91-32 63rd Drive Rezoning
Queens Community District 6
October 31, 2019

1. Introduction

63-68 RWKOP LLC (the "Applicant"), the owner of 91-32 63rd Drive (Block 3104, Lot 16) (the "Development Site"), proposes the following actions:

1) a zoning map amendment changing from an R4/C2-2 zoning district to an R7A/C2-3 district property bounded by 63rd Drive, Austin Street, a line 100 feet from and parallel to 63rd Drive, and the north side of the Long Island Rail Road Main Line (comprising Block 3104, p/o Lot 14 and Lot 16) (the "Project Area") in Queens Community District 6; and

2) a zoning text amendment of Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing ("MIH") Areas for Queens Community District 6 to establish the Project Area as an MIH Area.

The proposed actions would facilitate the development of a new nine-story Quality Housing residential building with approximately 74 dwelling units, of which 25-30 percent of the residential floor area (19 to 24 units) would be permanently income-restricted pursuant to the MIH program. The Applicant intends to reserve the MIH units for Affordable Independent Residences for Seniors ("AIRS").

2. Background

The Project Area was mapped in an R4 zoning district and a C2-2 commercial overlay with the enactment of the Zoning Resolution in 1961.

3. Description of the Surrounding Area

The Project Area is located in the Rego Park neighborhood within Queens Community District 6. The surrounding area is characterized primarily by residential use with commercial uses along 63rd Drive, Queens Boulevard, and the C8-1 zoned portion of Austin Street between 63rd Drive and 63rd Avenue. Residential use varies from two- and three-story, one- and two-family homes to multi-family apartment buildings up to seven-stories tall. Directly northeast of the Project Area is a six-story and basement, 60-foot-tall, multi-family elevator building with 68 dwelling units. Directly to the southeast of the Project Area are two three-story and basement (38'-11" and 46'-6" tall) multi-family walk-up buildings with 84 total units. There are one-story grocery stores on the northwest and northeast corners of the intersection of Austin Street and 63rd Drive, and a variety of retail and service uses on the blocks to the north along 63rd Drive. The Rego Center shopping mall is located just north of Queens Boulevard.

Community facility uses in the surrounding area include the Rego Park branch of the Queens Library directly west of the Project Area, Our Savior Church, P.S. 139 elementary school, and the Rego Park Day School. The elevated tracks for the Long Island Rail Road ("LIRR") Main Line are located directly south of the Project Area. The approximately 114-foot wide LIRR right of way effectively divides this area from the lower density R3-1-zoned residential neighborhood to the south.

Zoning districts within the surrounding area include the R4/C2-2 zoning district mapped within the Project Area, and R4/C1-2, R7-1, R3-1, and C8-1 zoning districts.

As noted above, the Project Area is within an R4/C2-2 zoning district. R4 districts allow all types of housing with a floor area ratio ("FAR") of 0.75, plus an attic allowance of up to 20 percent. R4 zoning districts usually produce buildings with three stories. The perimeter wall in R4 districts may rise to 25 feet before being set back to the maximum building height of 35 feet. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to provide sufficient space for on-site parking. Detached houses must have two side yards that total at least 13 feet and each one must be at least five feet wide. Semi-detached buildings need one side yard with a minimum

width of eight feet. The maximum street wall length for a building on a single zoning lot is 185 feet. One off-street parking space is required for each dwelling unit. However, requirements are lower for income-restricted housing units and are further modified within the Transit Zone. When mapped in R4 zoning districts, C1-2 and C2-2 commercial overlay districts allow a maximum commercial FAR of 1.0. In mixed buildings, commercial uses are limited to one floor and must always be located below residential use. C2-2 districts permit a wider range of commercial use than C1-2 districts. Off-street parking requirements vary by use, but are generally calculated based on the amount of floor area with C1-2 and C2-2 requiring one parking space per 300 square feet of floor area for general retail or service uses.

