Map Amendment to an R7X/C2-4 Zoning District</u>
The Proposed Development requires an amendment to Zoning Map 14a to rezone the R4/C1-2 zoning district to an R7X/C2-4 zoning district. The boundary for the proposed R7X/C2-4 zoning district will be mapped to a depth of 100 feet, at its deepest point, from Yellowstone Boulevard. The existing C1-2 overlay will be removed on Lots 40, 41, p/o 42, p/o 43 and p/o15 and these lots will remain within the existing R4 zoning district.

The proposed R7X zoning district is consistent with the scale and bulk of existing buildings located within the immediate area. While the 1961 zoning designation reflected the large area approach common when the planning work was done for the 1961 Zoning Resolution, it does not reflect the actual development in the area. There are five, multi-story apartment houses that are contiguous but for streets with the immediate area. All of these buildings were completed by 1955 and have been non-complying since 1961. These buildings are listed as six- and seven-stories though, because of the slope of the streets to the west of Yellowstone Boulevard, are actually seven- and eight-story buildings where they adjoin or are across the street from the Proposed Project Area and have FARs ranging from 3.3 to over 5.0. They include almost the entire midblock frontage along both sides of Dartmouth Street as well as the south side of Clyde Street. The building fronting Yellowstone Boulevard directly across Dartmouth Street has eight stories facing Yellowstone with no setbacks.

The existing R4 zoning district does not allow for the development of higher density residential development on the Proposed Development Site, nor does it require the development of affordable

dwelling units pursuant to MIH. The proposed zoning map amendment would promote the development of medium-density, contextual housing, including affordable housing, at the Proposed Development Site, which is consistent with the scale and character of the surrounding area and would further the City's housing goals. It would build on the existing and planned middle-density residential community and would be supported by and support the adjacent public transit links, commercial and institutional uses.

The Proposed Project Area is well suited for additional residential development due to its proximity to transit and its location within an existing residential community supported by nearby commercial and institutional uses. The area is highly reliant on transit with 53.8 percent of workers in this Census Tract (Queens 709) relying on public transit, while only 22.3 percent drove alone according the 2016-2020 American Community Survey (ACS). There is also relatively convenient access to the MTA subway at Queens Boulevard and the LIRR train service at Austin Street. The Proposed Development would provide opportunities for integrating the Yellowstone Boulevard commercial corridor and create new housing units, including much needed affordable housing within Queens Community District 6.

The increase in density from an R4 zoning district to R7X zoning district will facilitate the development of greatly needed affordable housing in Community District 6. At this density, the applicant will be able to construct 154 new housing units, of which approximately 39 or 46 units would be permanently affordable. These units will be subject to a regulatory agreement with HPD which will require that these units remain permanently affordable. The Proposed Development will further the goals of the City's Housing Our Neighbors: A Blueprint for Housing and Homelessness, which include: (1) accelerating and increasing capacity for new housing supply citywide, (2) increasing access to transit and amenities for low-income New Yorkers, and (3) meeting the housing needs for seniors and people with disabilities. The existing R4 zoning district does not require the development of affordable housing units pursuant to MIH.

According to the 2020 Decennial Census ACS Profile, total population in the local Census Tract (Queens 709) grew by 12.8% in the past ten years and the total population for Community District 6 grew by 6.8%. While the population has grown, there has been a decrease in housing stock. According to the 2020 Census, there is a 5.7% vacancy rate of housing units within Community District 6. The proposed development would add 154 new housing units to help meet area demand. Additionally, approximately 39 or 46 affordable housing units would be added in a neighborhood where the cost of housing has increased. According to the Furman Center's State of New York City's Housing and Neighborhoods in 2023[1], median monthly rent in Community District 6 has risen from $1,630 in the year 2006 to $1,900 in 2022.

The proposed project is consistent with the City's goals to affirmatively further fair housing by developing approximately 151 new dwelling units, including approximately 31 affordable dwelling units. The proposed project would develop accessible, equitable housing opportunities for residents with varying income levels.

Lastly, the existing commercial C1-2 overlay is inappropriate for the area. It requires a high level of parking for commercial development which cannot practically be provided on the modest-sized strips of commercial land along Yellowstone Boulevard. The drafters of the 1961 zoning mapped the C1-2 commercial district to a depth of 150 feet from Yellowstone Boulevard to allow for retail development and open parking as they did in many other areas of the City. This auto-oriented, semi-suburban model is appropriate here where the presence of existing apartment houses roughly 100 feet from Yellowstone Boulevard essentially preclude providing parking along the lines contemplated by the drafters of the C1-2 zoning district.

Zoning Text Amendment to ZR Appendix F – Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas

The proposed zoning text amendment will provide the Forrest Hils neighborhood with new affordable dwelling units, which will support the City's effort to increase the overall supply of affordable housing.

[1] Furman Center – Rego Park/Forest Hills Neighborhood Indicators
https://furmancenter.org/neighborhoods/view/rego-park-forest-hills (last visited August 21, 2024)

The shortage of affordable housing and housing in general has been highlighted by the current administration as an urgent issue that needs addressing. *Housing New York 2.0* is an extension of the City's comprehensive housing development policy (*Housing New York: A Five-Borough, Ten-Year Plan*) that includes a primary goal of building or preserving 200,000 units of high-quality affordable housing by 2022 and 300,000 homes by 2026. *Housing New York 2.0* was developed in conjunction with the New York City Department of Housing and Preservation (HPD) to create housing opportunities for New Yorkers with a range of incomes, while fostering vibrant and diverse neighborhoods. Framed by the policy goals and objectives in *Housing New York*, the City Council adopted an amendment to the ZR to establish the Mandatory Inclusionary Housing program, which requires areas rezoned for residential growth to include a minimum of 20 to 30 percent of dwelling units be affordable in new developments.

The proposed zoning text amendment to ZR Appendix F will support the policies and goals of *Housing New York 2.0* by creating permanently affordable dwelling units within the Proposed Development, will permit the applicant to develop the Proposed Development Site in accordance with the MIH program and will ensure that any future residential development at the Project Area will address the need for housing to serve a broad range of the City's diverse incomes. The applicant proposes mapping MIH Options 1 and 2. Option 1 requires 25% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 60% AMI, with a minimum of 10% of housing to be affordable at 40% AMI. Option 2 requires 30% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 80% AMI. The Proposed Development currently contemplates providing approximately 31 affordable dwelling units pursuant to Option 1 of the MIH program. The applicant will seek additional input from Queens Community Board 2 and the local City Council Member regarding the level of affordability for the Proposed Development.

8. CONCLUSION

The Applicant proposes a Zoning Map Amendment to rezone the Proposed Project Area from an existing R4/C1-2 zoning district to an R7X/C2-4 zoning district. The proposed Zoning Map Amendment will facilitate the development of a new twelve-story, plus cellar mixed-use commercial and residential building with approximately 151 dwelling units at the Proposed Development Site. The Applicant also proposes a Zoning Text Amendment to amend ZR Appendix F – Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas for Queens Community District 6, to designate a MIH Area coterminous with the proposed R7X/C2-4 boundary. The proposed Zoning Text Amendment will facilitate the development of approximately 31 affordable dwelling units within the Proposed Development pursuant to the City's MIH program, thereby ensuring that it addresses the need for housing to serve a broad range of the City's diverse needs and incomes.