There is an R7-1 zoning district immediately to the east of the Project Area. The R7-1 zoning district boundary line runs 150 feet from and parallel to 63rd Drive from Booth Street to Austin Street, then jogs westward along Austin Street just north of the Project Area to a distance of 100 feet from 63rd Drive, before continuing southward along the eastern lot line of the Development Site 100 feet from and parallel to 63rd Drive to Alderton Street. Within R7-1 zoning districts, the maximum FAR is 4.0 and the base height before setback is 40 to 75 feet with a maximum building height of 80 feet, or 85 feet if providing a qualifying ground floor. The optional Quality Housing regulations for buildings on wide streets outside the Manhattan Core within R7-1 zoning districts are the same as in R7A districts. The maximum FAR on narrow streets (and within the Manhattan Core) is 3.44, and the base height before setback is 40 to 65 feet with a maximum building height of 75 feet. Off-street parking is generally required for 50 percent of a building's dwelling units, but requirements are lower for income-restricted housing units and are further modified in certain areas, such as within the Transit Zone and the Manhattan Core, or for lots less than 15,000 square feet in R7-1 districts. Off-street parking requirements can be waived if 15 or fewer parking spaces are required in R7-1 districts[1]. Higher maximum FAR and heights are available for buildings participating in the Inclusionary Housing Program or that provide certain senior facilities.

There is an R3-1 zoning district south of the Project Area beyond the LIRR right of way. R3-1 contextual districts are the lowest density districts that allow semi-detached one- and two-family residences, as well as detached homes. For both detached and semi-detached houses, the maximum lot coverage is 35 percent and the 0.5 FAR may be increased by an attic allowance of up to 20 percent. The perimeter wall may rise to 21 feet before sloping or being set back to a maximum building height of 35 feet. The front yard must be at least 15 feet deep. Two side yards with a minimum combined width of 13 feet are required for a detached residence; one eight foot side yard is required for each semi-detached residence. One off-street parking space is required for each dwelling unit.

There is a small C8-1 zoning district northwest of the Project Area on the south side of Austin Street between 63rd Drive and 63rd Avenue. C8 districts are mapped mainly along major traffic arteries, where concentrations of automotive uses have developed. C8-1 zoning districts permit nearly all commercial and semi-industrial uses (Use Group 11A and 16 are subject to performance standards) and certain community facility uses. New residential use is not permitted within C8-1 districts. The maximum FAR for permitted manufacturing and commercial uses within the C8-1 district is 1.0 and 2.4 for permitted community facility uses. The maximum base height before setback is 30 feet or two-stories, whichever is less, with building height controlled by a sky exposure plane. Off-street parking is required, and for most uses is calculated based on the amount of floor area. In C8-1 districts, the off-street parking requirement may be waived if fewer than 15 spaces are required.

Although the Project Area is outside of the Transit Zone, it is well served by public transit. There is a Q38 (Rego Park/Corona) stop on 63rd Drive directly in front of the Project Area, and the QM11 Express (Forest Hills/Downtown), the QM18 Express (South Ozone Park/Midtown), the Q60 (South Jamaica/East Midtown) and Q72 (Rego Park/LaGuardia Airport) lines are available along Queens Boulevard near its intersection with 63rd Drive. M/R subway service is available four blocks north of the Project Area at the 63rd Drive-Rego Park station.

[1] For Quality Housing buildings with income-restricted housing units utilizing the parking reductions of ZR § 25-251, or for Quality Housing buildings with other government-assisted dwelling units utilizing the parking reductions of ZR § 25-253, the maximum number of spaces waived is increased to 15.

North of Queens Boulevard at 62nd Drive is Lost Battalion Hall Recreation Center and Playground. It is a 2.41-acre park owned and operated by the NYC Department of Parks and Recreation that provides opportunities for active and passive recreation.

4. Description of the Proposed Project Area

The Project Area is within an R4 zoning district with C2-2 overlay mapped to a depth of 100 feet from 63rd Drive. The Project Area is bounded by 63rd Drive, Austin Street, a line 100 feet from and parallel to 63rd Drive, and the north side of the Long Island Rail Road Main Line. The Project Area consists of Block 3104, Lot 16 and a portion of Lot 14. Bounding the Project Area to the west, 63rd Drive is an 80-foot wide, wide street with two-way traffic running north and south. Bounding the Project Area to the north, Austin Street is a 60-foot wide, narrow street with one-way traffic running east. The Development Site on Lot 16 is described below. Lot 14 is an approximately 51,615 square foot lot owned by the Department of Citywide Administrative Services. The westernmost portion of Lot 14, which is approximately 46 feet wide along 63rd Drive and increases slightly at a depth of 100 feet from 63rd Drive, is included in the Project Area to avoid leaving an isolated R4 zoning district adjacent to the Development Site.

5. Description of the Proposed Development Site

The proposed Development Site consists of a single tax lot (Block 3104, Lot 16), which has a lot area of approximately 13,731 square feet. It has 140 feet of frontage on 63rd Drive and 100 feet of frontage on Austin Street. The Development Site is unimproved and vacant.

6. Description of Proposed Development

The proposed development is a new nine-story mixed residential and commercial building. The proposed development contains approximately 68,656 square feet of floor area and has an FAR of 5.0. The first floor contains approximately 10,318 square feet of commercial floor area. The proposed development contains approximately 58,338 square feet of residential floor area with 74 dwelling units. The proposed development has a height of 95 feet after 10-foot and 15 foot setbacks above the base height of 65 feet. The cellar would contain an attended parking garage with 45 accessory off-street parking spaces accessible via a new curb cut on Austin Street, including 17 accessory residential spaces and 28 accessory commercial spaces. Approximately 24 permanently income-restricted units (30 percent) at an average of 80 percent of the Area Median Income ("AMI") would be provided pursuant to MIH Option 2.

7. Actions Necessary to Facilitate the Project

The actions necessary to facilitate the proposed development are:

1. a zoning map amendment to change the existing R4/C2-2 zoning district mapped within the Project Area to a R7A/C2-3 zoning district; and

2. a zoning text amendment to designate an MIH Area.

<u>Zoning Map Amendment</u>

The proposed rezoning would allow for the production of new housing in Queens Community District 6. The proposed rezoning would facilitate new residential development with the provision of permanently income-restricted housing on underutilized land in close proximity to mass transit.

The R4 zoning designation mapped at the Project Area does not reflect development patterns experienced in the neighborhood or current needs of the area regarding housing and neighborhood development. Adjacent to the Project Site to the east is an R7-1 zoning district, which was also designated in 1961. Further east along Austin Street are six- and seven-story multi-family residences that have been developed since several lots were rezoned from a C8-1 district to an R7B district in 1996 (C950137 ZMQ, effective June 5, 1996). Demographic trends

and housing demand at the Project Area have changed since 1961. Today, mid-rise, multi-family, mixed-use developments have been built or are projected within a half-mile of the Project Area, including a six-story, 129-unit development with medical office use at 97-45 63rd Drive that was completed in 2017. In addition, a 23-story development is planned for 98-08 Queens Boulevard with 116 units and commercial and community facility use.

The proposed R7A zoning district permits residential and community facility uses (Use Groups 3 and 4). The R7A district permits a maximum of 4.0 FAR for community facility uses and a maximum of 4.6 FAR for residential use and 5.01 with AIRS use in MIH Areas. The modified maximum base height in the R7A district is 75 feet and the modified maximum building height is 95 feet or nine stories. Off-street accessory parking is required for 50 percent of dwelling units and 15 percent of the income-restricted housing units. The proposed C2-3 commercial overlay district allows the same range of commercial uses and bulk permitted under the C2-2 overlay currently mapped at the Project Area with a slightly lower parking requirement. The proposed C2-3 district requires one parking space per 400 square feet of floor area for general retail or service uses.

The proposed rezoning reinforces existing land use patterns, reflecting the presence of multi-family residential buildings in the immediate area and local retail use along 63rd Drive. The proposed increase in density is appropriate at this location because it is located on 63rd Drive, a wide street, abutting open space to the south created by the LIRR Main Line. The proposed R7A zoning district would permit comparable bulk to the adjacent R7-1 zoning district, but with the predictability of the contextual envelope. The proposed density is consistent with existing development in the surrounding area - in particular, the six-story and basement building directly northeast in the adjacent R7-1 zoning district. The proposed rezoning would promote new mixed-use development on a suitable, underutilized property.

The proposed rezoning would also allow the creation of new income-restricted housing in Queens Community District 6, where, according to the U.S. Census Bureau, 44.9 percent of households are rent burdened (spending 35 percent or more of their income on rent).[2] Moreover, Queens Community District 6 has a higher proportion of adults aged 65 and older (18.3 percent) than Queens (13.7 percent) and New York City as a whole (13.0 percent). Only four other community districts in the City have a higher proportion of seniors. Income-restricted housing units dedicated to seniors under the AIRS program would address these community needs.

Additionally, the Project Area is in close proximity to public transportation with the M/R subway service available four blocks north of the Development Site at the 63rd Drive-Rego Park station, a stop for the Q38 bus stop at the Development Site, and the Q60 and Q72 bus lines available at Queens Boulevard. Express buses to downtown and midtown Manhattan, the QM11 and QM18 lines, are also available at Queens Boulevard. Both the proposed increase in density and slight reduction in the commercial parking requirement are supported by the availability of public transportation to the Project Area.

Zoning Text Amendment

The proposed zoning text amendment to designate the Project Area as an MIH Area is consistent with the policy goals of the City's Housing New York: A Five-Borough, Ten-Year Plan. As noted above, according to the U.S. Census Bureau, 44.9 percent of households in Queens Community District 1 are rent burdened, spending 35 percent or more of their income on rent.

The MIH program requires that permanently income-restricted housing be provided within certain new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH Areas. The proposed zoning text amendment would establish an MIH Area contiguous with the Project Area.

Within the MIH Area, all housing developments, enlargements, and conversions that meet the criteria set forth in the MIH program must comply with the requirements of MIH Option 1 or

[2] Based on American Community Survey 2011-15 Five Year Estimates for Public Use Microdata Area (PUMA) 4108, which approximates Queens Community Districts 6, available at: https://communityprofiles.planning.nyc.gov/queens/6.

Option 2. Option 1 requires 25 percent of the residential floor area to be provided as income-restricted housing to households at an average of 60 percent of the Area Median Income ("AMI") with 10 percent at 40 percent AMI, and no unit targeted at a level exceeding 130 percent of AMI. Option 2 requires 30 percent of the residential floor area to be provided as income-restricted housing to households at an average of 80 percent AMI, with no unit targeted at a level exceeding 130 percent of AMI. Within the Project Area, MIH Option 2 would require the creation of approximately 21 permanently income-restricted housing units at the Development Site.

8. Conclusion

The proposed zoning map amendment and zoning text amendment are consistent with existing land uses and built context within the area surrounding the Project Area, and further the objectives of the City's Housing New York: A Five-Borough, Ten-Year Plan. The existing R4 zoning district within the Project Area does not promote new residential development and precludes the redevelopment of the Development Site. The proposed rezoning reflects sound planning principles by replacing the low-density R4 zoning district with an R7A district to permit residential use at increased density on a wide street adjacent to an R7-1 district near public transit. The proposed actions would facilitate the development of a nine-story mixed-use building with approximately 74 dwelling units, of which 19 to 24 units would be permanently income-restricted pursuant to the MIH program.